



106 1st Street E., Polson, MT 59860
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AGENDA

Polson City–County Planning Board and City of Polson Zoning Commission

PUBLIC HEARING #2- DRAFT POLSON DEVELOPMENT CODE

Tuesday, March 8, 2016 @ 6:00 P.M.

Polson City Hall Council Chambers

- I) Call Meeting to Order
- II) Roll call
- III) Pledge of Allegiance
- IV) Approve Meeting Minutes: January 26, 2016
- V) Open up Public Hearing - on Zoning Regulations & Zoning Map (Draft Polson Development Code 2016)
 - a) Staff Report – City Planner, Kyle Roberts
 - b) Public Comments
 - c) Close Public Hearing – on Zoning Regulations & Zoning Map (Draft Polson Development Code 2016)
- VI) Open up Public Hearing – on Subdivision Regulations (Draft Polson Development Code 2016)
 - a) Staff Report – City Planner, Kyle Roberts
 - b) Public Comments
 - c) Close Public Hearing – on Subdivision Regulations (Draft Polson Development Code 2016)
- VII) Special Use Permit #15-02 Amendment (Polson Youth Soccer Association)
- VIII) Public Comments Not on the Agenda
- IX) Meeting Adjourn

The City of Polson encourages public participation in its public meetings and hearings. In doing so, the City holds its meetings in handicapped facilities and any persons desiring accommodations for a handicapping condition should call City Hall at 883-8200 for more information.



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**City-County Planning Board
and City of Polson Zoning Commission Meeting Minutes - *Draft*
Public Hearing Zoning & Subdivision Regulations
Tuesday January 26, 2016
City Hall Council Chambers—6:00 p.m.**

Members of the Board Present: Mike Lies, Mark McGuyer, Merle Parise, Lou Marchello, Gil Mangles, Sam Jacobson and David Rensvold

Staff Present: City Planner Kyle Roberts, County Planner LaDana Hintz, City Manager Mark Shrives and Technician Beth Smith

Public Present: Deborah Kim Christopher, David and Pat Arie, Lita Fonda, Sue Moore, Dennis and Pat DeVries, Rachel Lonnevik, Harley and Brenda Shepard, Carol Plouffe, Richard and Noma Giffin, Elsa Duford, Joel Nelson, Cort Potter, Dennis Duty, Irene Marchello, Stephen Turner, Jim Anderson, Jacki Smart, Alan Fryslie, Ken Siler, Joslyn Shackelford, Lee Manicke, Wilhelmina Laughlin, Gerry Crusch, and Todd Erickson

Order of Business: Draft Polson Development Code 2016

6:00 PM~ Roll call was taken and Mike Lies led the Pledge of Allegiance. City Planner, Kyle Roberts stated the requirements for legal advertisement on a public hearing requires fifteen days' notice. It was brought to the City's attention the notification was only thirteen days, so the meeting would not be considered an official Public Hearing. Tonight's comments will be gathered and become final record for the official public hearing scheduled for Tuesday, February 16 at 6 p.m. at City Hall in the Council Chambers.

Meeting opened for public comments:

Kim Christopher, 310 7th Street East -Home is in the center of area proposed for transitional zone change. Opposed to the change of residential to transitional. Opposed to the proposed zoning for several obvious reasons. Stated she would not have been aware of proposed changes had it not been for her neighbors.

Wilamina Loftlin, 812 4th Ave East -Stated there is a lot of traffic on 4th Avenue and no place to park. Sometimes she has a hard time getting out of her driveway because of so many cars parked on and across the street from her driveway. Across the street, there are usually at least six cars at one residence and down the street more cars. Traffic is her main concern.

David Arie, 707 4th Ave East -Resolutely against rezoning to a business zone. Traffic is a tremendous issue. Speeding is a problem. Squealing of trucks and big truck traffic on a residential street. Already big trouble with parking which will increase with businesses. Area will be less accessible to residences. Value / equity in home will be reduced as a residence. Extremely opposed to the change to a business district.

Jim Anderson, 711 4th Street -Against zoning commercial. Not sure why the zone needs to be changed. The area is a nice residential area.

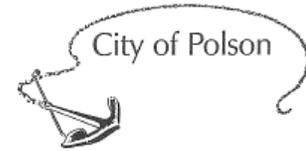
Pat Arie, 707 4th Ave East- Asked what the difference was between transitional and rezoning.

David Aries, 707 4th Ave East - If driving force for rezoning is to help current business become into compliance this is a big disservice to the residences because someone defied the regulations within the residential community. Should not punish a large number of residences who want to maintain their homes.

Tim McGinnis, 36257 Terrace Court -Read the definition of Transitional Zoning District from the 2016 Draft Polson Development Code.



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Beth Smith, 902 13th Ave East property owner at 605 5th Street West - Against the proposed Old Town District on the west side of town. Against the proposed Resort Zoning District between 6th Avenue West and 5th Avenue West along the river.

Dick Giffin, 710 4th Ave East – Purchased property as a low residential area and lived there for 50 years. Feels at this time there is not a need for a change. Changes that have happened is because of poor management from previous City building inspector allowing business to go in. Does not want a sixteen foot apartment building in his neighborhood.

Chris Balstad, 908 4th Ave East – Opposed. Has lived there since 1970. Enjoys the area. No place to put snow. No place to put the snow but back on cars and sidewalks. Main Street has an abundance of vacant buildings. Businesses should be downtown on the main drag where there is parking and foot traffic.

Norma Giffin, 710 4th Ave East – Opposed to zone change from Low Density Residential to Transitional. Road is too narrow. Condition of road is bad. No curbs or gutters. Sidewalk does not go all the way to town on the south side of 4th Ave. A lot of conditions that should be considered before changing the zone. Is a great residential area and should be left the way it is.

Carol Plouffe, 706 4th Ave East – Opposed. Lived there since 1971. Would like to see the area stay the same. Too much traffic and no parking. Cars have been hit over the years. Should not allow parking on the street.

Rachel Lonnevik, 510 4th Ave East - Main concern is businesses creeping in on both ends of fourth Avenue East. Changing the zone will bring in more businesses take hold and then in the next few years they will be taking over the next block and then the next block and is only a downhill slope. She is opposed to the zone change.

Joslyn Shackelford, 36063 Orchard Lane –Stated the 2016 Draft Polson Development Code is a great handbook the community should be using to reference the proposed zones and how it explains the definitions of the proposed zone. The draft is on the City's website and would be helpful to explain some confusion on the zonings.

Dennis Duty, 33425 Hellroaring Road – Fourth Avenue was a heated discussion during the workshop process / discussions. Suggested a review of how Townhomes fit into the MRZD. Townhomes are currently not allowed. They do not change the density; whether it is a duplex same ownership or duplex with different ownership. Page 12 typo -MRZD and forty-foot setback on “collector street”. Requested clarification of collector street because it's very similar to a feeder street. Resort Zone District allows up to four units per structure. Suggested changing to eight units before a special use permit is required. View corridor needs corrected to say no more than maximum of twenty-five percent retained views. Stated City should not determine and take away property rights from a view. If you want a view you should own that property. RZD maximum lot coverage should be higher than 55%. Commercial Zoning is 80%. Fifty feet lakeshore buffer is too excessive in Resort Zone. Highway Commercial Zoning District has been changed to 500 average daily trips per day and was 1,000 ADT before kicking-in a Special Use Permit. This was agreed to in the workshops. Suggested it be changed back to 1,000 ADT before triggering a Special Use Permit. The word “no strip” is hard to define and should be eliminated. Page 73 performance standards. Fifty feet high water mark standard is excessive. Eliminate lawns right up to the lake. Page 77 shared off street-parking; should also apply to RZD and HCZD. Page 80; angle parking specifications and circulation needs to be addressed. Large-scale development was defined in 2009 legislature. Feels it is unreasonable to request a full complete study of all impacts. No note on condominium – is an ownership issue not development issue; needs to be addressed in other zoning districts. Condominium or Townhomes in the development area.



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Cort Potter, - Property owner in Polson questioned the MRZD zone and the possibility for Townhomes. Feels it would be a good thing. Does not increase density and is not any different from a duplex on one lot or a four plex on two lots. Feels townhomes are good starter homes for the area. Questioned the Old Town District and what the designation is about.

Lita Fonda, 606 2nd Street West in Ward I – Clarified Old Town Zoning District is very similar to the current Medium Residential Zoning District. Was originally being called MRZD two. Has fewer changes than the new MRZD. Has house with garage set up in the back. Specific to residential single-family residence on a seven thousand square foot lot and if you have a larger lot may be able to do addition things. Sticks with single family residence -one dwelling on a seven thousand square foot lot.

Not audible person speaking to Lita`

Dennis Duty, stated the three differences from OTZD vs MRZD are MRZD requires six thousand square feet minimum lot size for one dwelling unit plus one thousand square feet for each additional dwelling unit, minimum lot width is 50 vs 40 and Old Town Zoning does not allow assessor dwelling units.

Dennis DeVries, 502 6th Ave West - Stated OTZD is a very large area on both sides of Main Street. Area is all MRZD now and sees no reason to create another zone and calling it Old Town. The simpler and less zones you have the easier they are to understand. Seems to complex. Against the Old Town and would like to see it go back to MRZD. If area is changed to Old Town, then the houses along the river on the west side should be pulled out of that zone because they do not fit the alley description given for the area. Opposed the Old Town Zoning.

Lita Fonda 606 2nd St West – Clarified the part by the river has already been changed to Resort Zoning District. The fact that you can only have one dwelling on a seven thousand square foot lot is a huge difference for what is proposed for the upcoming new MRZD where you can have a dwelling and an accessory dwelling. Feels it is not appropriate for the well established residential area. In favor of Old Town District because of the new changes to MRZD.

No other public comments Closed Public Hearing on Zoning Regulations 6:45 p.m.

City Planner, Kyle Roberts stated the draft preliminary report for revisions to the Zoning and Zoning Map. The report is available on the website and City Hall. Kyle went over the revisions and highlights of the Zoning regulations and Zoning Map. The report is on the City's website and copies are available at City Hall. Kyle presented his staff report and zoning map power point presentation. Stated no action shall take place tonight and there will be two other official public hearing meetings. First will be February 16, 2016.

Open for Public Comments:

Dennis Duty asked if anyone knew what would happen in the area outside the Municipal boundary where the County is not involved.

Lake County Planner, LaDana Hintz said the County is not giving up on the City-County area. Kyle's report mentioned area only within the municipal boundary and does not feel that is the intent of the County. City has regulations to administer. Water, sewer and storm water are issues in which we need to work together on considering property that needs to come into the City. Regulations need to blend in with the City's. Waiting to see City's Growth Policy to see how it all plays together. Seeing the Growth Policy will help on how the County will want to move forward. The intent is to move forward at some point. It is state law that the City-County Planning Board jurisdiction can only work under one Growth Policy.

Dennis Duty clarified the County will use the 1993 Development Code for property within the jurisdictional/ donut area and LaDana agreed.



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Citizen (not sure of name) questioned whether the comments at tonight's meeting will have the same impact as the next two public hearings and he was answered with yes. Comments will have the same impact as if the meeting was a public hearing.

Closed Public Hearing on Zoning Regulations.

Open Public Hearing on Subdivision Regulations Draft Polson Development Code 2016.

Public Comments on Subdivision Regulations - none

Closed public comments on Subdivision Regulations.

City Planner, Kyle Roberts read from his Preliminary Report regarding the Subdivision regulations.

Public comments not on the agenda.

Steven Turner, 104 Reliance Landing - question why there were two County seats missing on the Board.

Asked why have meetings if two County people are missing.

Lake County Planner, LaDana Hintz stated the positions had been open since October and there had not been a lot of interest but the Commissioners stated they had received public interest to be on Board positions, so the County decided to advertise in late December and the ad closed on Friday. It is expected the seats will be filled soon.

Steve Turner asked LaDana if the County was definitely not going to adopt the new PDC.

LaDana said the Draft PDC has not been looked at by the County since the last attorney left.

Board member, Sam Jacobson explained the need to get the rewrite done for the City because of the Montana Code. The Board has worked on it so long it; it already needs redone again. Sooner or later the City and County will get together and have a joint document.

City Manager, Mark Shrives said the City has spent \$78,000 on the Polson Development Code rewrite so far.

Cort Potter questioned if anyone knew of a standard universal code for zoning.

Old Business item #7: Approve meeting minutes December 8, 2015. Sam Jacobson motioned to approve December 8, 2015 meeting minutes, motion second. Mike Lies, Merle Parise, Mark McGuyer, Gil Mangles, Sam Jacobson and David Rensvold in favor Lou Marchello abstained; (not Board member at the time). Motion Carried.

Dennis Duty commented on some confusion regarding what the zoning designations meant. He suggested starting the meeting with some explanation and more interaction between the public and the Board. Lee Manicke felt the public should be notified some other way besides the Leader. Lou Marchello noted the local radio station had advertised last Friday, Monday and Tuesday of the public hearing. Elsa suggested the Community News in the Valley Journal. Beth Smith suggesting adding notice to the Utility statements. Mark Shrives stated a block ad in the Valley Journal would be a good idea.

Meeting Adjourned 7:08 p.m.

City Board Member Mike Lies

ATTEST: Beth Smith, Planning Technician

DRAFT POLSON DEVELOPMENT CODE, WINTER 2016
PUBLIC HEARING #2, MARCH 8, 2016
STAFF REPORT, PART I

On February 16th, the City-County Planning Board and Zoning Commission (CCPB) conducted its first official public hearing regarding the proposed draft 2016 Polson Development Code (PDC) and Zoning Map. City staff presented all public comments compiled at the unofficial public hearing on January 26th via a staff report. The CCPB reached general consensus on six of the fourteen issues – two of the fourteen issues were resolved through clarification. The consensus of the CCPB was to:

- Remove the proposed TZD for 4th Avenue East, and propose to keep the area's current LRZD and MRZD zone designations.
- Revert back to the threshold of 1000 ADT to trigger a Special Use Permit in the HCZD. Previously proposed was 500 ADT.
- Eliminate the header 'No Strip' from the HCZD performance standards.
- Permit shared off-street parking in the RZD and HCZD.
- Insert staff-recommended code language to permit two-way circulation for angle parking in off-street parking areas.
- Modify some MRZD specification standards to allow for townhouses.

These revisions are reflected on the draft zoning map (February 23rd draft) and red-lined pages attached to this staff report.

This staff report addresses public comments received at the February 16th public hearing as well as the issues from the January 26th public hearing that were tabled for further discussion.

1. Side yard setbacks in the Highway Commercial Zoning District (HCZD)

Proposal: On page 26 of the draft PDC in the specification standards table for HCZD, it is proposed that the minimum side yard setback be 5 feet.

Comments received: It was expressed through public comment that there should not be a minimum side yard setback in the HCZD. Currently there are no side yard setbacks in the HCZD. If somebody wants to construct a commercial building over two lots with a common wall, this should be allowed. This is allowed elsewhere in the country, including Kalispell. It is recommended for free-standing buildings to have a 5 foot setback, but shouldn't be a restriction.

History/rationale for proposal: The current PDC does not have a minimum side yard setback for the HCZD, but instead requires a buffer. This buffer width is to be 20 feet if the abutting parcel is RRZD (rural residential), LRZD (low density residential), MRZD (medium density residential), TZD (transitional zoning), or RZD (resort zoning). The buffer width must be 12 feet along any public street or road. If the abutting parcel is HCZD too, no buffer is required.

To maintain the current standard, when the Spring 2015 PDC draft was written, 20 feet was proposed for the minimum side yard setback. However, that number was later revised to the currently proposed 5 feet setback after comment was received that 20 feet was excessive for a highway commercial district –

20 feet is more suitable in residential areas – and that a minimum of 5 feet would allow owners to work on their building without standing on the neighbor’s property.

Staff recommendation(s): Much like the townhouse issue, to provide the opportunity for a building to be constructed on two lots with a common wall, staff recommends that there be no side yard setback if the abutting property is HCZD as well. For all other zones abutting the property, it is proposed that a minimum 5 feet side yard setback in remain in place.

2. Minimum off-street parking space standards – Drive-thru restaurant parking

Proposal: On page 81 of the draft PDC, it is proposed that for a restaurant with a drive-thru, there must be one parking space per 50 square feet of floor area. In addition there must a minimum of six spaces. Stacking spaces may contribute toward parking space requirement. Also on page 81, restaurants without a drive-thru are required to have one parking space per 100 square feet of floor area. These requirements may result in restaurants with drive-thrus having just as many or more required spaces than restaurants without drive-thrus.

Comments received: It was expressed through public comment that a restaurant with a drive-thru would have less need for parking than a typical restaurant. Therefore, the parking standard for a restaurant without a drive-thru – one parking space per 100 square feet of floor area – should apply to a restaurant with drive-thru. Richwine’s Burgerville has maybe two or three parking spaces. People going through drive-thrus are typically not parking/staying at the restaurant. Lastly, if a restaurant doesn’t provide enough parking spaces, it only adversely affects that restaurant.

History/rationale for proposal: Here are the off-street parking space requirements of other Montana cities:

City	Restaurant w/ drive-thru	Restaurant wo/ drive-thru
Kalispell	If <4,000 sq. ft. floor area: 1 per 100 sq. ft. gross floor area. If >4,000 sq. ft. floor area: 40 + 1 per 200 sq. ft. gross floor area in excess of 4,000 sq. ft. Drive-thru facilities require 4 stacking spaces per drive-thru lane	
Bozeman	1 space per 60 sq. ft. of indoor public serving area; plus 1 space per 120 sq. ft. of outdoor (patio) area	
Whitefish & Columbia Falls	1 space per 80 sq. ft. of gross floor area (minimum 10 spaces)	If <4,000 sq. ft. floor area: 1 per 100 sq. ft. gross floor area. If >4,000 sq. ft. floor area: 40 + 1 per 200 sq. ft. gross floor area in excess of 4,000 sq. ft.
Belgrade	1 space per 50 sq. ft. of gross floor area, plus 1 space per employee on the largest work shift	1 space per 3 seats OR 1 space per 100 sq. ft. gross floor area, whichever is greater, plus 1 space per employee on the largest work shift
Hamilton	1 space per 50 sq. ft. of floor area (minimum of 6 spaces)	1 space per 100 sq. ft. of floor area (minimum of 6 spaces)

Helena	<21 seats: 0.5 space/seat; >21 seats: 14 spaces/1,000 sq. ft. gross floor area	14 spaces/1,000 sq. ft. gross floor area
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For comparison, the table below illustrates the differences in off-street parking requirements using the current PDC and the draft PDC. The restaurant examples are the Polson Taco Bell with a drive-thru, and the Polson MacKenzie River Pizza without a drive-thru:

Restaurant	Current PDC	Draft PDC
	<i>Parking spaces per 1000 feet of gross floor area: 15 (PDC, Appendix E-2)</i>	Restaurant w/ drive-thru: <i>1 per 50 sq. ft. of floor area (minimum 6 spaces); stacking spaces may contribute toward parking space requirement.</i> Restaurant wo/ drive-thru: <i>1 per 100 sq. ft. of floor area (minimum 6 spaces) (Draft PDC, page 81)</i>
Taco Bell: ~2,000 sq. ft. gross floor area	30 parking spaces	40 parking spaces, minus 4-5 stacking spaces = ~35 parking spaces
MacKenzie River Pizza: ~4,500 sq. ft. gross floor area	67.5 parking spaces	45 parking spaces

Staff recommendation(s): Staff recommends either:

1. One parking space per 100 square feet of floor area; minimum of six spaces; stacking spaces in drive-thru lanes may contribute to the parking space requirement.
2. One parking space per 75 square feet of floor area; minimum of six spaces; stacking spaces in drive-thru lanes may contribute to the parking space requirement.

3. Medium Density Residential (MRZD) performance standard – multiple-family dwelling complex street access

Proposal: On page 12 of the draft PDC, the multiple-family dwelling complexes performance standard (subsection d. i.) states that for multiple-family dwelling complexes including more than eight units shall have direct access onto a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets.

Comments received: It was expressed through public comment that a local and collector street are very similar in definition. There will be instances where a multiple-family dwelling might be coming onto a small street that may be considered a local street for a short distance, but then going directly onto a collector street. Therefore, the language should state that for multiple-family dwelling complexes including more than eight units recommends direct access onto a collector or arterial street.

History/rationale for proposal: This performance standard would apply to multiple-family dwelling complexes that include more than eight units. As such, the rationale is to prevent a relatively large

volume of traffic generated by a larger-scale multiple-family complex from channeling onto local residential streets.

Staff recommendation(s): Given the reality that it may be likely that traffic from a multiple-family dwelling might come onto a local residential street for a short distance to connect to a collector, staff recommends that the language be revised to state that it is *recommended* for multiple-family dwelling complexes that include more than eight units to have direct access onto a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets.

4. Recreational Vehicle & General Campgrounds Zoning District (RVZD) – Permitted uses

Proposal: The draft PDC (page 33) proposes that ‘Recreational vehicle developments’ are a permitted use in the RVZD.

Comments received: It was expressed through public comment that in the permitted uses table, it should read ‘Recreational vehicle condominiums’ rather than ‘Recreational vehicle developments’ as it does in the current PDC. The term ‘Recreational vehicle developments’ is rather ambiguous and does not accurately define the KOA – the KOA is an RV condominium resort. An RV condominium differs from a building condominium in that you’re not buying air, you’re actually buying spaces. Other comments included making sure recreational bookings are allowed; permitting one storage unit per site to be allowed on the site; and that residency should be seasonal, not year-round.

History/rationale for proposal: There is only one RV condominium site in Polson currently, the Polson Motorcoach and RV Resort. The RVZD was originally developed to support this development. In updating the RVZD text, the PDC update committee sought to expand the RVZD text to address and permit RV condominium developments and also other similar types of RV parks and campgrounds. The revisions are not intended to outlaw or otherwise impact the Polson Motorcoach and RV Resort, but instead to allow other RV parks and campgrounds as well. The draft PDC does not include a limitation on year-round residency because if a person owns a condominium site, it could be problematic to prohibit year-round occupation. Recreational bookings and small storage units for the owners/renters of a site are incidental and should be allowed.

Staff recommendation(s): Staff recommends the following:

1. Change the permitted use table to say Recreational vehicle developments, including RV condominiums
2. Add ‘Recreational bookings’ to the list of incidental uses (page 34)
3. Under Recreational Vehicle Storage (bottom of page 34), add “One storage unit may be located on each site for the use of the owner or renter of the site.”

The following are issues that were tabled at the February 16th public hearing for further discussion:

5. Creation of Old Town Zoning District (OTZD)

Proposal: The draft PDC and zoning map propose the creation of a new zoning district, OTZD.

Comment(s) received: The proposal to create a new zoning district, OTZD, has been met with proponents, opponents, and confusion as to what it is and why it was created.

History/rationale for proposal: Goal #4 of the 2006 Growth Policy states the need to encourage the development of affordable housing. This was taken into account at the time when the draft PDC was written. As such, the specification standards of the proposed MRZD were relaxed from the specification standards of the current MRZD to allow for more housing options. Meanwhile the thought was to maintain the current MRZD standards in portions of the more historic residential neighborhoods near the CBZD, preserving the historic residential development pattern, thus an OTZD was proposed. The table below illustrates the similarities and differences between the current MRZD, proposed MRZD, and the proposed OTZD.

	Current MRZD	Proposed OTZD	Proposed MRZD
Minimum lot or mobile home space size	7,000 sq. ft. (permitted use) / 5,000 sq. ft. (special permit use)	7,000 sq. ft.	6,000 sq. ft.
Minimum lot width at front property line	50 ft.	50 ft.	40 ft.
Maximum height	30 ft.	35 ft.	35 ft.
Minimum front yard setback	Along arterials – 50 ft. other streets – 25 ft.	Along arterials – 40 ft. other streets – 25 ft.	Along arterials – 40 ft. other streets – 25 ft.
Mobile home parks	Special use	Not permitted	Special use
Accessory uses	Accessory uses customarily associated with the permitted and special permit uses	Accessory uses customarily associated with the permitted and special permit uses, except detached accessory dwelling units, including an apartment above a detached garage, are not allowed in OTZD	Accessory uses customarily associated with the permitted and special permit uses

Staff recommendation(s): Open for discussion. Options include:

- a) Remove proposed OTZD and keep current MRZD standards in place.
 - a. PRO: No new zone created and MRZD standards allow for retention of residential development pattern.
 - b. CON: Keeping current MRZD standards in place does not allow for greater flexibility in affordable housing development options.
- b) Keep proposed OTZD zone and proposed MRZD standards.
 - a. PRO: Proposed MRZD standards will allow for greater flexibility in affordable housing development options and the OTZD zone will preserve the historic residential development pattern in the more historic residential neighborhoods.
 - b. CON: An additional and more restrictive zoning district in a residential zone.
- c) Keep proposed MRZD standards and remove proposed OTZD.

- a. PRO: Keeping proposed MRZD standards and removing proposed OTZD will allow for greater flexibility in development in the MRZD.
- b. CON: Removing the proposed OTZD could lead to more intensive development in the more historic residential neighborhoods.

6. Resort Zoning District (RZD) – View Corridors

Proposal: Page 24, section 4, subsection e. of the draft PDC states that developments in the RZD shall be designed and constructed to afford views from adjoining public streets, sidewalks and trails to the lake and river. No more than 75% of the view of the lake and river, as measured 5 feet above the ground surface along the adjoining public street, sidewalk or trail, shall be blocked by development.

Comment(s) received: It was expressed through public comment that limiting development that otherwise complies with the performance standards merely to preserve public views of the lake and river is inappropriate and that to accomplish that intent is a taking of property rights without compensation.

History/rationale for proposal: The current RZD performance standards (page 24) address this issue by stating, “Developments in the RZD shall be designed and constructed to afford views from adjoining public streets and sidewalks/trails to the lake. Building masses must be: a. below the grade of the adjoining public street, sidewalk, or trail so they do not block views; or b. designed to permit occasional views to the lake through or between buildings. The developer shall submit drawings or electronic simulations demonstrating compliance with this performance standard.”

Part of the rationale for the existing and proposed language is views of the lake from public ways contribute to Polson’s charm and allure, and also are part of its economy. The Waterside Condominiums in Lakeside, Montana have been cited as an example of development blocking views to the lake from Highway 93. The proposed language is intended to be more specific for both developers and permit reviewers than the current language.

Staff recommendation(s): None. Open for discussion.

7. Resort Zoning District (RZD) – Maximum Lot Coverage

Proposal: The proposed RZD Specification Standards table on pages 23-24 of the draft PDC shows that the maximum lot coverage is 55%; however, the proposed PDC allows for the possibility to increase lot coverage up to 75%.

Comment(s) received: It was expressed through public comment that the maximum lot coverage of 55% is too low. The Highway Commercial Zoning District allows up to 80%, and commercial development is permitted in the RZD.

History/rationale for proposal: Maximum lot coverage of 55% is intended to provide for view corridors and limit the amount of impervious surface located along the community’s greatest asset – the river and lake. However, the proposed PDC does provide developers with the option to increase lot coverage from

the maximum of 55% to 75% if they provide at least 35% of the view of the lake and river, as measured 5 feet above the ground surface along the adjoining public street, sidewalk or trail.

Staff recommendation(s): None. Open for discussion. Note that the purpose of the RZD is intended to permit mixed higher density residential and resort commercial development.

8. Resort Zoning District (RZD) – Minimum setback from lake, river, or stream (shoreline buffer)

Proposal: The draft PDC proposes a minimum setback and shoreline buffer of 50 feet from the lake, river, or stream in the RZD (pages 23-24). Shoreline buffers are discussed in detail starting on page 73 and provide several exceptions to allow certain types development within the setback while also addressing water quality preservation.

Comment(s) received: It was expressed through public comment that the proposed 50 foot minimum setback is excessive considering that there is already a shoreline buffer requirement in place and is sufficient.

History/rationale for proposal: The Lakeshore Protection Regulations require a 20 foot setback which acts as a structural setback designed to protect water quality and the natural characteristics of the land/water interface where only limited development and vegetation disturbance is allowed to occur. The Lakeshore Regulations generally permit the development of lake related structures such as docks and shore stations.

The zoning includes 50-foot setbacks and buffers, which are very common in the jurisdictional area of Lake County, both in the PDC area and in many of the lakefront zoning districts (e.g. Finley Point, East Shore, Upper West Shore Zoning Districts). The 50 foot setback provides added protection by enhancing and working in concert with the Lakeshore Protection Regulations.

Staff recommendation(s): Staff recommends keeping the proposed 50 foot setback.

9. Resort Zoning District (RZD) – Multiple-family dwelling up to 8 units per structure

Proposal: The Land Use table on page 23 of the draft PDC shows that a multiple-family dwelling up to 4 units per structure is a permitted use, and a multiple-family dwelling of 5 to 16 units per structure is a special use.

Comment(s) received: It was expressed through public comment that a multiple-family dwelling up to 8 units per structure be a permitted use without a special use permit.

History/rationale for proposal: The RZD zoned parcels are located along the river and lake side – the community’s greatest asset. Intensive development in these areas should go through the special use process to provide opportunity for both the City and its citizens to review and have a say in a development that may have great impacts on the community.

Staff recommendation(s): Staff recommends keeping the proposed standards. That is, a multiple-family dwelling up to 4 units per structure be a permitted use, and a multiple-family dwelling of 5 to 16 units per structure be a special use.

10. Resort Zoning District (RZD) – rezone along river front (5th Avenue W. – 6th Avenue W.)

Proposal: The draft zoning map proposes to rezone a block of river front between 5th Avenue West and 6th Avenue West from its current zone of MRZD to RZD.

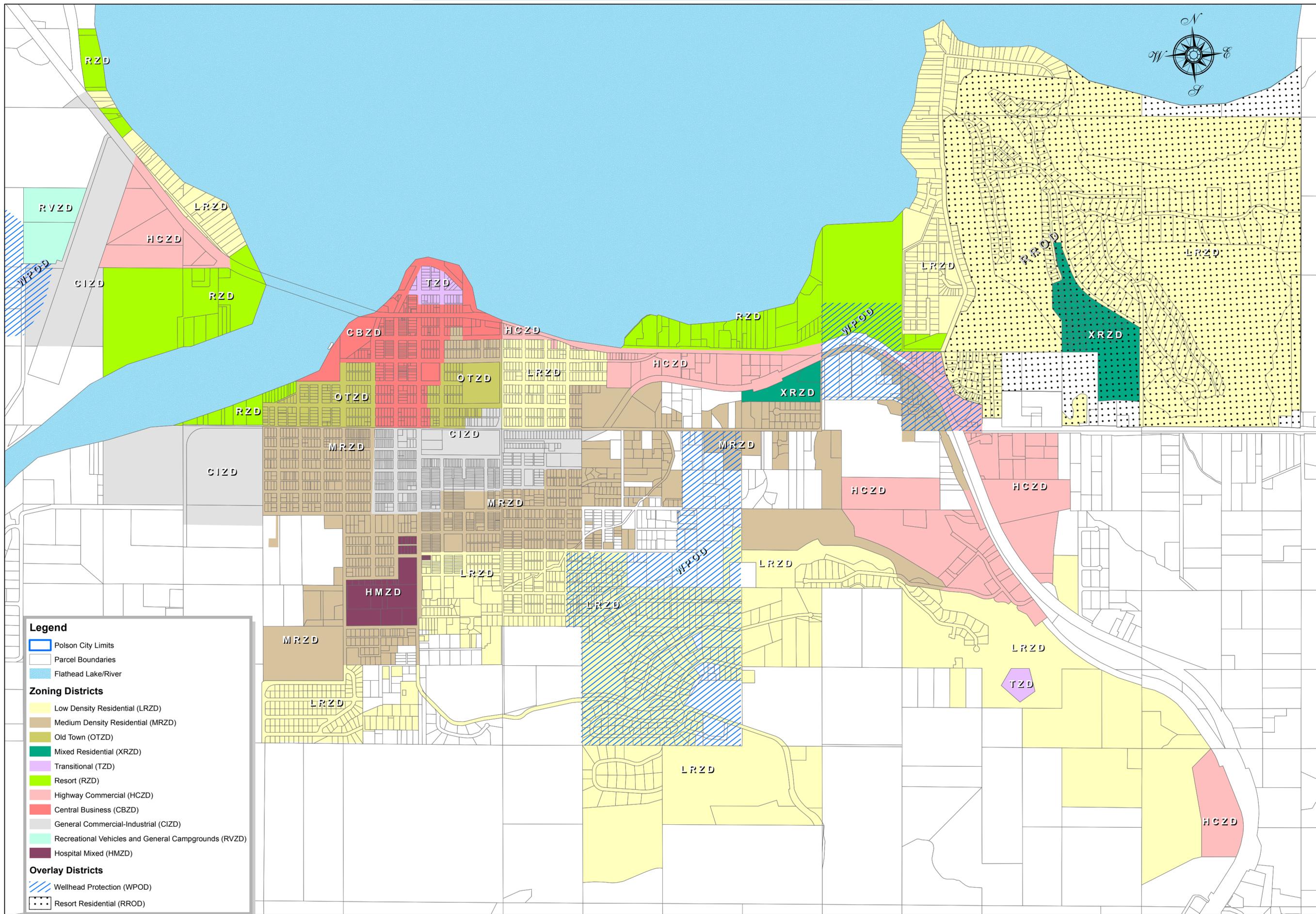
Comment(s) received: It was expressed through public comment that rezoning the block from MRZD to RZD is not recommended. This block contains all single-family residences. RZD does permit commercial development, and as such the roads in the area would not be able to accommodate extra traffic generated from potential commercial development.

History/rationale for proposal: The area abuts the Flathead River and is located across 7th Avenue West from the Polson Sports Complex. It also abuts multi-family housing that is currently zoned RZD and is located close to Riverside Park and the CBZD.

Staff recommendation(s): None. Open for discussion.

City of Polson Zoning Districts Map

DRAFT, February 23, 2016



0 0.2 0.4 0.8 1.2 1.6 Miles

* Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See IV.D. for the maximum lot coverage permitted on steeper slopes.

4. Performance Standards. All developments shall comply with the performance standards of Chapter IV, as applicable, and the following performance standards.

- a. ~~No Strip.~~ **Development in the HCZD shall be designed and constructed to minimize the functional and appearance problems associated with the strip development pattern.** Conditions to be minimized, to the extent feasible given the location, size, and context of the lot or parcel, include:

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- i. Development that is only one lot in depth, has numerous points of access to public streets, and makes no provision for safe pedestrian and bicycle circulation. To address these issues:
 - (A) Development in the HCZD shall connect to adjoining properties in the HCZD by providing access and utility easement(s), and vehicle, pedestrian and bicycle facilities;
 - (B) Continuous pedestrian walkways and bikeways shall be provided from the property perimeter to the principal public entrance; and
 - (C) Crosswalks shall have contrasting color from the surrounding surface; and
 - (D) Bicycle parking stands shall be provided.
- ii. View from the road that is dominated by vehicles, asphalt, and signs. To address these issues:
 - (A) All development in the HCZD shall include landscape that meets or exceeds the requirements of IV.W.
 - (B) Parking spaces are encouraged to be located on multiple sides of a building, not only along one access street frontage.
 - (C) Signs shall be architecturally related to the building to which they are principally related and meet the requirements of the sign ordinance. Freestanding signs shall have landscaping at their base.
 - (D) Loading docks, truck parking, trash containers, HVAC equipment and other such permanent features shall be screened from public view and pedestrian areas. Screening structures shall be made of the same materials as the principal structure, or of material intended to visually blend into a cohesive architectural theme. Parking and loading areas shall meet or exceed the requirements of IV.O.
- iii. Bland, monolithic architecture that has little connection to the setting, community or history and limited visual appeal. To address this issue:
 - (A) Building façades shall be primarily finished in subtle, neutral or earth tones with low reflectivity and be finished with varying materials, textures and colors.

2. Wherever such service is available, utilities shall be placed underground, with the connections to each lot made before street surfaces are constructed.

L. Easements. No building shall be placed, nor woody vegetation planted, in any utility easement, public or private. If approved by the City Commission, fences with a gate or separable section may be constructed across municipal utility easements. Fences across other easements must have approval of the affected utility. Note that irrigation companies and districts are considered to be utilities for the purposes of this performance standard.

M. Vehicular Access.

1. All developments, and all lots or parcels within a development, shall have safe access to a dedicated street or road that complies with the *City of Polson Standards for Design and Construction*.

2. Exception:

a. Multiple-family dwelling complexes, PUDs, commercial complexes, RV/campground developments and mobile home parks shall provide private internal streets; and

b. Vehicular access to parking spaces, garages and accessory buildings may come from an alley.

3. Provision of access, including street and alley extensions, shall be the responsibility of the developer, although the city may choose to participate in the costs of extending collector streets to serve future development.

N. Access Driveways. All points of access to public streets, including residential driveways, shall comply with the detailed performance standards for Off-Street Parking and Loading Areas (O., below) and the *City of Polson Standards for Design & Construction*.

O. Off-Street Parking. Unless otherwise indicated in these regulations, all developments shall provide off-street parking and loading areas in compliance with the following detailed performance standards for Off-Street Parking and Loading Areas, except in the CBZD, HCZD, RZD, and TZD, where reliance on shared parking areas and on-street parking may be permitted. Snow storage shall not be allowed to reduce the size of required off-street parking or loading areas. Parking areas must comply with the Landscape Performance Standards of IV.W. Driveways must adhere to Americans with Disabilities Act standards as applicable. The required number of handicapped parking spaces with the required dimensions shall be provided pursuant to federal law.

1. **Purpose.** These performance standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.

2. **Off-Street Parking Required.** Except as indicated in 6., 7. and 8, below, all uses and buildings shall provide at least the minimum number of off-street parking spaces required by Table IV.2. Off street parking for different land uses in the same building shall be calculated separately. Parking areas shall have properly graded and drained surfaces. Note that a runoff management plan will be required for any parking area of more than 5,000 square in size: See IV.B., above.

- d. Clear vision triangles shall be provided on both sides of driveways. A clear vision triangle is defined by extending a line between two points: Point 1 shall be 15 feet from the outer edge of the driveway on the lot line paralleling the street the driveway enters; and Point 2 shall be 15 feet back from the lot line along the outer edge of the driveway. For driveways accessing arterials, the distances shall be increased to 30 feet. Driveways expected to carry 300 or more ADT shall be treated as intersections.
- e. No parking, and no solid fence or wall, planter, hedge, shrub, or other visual obstruction more than 3 feet in height above grade shall be permitted in a clear vision triangle. Trees may be permitted in clear vision triangles, but only where all branches are pruned to a height of at least eight feet above grade.
- f. Driveways for single-family dwellings shall be a minimum of 12 feet wide, with a minimum curb radius of five feet, and a maximum grade of 5% for at least 20 feet before the driveway intersects the alley or street (on collectors and arterials). Driveways for other uses shall be designed to accommodate the anticipated level of traffic.
- g. Where required for drainage, driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

12. Circulation in Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

- a. Minimum aisle widths shall be:
 - i. ~~For two-way circulation and~~ 90° parking: 24 feet for two-way circulation;
 - ii. ~~For one-way circulation and~~ 60° angle parking: 18 feet for one-way circulation; 21 feet for two-way circulation;
 - iii. ~~For one-way circulation and~~ 45° angle parking: 15 feet for one-way circulation; 21 feet for two-way circulation; and
 - iv. ~~For one-way circulation and~~ 30° angle parking: 13 feet for one-way circulation; 21 feet for two-way circulation.
- b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.
- c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.
- d. There shall be safe pedestrian access from building entrances to parking areas which may include striping or different colored or textured surfaces.

13. Master Planning. All developments proposing more than one use or building shall demonstrate that their site plan minimizes the number of points of access to public streets.

J. Medium Density Residential District

- 1. Purpose.** The Medium Density Residential Zoning District (MRZD) is intended to permit the development of single-family, two-family and multiple-family dwellings with municipal services.
- 2. Land Use.** The permitted and special uses allowed in the MRZD shall be as shown in Table II.8. All uses not explicitly permitted are prohibited.

Table II.8 MRZD Land Use

Permitted Uses	Special Uses
Single-family and two-family dwelling	Multiple-family dwelling, 5 to 8 units per structure
Multiple-family dwelling, up to 4 units per structure	Mobile home parks
Accessory uses customarily associated with the permitted and special uses	Religious institutions – day care centers (13+ children) - schools
Community residential facilities, 8 or fewer residents – day care homes	Community residential facilities, 9 or more residents
Community gardens	Bed and breakfasts (see IV.AA.)
Public parks and recreation areas	Private parks and recreation areas
Home occupations up to 1 on site employee in compliance with IV.Z	Home occupations 2-4 on site employees in compliance with IV.Z
Minor utility installations (see III.C.6).	Cemeteries
	Wireless communication facilities (see IV.DD)

- 3. Specification Standards.** The specification standards for the MRZD appear in Table II.9.

Table II.9 MRZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot or mobile home space size	6,000 square feet <u>Townhouse – 3,500 sf</u>	Minimum area in addition to the base minimum of 6,000 sf for each additional unit in two-family and multiple family dwellings	1,000 square feet
Minimum lot width, at front property line	40 feet <u>Townhouse – 25 feet</u>	Minimum front yard setback	Along arterials – 40 feet Other streets – 25 feet* <u>Building wall – 20 feet</u>
Minimum rear yard setback	Single, two-family – 15 ft Multiple family – 20 ft	Minimum side yard setback	Single, two-family – 5 ft Multiple-family – 10 ft <u>Common wall – 0 ft</u>
Maximum height	35 feet	Minimum setback from lake, river or stream	50 feet
Parking spaces	See IV.O.	Maximum lot coverage	55% **

*The front setback may be reduced to 15 feet along internal roads serving multiple-family dwelling complexes and mobile home parks. **Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See IV.D. for the maximum lot coverage permitted on steeper slopes.

O. Highway Commercial Zoning District

1. **Purpose.** The Highway Commercial Zoning District (HCZD) provides a place for commercial uses that rely on easy automobile access. It is also the appropriate location for any commercial development that needs outdoor sales space.
2. **Land Use.** The permitted and special uses allowed in the HCZD shall be as shown in Table II. 18. All uses not explicitly permitted are prohibited. Examples of appropriate uses include overnight accommodations, eating, drinking and entertainment establishments, retail and wholesale goods, sales and service, day care centers, plant nurseries, car washes, veterinary clinics, auto, recreational vehicle and truck sales and repair, gas stations and similar uses.

Table II.18 HCZD Land Use

Permitted Uses	Special Uses
Highway oriented commercial <u>not</u> meeting the thresholds in 2.a. below	Highway oriented commercial meeting or exceeding the thresholds in 2.a. below
Accessory uses customarily associated with the permitted and special uses	Light industrial, may be associated with agricultural processing and/or sales
Public parks and recreation areas	Private parks and recreation areas
Minor utility installations (see III.C.6.)	Wireless communication facilities (see IV.DD)
Religious institutions	
Day care centers	

- a. **Thresholds for Special Use Permit Requirements.** Highway oriented commercial development meeting or exceeding either of the following thresholds shall require a special use permit in this district.
 - i. Any structure or combination of structures that exceeds 20,000 square feet in size. This square footage is cumulative, meaning if additional structures are added that bring the total above 20,000 square feet, a special use permit shall be required for the development.
 - ii. Development projected to generate more than ~~500-1000~~ average daily vehicle trips.
3. **Specification Standards.** The specification standards for the HCZD appear in Table II.19

Table II.19 Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size	None	Minimum lot width, at front property line	None
Minimum front yard setback	15 feet	Minimum rear yard setback	15 feet
Minimum side yard setback	5 feet	Maximum height	50 feet
Maximum lot coverage	80%*	Parking spaces	See IV.O.

- c. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections 6.a. and 6.b., is reduced by an amount equal to or exceeding the area of the dedication required under 1., above; or
 - d. i. The subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and
 - ii. The area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under 1., above.
7. The governing body may waive the park dedication requirement if:
- a. The subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical or natural resources, agricultural interests, or aesthetic values; and
 - b. The area of the land to be subject to long-term protection, equals or exceeds the area of the dedication required under 1., above.
8. In subdivisions developed pursuant to a development agreement (see Chapter V), the parks dedication for the entire subdivision shall accompany the first final plat filed.

T. Large Scale Development. A large scale development includes 100 or more residential lots or units, or commercial or industrial or a combination of uses that will potentially generate ~~500-1000~~ or more vehicle trips on the average working day (ADT) based on research published by the Institute of Transportation Engineers or a similar source.

- 1. Large-scale developments shall provide, or contribute to the provision of, additional public facilities necessitated, entirely or in part, by their development. Such facilities shall be provided in compliance with all requirements of these regulations and may include, but are not limited to: water system capacity, including larger mains, wells and reservoirs; sewerage system capacity, including larger mains, lift stations, and treatment facilities; runoff management measures, including stormwater control facilities and conveyance systems, street improvements, including deceleration, acceleration, or turn lanes, traffic signals, and bridges; pedestrian and bicycle facilities; solid waste transfer stations; and emergency services buildings and apparatus.
- 2. The public facilities needs of a large-scale development shall be determined through a fact-finding process conducted by the board, at the expense of the developer, resulting in a community impact report. The community impact report process shall be conducted as follows:
 - a. The administrator shall determine whether a proposed development is a large-scale development at the pre-application review;
 - b. Where a community impact report is required, the administrator shall inform the developer of the need for a community impact report, including the scope of work to be addressed. The scope of work may be modified by written agreement between the administrator and the developer.

- c. Alleys shall be constructed to the minimum standards required for local streets unless determined otherwise approved by the City Engineer.
- d. Alleys shall be aligned parallel to, or concentric with, the street property lines.
- e. Both ends of alleys shall be connected to streets or to other alleys unless specifically authorized as a part of an approved subdivision plan.
- f. Alleys may not be used to provide the primary access to a lot unless specifically approved by the governing body.

DD. Multi-Modal Traffic Impact Study Required

Where a subdivision is anticipated to generate 500-1000 or more ADT the subdivider shall submit along with the preliminary plat application a multi-modal traffic impact study to gauge the impacts of development on transportation facilities, safety and traffic flow. The administrator or City Engineer may also require a multi-modal traffic impact study based on conditions unique to an area or property (e.g., a school is located near a development that raises concerns for traffic conflicts). The projected ADT will be determined using: 1) the most current volume of the Institute of Traffic Engineers Trip Generation Manual, 2) National Cooperative Highway Research Program's *Multimodal Level of Service Analysis for Urban Streets: Users Guide*, 3) an equivalent source, or 4) actual traffic counts.

1. **Preparation.** A professional engineer or transportation planner must prepare the traffic impact study.
2. **Pre-study meeting.** The administrator may require the subdivider and traffic impact study preparer must meet with the subdivision administrator, either in person or via telephone, prior to performing the study to discuss the scope of the study in order to ensure the study will be sufficient for subdivision review.
3. **Form and content.** The traffic impact study must be in written form along with supporting maps and other appropriate information. At a minimum, the report must include the following elements:
 - a. Purpose and goals;
 - b. A description of the site and the study area, which shall extend to the most logical collector or arterial road based on trip distribution patterns;
 - c. Existing traffic circulation conditions and patterns including road geometrics, traffic counts, trip distribution, significant land uses, crash data, intersection evaluations, roadway capacity, conditions of roads leading to the subdivision and other relevant information;
 - d. Anticipated traffic circulation conditions and patterns including road geometrics, traffic counts, trip distribution, significant land uses, crash data, intersection evaluations, roadway capacity and other relevant information;
 - e. Anticipated effects of the subdivision on the existing road network; and

housekeeping, bellhop, laundry and related services. Where appropriately zoned, restaurant, bar, personal and retail services and entertainment may also be available.

Immediate Family. A spouse, children by blood or adoption, and parents.

Impervious Surface. Any hard surfaced, manmade area that does not readily absorb or retain water including but not limited to roofs, parking and driveway areas, graveled areas and sidewalks. Surfaces like gravel driveways and pervious pavers may be assessed for lot coverage based on relative impervious factor guidance provided by MDEQ or other credible source.

Industrial. Relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, repair, dismantling, recycling, processing, storage, distribution and handling of goods and the materials from which they are produced. Industrial activity may result in noise, light, smoke, dust, glare, vibration and similar effects outside of a building.

Infill Development. Development or redevelopment designed to occupy scattered, vacant or underutilized parcels of land that remain after the majority of development has occurred in an area.

Large-Scale Development. A large-scale development is a project that will contain 100 or more residential lots or units, or is projected to generate ~~500-1000~~ or more ADT: See Chapter IV.T.

Light Industrial. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. May also include research and development activities. Light industrial activities can generally control the external effects of the manufacturing process such as noise, light and smoke.

Livestock. Cattle, calves, horses, mules, sheep, lambs, and goats.

Local Services. All services provided by local governmental bodies and agencies for the benefit of citizens. These services include, but are not limited to, law enforcement, fire protection, water supply, recreation, transportation systems, parks, libraries, schools, electrical and telephone utilities and the collection and disposal of wastewater and solid waste.

Local Street. See Street.

Lot. Lot is used as both as a generic term for a development site, and to refer to any parcel of land created and described by a record of survey or plat.

Lot Coverage. Lot coverage is the percent of a lot or parcel that is covered by rooftops (including eaves and soffits), paving, and other surfaces that prevent direct infiltration of precipitation or runoff into the soil. Surfaces like gravel driveways and permeable pavers may be assessed for lot coverage based on relative imperviousness factor guidance provided by MDEQ or other credible sources. Slotted decks are not considered lot coverage where the ground under the deck is pervious.

Manufactured Home. See definition for single-family home, below.

DRAFT POLSON DEVELOPMENT CODE, WINTER 2016
PUBLIC HEARING #2, MARCH 8, 2016
STAFF REPORT, PART II

At the February 16th public hearing with the City-County Planning Board and Zoning Commission (CCPB), Dave DeGrandpre from Land Solutions brought to the CCPB's attention the recent court case, Legacy Ranch out of Ravalli County, in its relation to phased subdivisions. Essentially the County approved the Legacy Ranch subdivision for a phased timeline of thirty years. The district court ruled that the County wrongfully approved the subdivision for the timeline of thirty years. MCA 76-3-610 states that the governing body can approve a preliminary plat for no more than three years with the option to extend its approval for a mutually agreed-upon period of time after the three years expires.

It was advised that the City set specific phasing deadlines for final plat filings. To address the issue, the City Attorney has provided language below to replace the text in Chapter VI, sections PP. (Phased Subdivisions) and QQ. (Overall Development Plan For Phased Subdivisions) of the draft PDC.

Phasing of Final Plats. Notwithstanding the time periods for preliminary approval established in Chapter VI, Sections V and W, as the effective period of preliminary plat approval, an application for a subdivision plat/plan may include a phasing plan in which final plats/plans will be submitted in phases during a period of time that exceeds the standard three year effective period of a preliminary plat/plan; however, all final plats/plans shall be recorded pursuant to Section _____, Phasing Deadlines below.

Phasing Deadlines.

- A. Minor Subdivisions. All minor subdivision final plats shall be recorded within 5 years of approval of the subdivision.
- B. Major Subdivisions, 6 — 20 lots. All major subdivision final plats where the total number of lots is between 6 and 20 in the subdivision shall be recorded within 10 years of approval of the subdivision.
- C. Major Subdivisions, 21 — 49 lots. All major subdivision final plats where the total number of lots is between 21 and 49 in the subdivision shall be recorded within 15 years of approval of the subdivision.
- D. Major Subdivisions, 50 lots or greater. All major subdivision final plats where the total number of lots is 50 or greater in the subdivision shall be recorded within 25 years of approval of the subdivision.

Phasing Plan. A phasing plan shall include the following:

- A. Map. A phasing map shall delineate each phase and designate specific lots and improvements included in each phase. The phasing map shall include the entire land area included in the preliminary plat/plan. When phasing is not indicated on the preliminary plat/plan, the final plat shall be submitted for the entire area shown on the preliminary plat/plan.
- B. Functionality. The phasing plan shall demonstrate that each phase of the subdivision will contain fully functional systems for access, non-motorized facilities, stormwater management, fire

suppression, potable water, wastewater, and other infrastructure and service delivery without reliance on a future or subsequent phase.

C. Schedule. The map shall include a legend that identifies the sequential order and the projected schedule for filing the final plat for each phase.

Criteria. The review and approval, approval with conditions, or denial of a phasing plan shall be based on the following criteria:

A. Comply with Regulations. The first phase, and each subsequent phase when evaluated in conjunction with the prior phase(s), shall comply with these regulations;

B. Functional. The first phase, and each subsequent phase when evaluated in conjunction with the prior phase(s), shall contain fully functional systems for all infrastructure and service delivery;

C. No Change. No significant changes in the general area of the subdivision are expected to occur within the time period of the phases that would change the evaluation of the preliminary plat/plan; and,

D. Facilities. The planning and provision of public facilities and services in the area of the subdivision will not be disrupted by the timing of the phases.

Modifications. If the subdivider proposes to establish a phasing plan after the preliminary plat/plan has been approved, a new preliminary plat/plan delineating the phases and establishing the phasing schedule shall be submitted to the governing body for review and approval. Modifications to previously approved phase boundaries or the schedule for filing the final plats also shall require the review and approval by the governing body.

Final Plats. Final plats for each phase shall be filed sequentially in accordance with the approved phasing plan.



P.O. Box 70 • Polson, MT 59860
406-883-1346
Fax: 406-883-1357
lakers@flatheadlakers.org
www.flatheadlakers.org

Flathead Lakers:
*Working for clean water, a healthy
ecosystem, and lasting quality of
life in the Flathead Watershed.*

March 4, 2016

Polson City Council
c/o Kyle Roberts, City Planner
City of Polson
106 1st St E
Polson, MT 59860

Dear Members of the Polson City Council:

Thank you for the opportunity to comment on proposed changes to the Polson Zoning Regulations and Zoning Map (Draft Polson Development Code 2016).

The Flathead Lakers support maintaining the 50-foot minimum lake, river, and stream setback (shoreline buffer) in the Performance Standards, including in the Resort Zoning District.

The Flathead Lakers is a nonprofit organization dedicated to protecting clean water, healthy ecosystems, and lasting quality of life in the Flathead Watershed. Our organization was founded in 1958 and currently has 1,500 members.

Growth and development result in an increase in impervious surfaces (such as asphalt, concrete, and rooftops) and compacted earth. Impervious surfaces increase surface runoff and decrease infiltration and the ability of roots and soil to filter pollutants from runoff. Development can lead to an increase in pollutants, such as from an increase in vehicle traffic and the use of lawn fertilizers and pesticides. Many studies have found a direct relationship between the amount of impervious surface area and the amount of polluted runoff reaching streams, rivers, and lakes.

A vegetated buffer next to a stream, river, or lake soaks up nutrients, traps sediments, and filters out other pollutants before they reach the water. Nutrients degrade water quality and can increase algae production. Algae growth leads to loss of water clarity, lower oxygen levels, and scummy beaches. These changes can harm fish and other aquatic life, degrade recreation, pollute drinking water, and can eventually lead to declines in property values and tourism.

The current Polson Development Code does not prohibit all development within the 50-foot shoreline buffer, but limits development to protect the lake and other waters while allowing the landowner reasonable use of the buffer. Several county zoning districts, including those most recently updated (including East Shore, Finley Point, and Upper West Shore) require a 50-foot vegetated lakeshore buffer.

Summaries of the scientific literature recommend a 100-foot buffer for protecting water quality. But the wider the buffer, the more effective it is, so the 50-foot buffer protects our lake and other waters much better than the minimum 20-foot setback required by county lakeshore regulations.

Flathead Lake is a spectacular asset to Polson and the surrounding area. Preventing pollution from reaching Flathead Lake is much more effective and cost effective than restoring water quality after it has been degraded.

We urge you to maintain the performance standard for shoreline buffers, including their application in the Resort Zoning District, to protect our lake, clean water, and the many benefits they provide.

Sincerely,

A handwritten signature in black ink that reads "Greg".

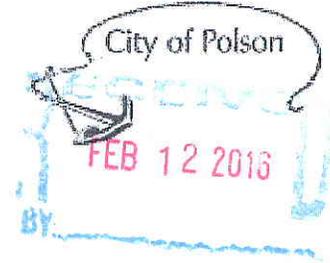
Greg McCormick
President

A handwritten signature in blue ink that reads "Robin".

Robin Steinkraus
Executive Direct



106 1st Street E., Polson, MT 59860
406-883-8200 Fax 406-883-8238
www.cityofpolson.com



**APPLICATION FOR
SPECIAL USE PERMIT**

PROPOSED USE: Amended SUP for #15-02

OWNER(S) OF RECORD

Name: Polson Youth Soccer Association, Inc.

Mailing Address: PO Box 1337

City/State/Zip: Polson, MT 59860 Phone: Link 406. 270. 1202

*PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL
CORRESPONDENCE IS TO BE SENT.*

Name: Joslyn C. Shackelford

Mailing Address: PO Box 25

City/State/Zip: Polson, MT 59860 Phone: 406. 240. 9707

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records)

Street Please see Sec. Town- Range
Address: filed No. ship No.

Subdivision Tract Lot Block
Name: No(s). No(s). No.

1. Zoning District and Zoning Classification in which use is proposed:

2. Attach a plan of the affected lot which identifies the following items:

- a. Surrounding land uses. _____
- b. Dimensions and shape of lot. _____
- c. Topographic features of lot. _____
- d. Size(s) and location(s) of existing buildings _____
- e. Size(s) and location(s) of proposed buildings. _____
- f. Existing use(s) of structures and open areas. _____
- g. Proposed use(s) of structures and open areas. _____
- h. Existing and proposed landscaping and fencing. _____

**FEE
AGREEMENT**

Dear Applicant/Developer:

Please be advised that you are responsible for any and all fees incurred from the City contract engineering firm, per Resolution #942, effective February 21, 2007. These fees begin with the Pre-Application through Final City Council Approval, including inspections. The fees also include any contact or requests from the Applicant/Developer or any person working with the project directly to the City Engineer.

Also, per Resolution #942 there will be an administrative surcharge of 5% to defray the administrative costs hereof, from the requestor, pursuant to the preceding acknowledgement.

Per Resolution #942, paragraph 4: No project or request may move forward thereafter until such time as the City department has been reimbursed the fee and/or cost, together with the five percent surcharge, associated with the City's engineering review of such project or request.

ACKNOWLEDGEMENT

I do hereby acknowledge and accept any and all costs incurred on behalf of the application/development as state in the above paragraphs.


Signature of Applicant

Date: 2 / 12 / 2016

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made and entered into this ____ day of _____, 2016, by and between **COUGAR RIDGE DEVELOPMENT, LLC**, of 50230 Highway 93, Suite 4, Polson, Montana 59860, hereinafter referred to as "Cougar Ridge", **POLSON YOUTH SOCCER ASSOCIATION, INC.**, a **Montana Non-Profit Corporation**, of P.O. Box 1337, Polson, Montana 59860, hereinafter referred to as "PYSA" and **CITY OF POLSON**, of 106 First St. East, Polson, Montana 59860, hereinafter referred to as "COP";

WHEREAS, Cougar Ridge is the owner of real property legally described as follows, to-wit:

A portion of the SW1/4NW1/4 of Section 11, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Parcel 8 on Certificate of Survey No. 6884, on file in the office of the Clerk and Recorder of Lake County, Montana.

WHEREAS, PYSA is the owner of real property legally described as follows, to-wit:

A tract of land in the NW1/4 of Section 11, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Tract B on Certificate of Survey No. 7010, on file in the office of the Clerk and Recorder of Lake County, Montana.

WHEREAS, Grantor desires to grant to PYSA a non-exclusive forty foot (40') easement for access and utility purposes.

WHEREAS, Grantor desires to grant to COP a non-exclusive 60 foot (60') easement for access and utility purposes.

NOW THEREFORE in consideration of the promises and covenants herein contained, the sum of Ten and no/100 Dollars (\$10.00), receipt of which is hereby acknowledged and other good and valuable consideration, the parties agree as follows:

1. Grantor hereby grants, transfers and conveys unto PYSA a non-exclusive easement for access and utility purposes across Grantor's above described property as depicted on Exhibit "A" attached hereto. Said easement shall be forty feet (40') in width, further shown and described as follows:

EASEMENT 'A':

A 40 foot wide non exclusive access and utility easement located in a portion of the SW1/4NW1/44 of Section 11, Township 22 North, Range 20 West, within Parcel 8 on COS No. 6884, further shown and described as follows:

The point of beginning is on the North line of Parcel 8, the northwest corner of Parcel 2, COS No. 6884, bears S. 89°54'42" E. 10.00 feet; thence S. 00°00'00" E. 253.15 feet to the northern edge of EASEMENT 'B'; thence along said edge, N. 83°17'26" W. 40.28 feet; thence N. 00°00'00" E. 248.44 feet to the northern line of afore mentioned Parcel 8; thence, along said line, S. 89°54'42" E. 40.00 feet to the point of beginning, containing 0.23 acres.

This easement shall be an appurtenance to PYSA's property and be binding upon the parties, theirs heirs, personal representatives, administrators, successors and assigns.

2. Grantor hereby grants, transfers and conveys unto COP a non-exclusive easement for access and utility purposes across Grantor's above described property as depicted on Exhibit "A" attached hereto. Said easement shall be sixty feet (60') in width, further shown and described as follows:

EASEMENT 'B':

A 60 foot wide non exclusive access and utility easement located in a portion of the SW1/4NW1/44 of Section 11, Township 22 North, Range 20 West, within Parcel 8 on COS No. 6884, further shown and described as follows:

Beginning at the southwest corner of Parcel 2, COS NO. 6884; thence N. 83°17'16" W. 50.35 feet; thence S. 0°00'00" W. 60.41 feet; thence S. 83°17'26" E. 50.35 feet; thence

North 60.41 feet to the point of beginning, containing 0.07 acres.

This easement shall be an appurtenance to COP's property and be binding upon the parties, theirs heirs, personal representatives, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor has set its hand and seal the day and year first above written.

COUGAR RIDGE DEVELOPMENT, LLC

BY: _____
MICHAEL R. MADDY
Member

STATE OF MONTANA)
 :SS.
County of Lake)

On this ____ day of _____, 2016, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared, **MICHAEL R. MADDY**, known to me to be the member of **COUGAR RIDGE DEVELOPMENT, LLC**, that executed the within instrument and acknowledged to me that he executed the same, for and on behalf, and as the act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this Certificate first above written.

Notary Public for the State of Montana

Printed Name of Notary

Residing at: _____

My commission expires: _____

(SEAL)

EXHIBIT No. _____

TRACT B

LOCATED IN A PORTION OF THE SW 1/4 NW 1/4, SECTION 11 T.22 N., R.20 W.
WITHIN PARCEL 8, COS No. 6884, LAKE COUNTY RECORDS.

COS No. 7010

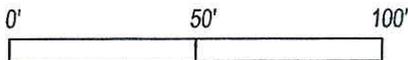
PARCEL 8

45.51 Acres
COS No. 6884

EASEMENT 'A' A 40' WIDE NON EXCLUSIVE ACCESS AND UTILITY EASEMENT LOCATED IN A PORTION OF THE SW 1/4 NW 1/4, SECTION 11 T.22 N., R.20 W. WITHIN PARCEL 8, COS No. 6884, LAKE COUNTY RECORDS. IN FAVOR OF TRACT B, COS No. 7010, FURTHER DESCRIBED AS FOLLOWS:
THE POINT OF BEGINNING IS ON THE NORTH LINE OF PARCEL 8, THE NORTHWEST CORNER OF PARCEL 2 COS No. 6884 BEARS S89°54'42"E 10.00' THENCE, S00°00'00"E 253.15' TO THE NORTHERN EDGE OF EASEMENT 'B'; THENCE ALONG SAID EDGE, N83°17'26"W 40.28'; THENCE, N00°00'00"E 248.44' TO THE NORTHERN LINE OF AFORE MENTIONED PARCEL 8; THENCE, ALONG SAID LINE, S89°54'42"E 40.00' TO THE POINT OF BEGINNING, CONTAINING 0.23 ACRES.

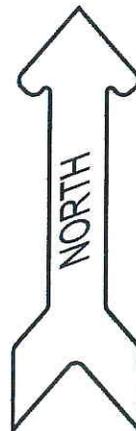
EASEMENT 'B' A 60' WIDE NON EXCLUSIVE ACCESS AND UTILITY EASEMENT LOCATED IN A PORTION OF THE SW 1/4 NW 1/4, SECTION 11 T.22 N., R.20 W. WITHIN PARCEL 8, COS No. 6884, LAKE COUNTY RECORDS. IN FAVOR OF THE CITY OF POLSON, FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH WEST CORNER OF PARCEL 2, COS No. 6884, THENCE, N83°17'26"W 50.35'; THENCE, S 0°00'00"W 60.41'; THENCE, S83°17'26"E 50.35'; THENCE, NORTH 60.41' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES.

SCALE 1" = 50'



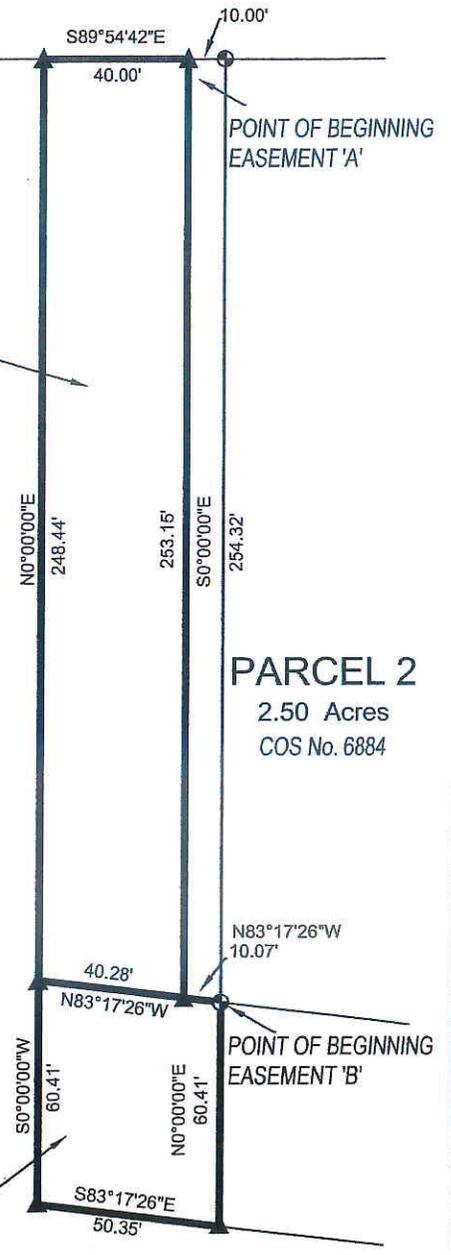
LEGEND

- DENOTES FD. 5/8" X 24" REBAR WITH 1 1/4" YPC STAMPED "M. CARSTENS 5940LS".
- ▲ DENOTES ANGLE POINT, NOTHING FOUND OR SET.



EASEMENT 'A'
0.23 ACRES

EASEMENT 'B'
0.07 ACRES



March 3, 2016

To: City of Polson

CC: City County Planning Board and City Commission

From: Polson Youth Soccer Association (PYSA)

Subject: Update upon Soccer Complex SUP #15-02

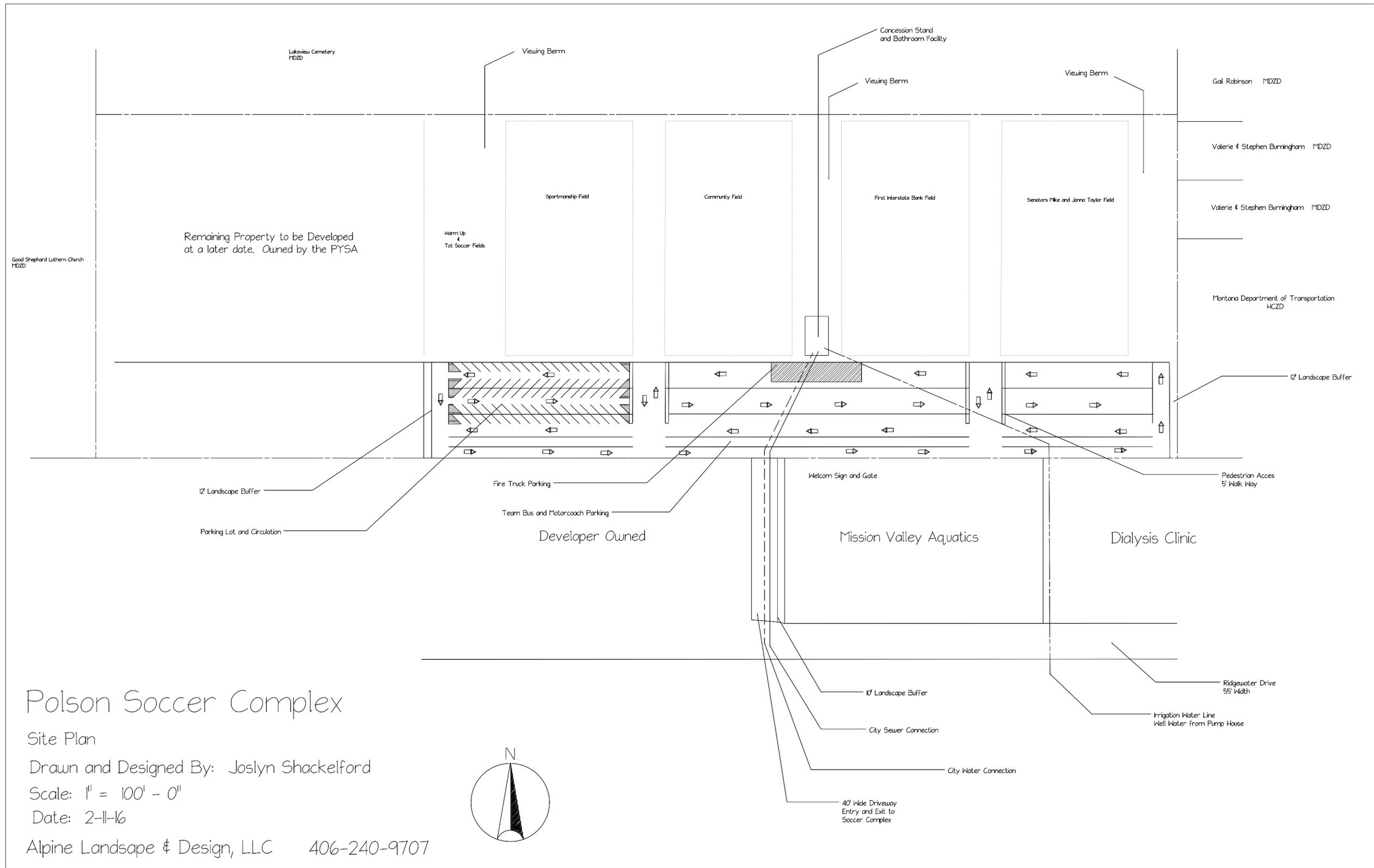
Due to recent design changes and further discussions upon the Soccer Complex, the PYSA has compiled an update for the City of Polson. Please review and record the following items to be updated to Special Use Permit #15-02 dated April 21st, 2015.

1. Entry and Exit to the Soccer Complex will be a 40' wide drive with a 10' buffer West of the Mission Valley Aquatics Center.
2. Easement A is a non-exclusive forty foot (40') easement for access and utility purposes granted by Cougar Ridge Development, LLC to Polson Youth Soccer Association, INC.
3. Easement B is a non-exclusive sixty foot (60') easement for access and utility purposes granted by Cougar Ridge Development, LLC to Polson Youth Soccer Association, INC.
4. Welcome Signs and an Entry Gate will be moved accordingly to the new Entry and Exit.
5. Along the 250' Access Drive to the Soccer Complex "No Parking" Signs will be displayed to allow for safe vehicular and pedestrian flow.
6. Parking will not be allowed at the Entry and Exit to the Soccer Complex Parking Lot due to emergency vehicle access and everyday traffic flow.
7. The Parking Lot has been redrafted to accommodate the new Entry and Exit Design including the following:
 - a. Fire Truck Entry, Turn Around, and Exit
 - b. Pedestrian Traffic
 - c. Athlete Drop Off and Pick Up
 - d. Bus, Motorcoach, and RV Parking
8. Dust Control will be maintained annually or as needed in the Parking Lot and Access Drive
9. Porta Potties will be temporarily used for restrooms during the timeline prior to City Services being available. However, during tournaments porta potties will be used to accommodate larger numbers of athletes and spectators and will be considered a seasonal use each soccer season.
10. Fencing will be installed to prohibit vandalism and to allow for organization within the Soccer Complex Design.

Please feel free to contact Joslyn Shackelford with Alpine Landscape & Design, LLC for any further questions or comments to the items described.

Joslyn Shackelford – Owner Operator of Alpine Landscape & Design, LLC

406-240-9707 alpinelandscapes@gmail.com



Polson Soccer Complex

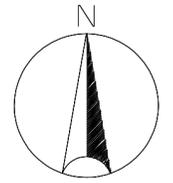
Site Plan

Drawn and Designed By: Joslyn Shackelford

Scale: 1" = 100' - 0"

Date: 2-11-16

Alpine Landscape & Design, LLC 406-240-9707



STAFF REPORT
Polson City-County Planning Board
Tuesday, March 8, 2016 at 6:00 PM
Polson City Council Chambers
Special Use Permit for the proposed Polson Youth Soccer Complex
- AMENDMENT -

GENERAL INFORMATION:

Applicant: Polson Youth Soccer Association, Inc.
Link Moderie, President
P.O. Box 1337
Polson, MT 59860
(406) 270-1202

Technical Assistance: Joslyn Shackelford, Alpine Landscape & Design, LLC
P.O. Box 25
Polson, MT 59860
(406) 240-9707

Applicant Number: Special Use Permit #15-02
Application Type: Special Use Permit for new development in HCZD
Date Received Application: 3/1/2016
Date of Site Review: 1/28/2016

APPLICABLE REGULATIONS:

- Polson Development Code
- Polson Growth Policy
- HCZD: Highway Commercial Zoning District
- Montana Dept. of Environmental Quality (MFE standards)
- Polson Building Code

PUBLIC NOTICE:

Staff Report completed: 3/3/2016

PROPERTY DESCRIPTION:

The 20.0 acre property is described as Tract B of COS 7010 in Section 11, T22N, R20W, P.M.M., Lake County. The property was recently annexed into the city limits (City Commission meeting March 23, 2015) and as part of that annexation action, the initial zoning request was modified from the existing MRZD to the HCZD, the Highway Commercial Zoning District. The property is located off of Ridgewater Drive, directly behind the Mission Valley Aquatic Center.

PROPOSAL: The Polson Youth Soccer Association is requesting a Special Use Permit to construct four competition-sized soccer fields, an associated

concession stand/restroom facility, parking lots, ~~an~~ ingress/egress driveway, and a warm-up/tot lot area. This proposal will encompass approximately 9 acres on the 20 acres of their recently purchased property. The primary access to the Complex is from Ridgewater Drive via ~~one~~ driveway. The driveway will cross land owned by the Ridgewater Subdivision developers and there is an easement granted to the Polson Youth Soccer Association for use of ~~the~~ driveway to provide access for soccer purposes only. Should the use and/or ownership change in any manner, this access easement agreement will not be viable for any type of residential or commercial development.

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The property is zoned HCZD and is the suitable zoning district for the proposed use. Per the Polson Development Code, a Special Use Permit approval is required on all new developments in HCZD.

This proposal does not meet the definitions of a Large-Scale Development because it will not produce more than 1000 vehicle trips per day. Should there ever be a large-scale non-local soccer tournament, there might be the potential to generate approximately 240 vehicle trips rotating through every few hours on a busy weekend as teams came into the facility, warmed up, played their hour game and then left. Those tournament-type situations would be scattered throughout the summer and fall, be held on weekend days and would most likely only be a few times per soccer season. There are mitigation measures that could be made to alleviate traffic volumes as well by staggering game times, car-pooling, restricting team sizes, etc.

Review Process:

The City-County Planning Board shall conduct a public hearing on this request and make a recommendation to the City Commission. Once the public hearing is closed, the Board will evaluate the request under the terms of the Polson Development Code for the Highway Commercial Zoning District standards and specifications, the Special Use Permit process and other portions of the PDC as applicable.

The City-County Planning Board shall make a recommendation to approve, deny or conditionally approve the SUP to the Polson City Commission. The City Commission is the permit-issuing authority for all Special Use Permits within the City Limits.

If the Special Use Permit is denied, the CCPB and/or City Commission shall specify the codes, standards, regulations, and/or public input that the applicants have not met and note them under "Findings of Fact". Consideration of a Special Use Permit application may be tabled for no more than 35 days.

ANALYSIS:

-The applicants are proposing to design and construct a Soccer Field Complex with four competition-sized soccer fields, an associated concession stand/restroom facility, parking lots, ingress/egress driveway, and a warm-up/tot lot area to the specifications and standards in the Polson Development Code.

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-The applicants had a Site Review Meeting on 1/6/2015 and 2/26/2105 where Planning, Engineering and Building staff, Water, Sewer, Park, Streets, Fire Departments, the City Manager and the City Attorney were present to review and comment on the proposal. The applicants met regarding the amendment on 1/28/16 and 3/1/16.

-Existing views of the Lake will not be impacted with this development and this development is not a lakeshore development for mandated view consideration.

-The project adheres to the Goals, Objectives and Policies found within the 2006 Polson Growth Policy.

-The Polson Development Code defines the Highway Commercial Zoning District as a place for commercial uses that rely on easy automobile access. The subject property is a location that provides convenient automobile access and circulation from Highway 93 onto Ridgewater Drive. Highway 93 is a four lane highway that includes turn lanes and a traffic signal. A Traffic Impact Study (TIS) was completed for the Ridgewater Subdivision Preliminary Plat in 2005 and at that time, the TIS recommended a traffic signal and intersection improvements at the highway approach. All of those improvements were completed. The location appears to be a good fit for a soccer complex as it is within walking distance of the aquatic center, the Red Lion hotel, and other service, retail and food services located across the highway.

-A soccer complex is a seasonal facility. It will host practices and clinics in the early spring and fall for school-age children during the week in the after-school/early evening hours. Local games and tournaments are typically held on Saturdays, some starting as early as 8 am and going into the early evening hours. During the summer months, there may be a week-long camp or clinic sponsored by an organization or school that would meet daily. It is possible that there could be larger regional tournaments organized at some point to take place over long weekends, but these would be sporadic in nature and infrequent. There would be no activity during the winter months. This has the potential to be used by agreement by the local high schools, county or municipal children and/or adult recreational programs, the Polson Youth Soccer Association, etc.



-The Polson Development Code is silent on the requirements for parking at recreational facilities. Staff has found information from the Transportation Research Board of the National Academies (see attached) noting that for a non-local soccer tournament, there could be approximately 70-90 cars parked per field. The report also noted that instead of building parking facilities for the largest potential demand, parking management strategies can be used to address peak demand. Typically, for normal games/tournaments, the parking demand would be 60 vehicles per field and for practices, only 20 vehicles per field. The Soccer Association has set aside a parking area that can accommodate 252 spaces. Area D on their attached site map (dated: 3/10/15) indicates a 30' x 900' area reserved for motorcoaches and RV parking, which will be regulated by requiring a purchased parking pass. No hook-up or sanitary

facilities are proposed for this area. It appears that the 252 parking spaces will be adequate for the use of the facility.

-The applicants provided a detailed landscape plan to comply with the buffer requirements of Appendix F of the Polson Development Code. However, the HCZD requires that a 20' landscape buffer be installed along the eastern, western and northern boundaries of the subject property as it adjoins parcels in a residential zoning district.

-Per the City's Site Review meeting, there is adequate sewer and water capacity for the project. In the vicinity of the Aquatic Center/Soccer Complex, Ridgewater Drive is currently being upgraded to the City of Polson's street standards (it had previously been constructed to driveway standards) and should be completed in the very near future. Water and sewer mains will be included as part of this construction. The soccer field's concession/restroom facility will receive public water and sewer services via service lines coming from the mains within Ridgewater Drive. The Polson Youth Soccer Association is responsible for the costs to bring these extensions from Ridgewater Drive to their facility. The water extensions are not being utilized to provide irrigation water to the soccer fields. The Fire Chief will also review the plans at the Building Permit phase and may have additional comments at that time.

-Upon a site visit to the fields, it was noted that there is a large noxious weed infestation. It is assumed that the soccer fields, once constructed, will be irrigated, seeded and mowed to retain their competitive viability. It will be important, however, to maintain a program of weed management on the remainder of the subject property until it is fully developed in soccer fields.

-At this time, there is no proposed lighting for the parking lots or the soccer fields. Should a need and/or funding ever become available for lighting on a large scale, a new SUP application should be submitted for consideration of this addition. As these fields are seasonal, with the use of the fields winding down as the days grow shorter, it is unlikely that large-scale lighting would be reasonable or practical. Security lighting on the concession/restroom facility could also be on a motion sensor or downward facing to reduce light pollution.

-It was recommended that security gates be installed at the intersection of the driveways/Ridgewater Drive to discourage vandalism to the fields and concession building.

FINDINGS OF FACTS

I. Primary Review Criteria

Effect on Local Services:

1. The development will connect to the municipal water and sewer systems. The owners pay the cost of connecting and extending. The Polson Youth Soccer Association will pay regular water and sewer charges, impact and hook-up fees.
2. The development will receive law enforcement services from the Polson Police Department and fire protection services from the Polson Fire Department.
3. The applicants will develop the ingress/egress driveway from Ridgewater Drive and all of the parking and interior circulation. As these are considered a private driveway and parking lots, they will be paved when funding becomes available. The driveway shall be graveled.
4. The Polson Youth Soccer Association will be required to contract with the local solid waste removal company for regular, scheduled garbage pickup.

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Effect on the Natural Environment:

1. The owners are responsible for managing post development runoff on-site and releasing it at pre-development rates. As applicable erosion control measures shall be installed such as: hay bales or silt fences prior any groundbreaking.
2. Stormwater management, drainage and grading plans shall be submitted, and, reviewed and approved by the City Engineer and Water/Sewer Superintendent prior to construction. No development shall channel surface or irrigation water on to another lot or property without permission of said property owner
3. As the development will affects vegetation and soils through grading of the site, the applicant shall abide by the Landscape plan submitted with the application and prepared by Alpine Landscape and Design, Inc and dated 3/10/15. Erosion control measures should be implemented before the grading takes place.
4. The owners are responsible for weed control and shall prevent the proliferation of weed growth within the property boundaries and their spread to neighboring properties. This is especially critical to address on areas disturbed by construction or on land that will remain vacant of soccer fields.

Effect on Public Health and Safety:

Based on available information such as FEMA Floodplain Maps and Cadastral Maps, the development does not appear to be at risk to natural hazards such as flooding, high winds, wildfire, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, or past industrial/railroad use.

Easements for Utilities:

1. Public utilities are near the property and will be extended at the applicants' expense.
2. Legal and physical access is provided by Ridgewater Drive for primary use.

Conformance to Adopted Growth Policy:

The development proposal conforms to the Goals, Policies and Objectives as outlined within the Polson Growth Policy adopted by the City of Polson, 2006.

Staff Recommendations on this Special Use Permit:

After review of the application materials, site plans and site review discussion, the planning staff finds this application meets the requirements of the Polson Development Code and recommends approval of the Special Use Permit with the following Conditions. These Conditions, along with any other Conditions imposed on by the Planning Board or City Commissioners, must be met for the approval of this Special Use Permit and to receive a Certificate of Occupancy.

-
1. This SUP permit is valid for the construction of the four competition-sized soccer fields, an accessory concession stand/restroom facility, a 252-stall parking lot with additional motorcoach, RV and bus parking, and a warm up/tot soccer field area. The remainder of the property will remain vacant until additional funding is secured.
 2. Any further modifications or additions to the submitted plans shall be reviewed and approved by the Polson Building and Planning Department. If at any time the applicants, their heirs or assigns propose a major change of use or expansion of the structure/site that is not herein proposed and designated, they shall obtain the necessary applications/permits/approvals through the City processes.
 3. Applicants shall apply for and receive building permits from the City of Polson prior to the start of construction of the concession/restroom facility. Permits shall be on site prior to ground breaking.
 4. Applicants shall receive an MFE approval from Montana Department of Environmental Quality.
 5. Erosion control measures such as, hay bales or silt fences shall be installed prior to ground disturbance to prevent any water runoff or debris from entering any road or neighboring properties.
 6. Applicants' drainage and stormwater runoff management plans shall be reviewed and approved by the City Engineer and completed before a Certificate of Occupancy is issued. It may be necessary to complete a SWPP from Montana Department of Environmental Quality.
 7. The applicant shall develop the 40' wide driveway, for ingress/egress from Ridgewater Drive including all of the parking lots and interior circulation. As these are considered private driveways and parking lots, they will be paved when funding becomes available. The driveways shall be graveled. The

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ingress/egress driveway shall be signed for "No Parking". The driveway will be constructed to a minimum of 40' width. In addition, parking shall not be permitted at the entry and exit to the soccer complex parking lot due to emergency vehicle access and everyday traffic flow.

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8. Clear vision triangles shall exist at the intersection of all roads and driveway ingress/egress locations. The driveway/road intersection shall be designed to safely accommodate the ingress and egress of larger vehicles such as fire trucks and large RVs.

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9. Before construction of the ingress/egress driveway shall commence, the applicants shall show an easement agreement with the owner of the property that is providing access that said agreement limits access only to those activities relating to the soccer complex and its associated uses and that residential or commercial development on the property is restricted. This includes Easement 'A' a non-exclusive 40' easement for access and utility purposes and Easement 'B' a non-exclusive 60' easement for access and utility purposes.

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10. Due to the historic weed infestation of the property, a yearly application of appropriate weed control measures shall be required. This is especially important on the remainder of the property that is not actively being used for soccer purposes and includes weed control/prevention in the parking and driveway areas.

11. Due to the high probability of vandalism, lockable gates and/or other traffic discouraging devices shall be installed at the intersection of Ridgewater Drive and the ingress/egress location. Gates do not have to be locked daily during the spring, summer and fall months, but vehicle access should be restricted during the late fall and winter months.

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12. A stop sign shall be installed at the egress intersection at Ridgewater Drive.

13. The applicants shall work directly with the Fire Chief and adhere to Fire Code regulations and requirements. The site shall receive an address from the City of Polson's Planning and Building Department staff.

14. A 20' landscape buffer shall be installed along the perimeter of the eastern, western and northern property boundaries that meets the requirements and standards of the Polson Development Code Appendix F.

15. A sign permit and associated fees will be required for any proposed signage.

16. The applicant shall work with the City Water and Sewer department during the installation of the service lines. The applicant shall notify the City and

pay appropriate fees for hook-ups before a building permit is issued. Should cuts into the City roads be necessary, performance bonds shall be posted prior to work commencing and state/local permits in hand.

17. Applicants are responsible for any applicable Impact Fees as determined by the current impact fee schedule (Resolution #1059) or any new resolution adopted before an application for a Building Permit is made.
18. LP gas tank, mechanical, plumbing and electrical permits are separate applications/fees.
19. The City of Polson reserves the right to revoke this permit, terminate or enjoin the use of the structure or property, should the applicants, their heirs or assigns violate the standards of the Polson Development Code, or any Condition on this permit.
20. This Special Use Permit is valid for construction to be completed within two years from the date of issuance. The permit may be extended for one additional year if the applicants request an extension of time prior to the expiration date.
21. Applicants shall re-draft Grant of Easement 'B' between the Grantor and Polson Youth Soccer Association.

The Commission is encouraged to visit the site, ask questions and request additional information (if necessary) from the Planning Department before the hearing.

DISCLAIMER: The Planning Department is an advisory agent and mediator between Boards/Commission and the applicant. The Planning Department covers the applicants' adherence to the Polson Development Code, the Polson Growth Policy and other governmental standards. The Planning Department is not responsible and accepts no responsibility for the applicants' proposals, designs, plans/maps, calculations, etc. or lack thereof.