

**CITY OF COLUMBIA FALLS
PLANNING BOARD MEETING MINUTES
HELD AUGUST 9TH, 2022**

REGULAR MEETING – 6:30 PM.

CALL TO ORDER AND ROLL CALL:

Chairman Vukonich called Meeting to order at 6:47 PM

PRESENT

Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer

ABSENT

Shepard

Also present: City Manager Susan Nicosia, Contract Planner Eric Mulcahy, City Attorney Justin Breck, Fire Chief Karl Weeks, Lieutenant Gary Denham, Public Works Clerk/GIS Technician Caleb Sobczak.

APPROVAL OF MINUTES:

Approval of July 12th, 2022 Regular Meeting Minutes

Motion made by Smith to approve the July 12th, 2022 minutes as presented, Seconded by Singer. Motion carried with all present voting Aye: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer.

Chairman Vukonich addressed the audience, noting that the Board recognizes the large number in attendance. Public comment will be limited to 3 minutes per person so the Board may hear from everyone wishing to speak on tonight's agenda items.

VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda)

Public Comment was opened at 6:56 PM.

Mayre Flowers speaking on behalf of Citizens for a Better Flathead, 135 S Main St Kalispell. Requesting annexation information to be posted on the city website, as well as the Extension of Services Plan and the 2018 review of the sewage treatment plant.

Clarence Taber, 24 Taber Ln, Columbia Falls. Did not vote for anyone on the Planning Board. Chairman Vukonich responded saying that they applied for the Board they are not voted in but appointed by County Commissioners and City Council.

PUBLIC HEARINGS AND ACTION:

Levang Zone Change: Chairman Vukonich read the hearing notice and asked for the staff report presentation. Contract Planner Eric Mulcahy: Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction, Loretta and Ronald Levang are requesting a zoning map amendment that will rezone a portion of their property from the existing CSAG-10 zoning to a CR-1 Zoning. The property is located at 435 Rogers in Columbia Falls and is described as Assessor's Tract 2B in Section 21, Township 30 North, Range 20 West, P.M.M., Flathead County (The rezoning only effects that portion of the property zoned CSAG-10 and not the portion that is unzoned or that has the Scenic Overlay). Growth Policy designates this property as Urban Residential but to go to higher densities it must be supported by city water and

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sewer. CR-1 Suburban Residential matches the density requested. Request complies with the 12 findings of fact; staff is requesting approval of zone change.

Applicant Presentation and Public Comment 7:04 PM. Applicant Daniel Seliger 435 Rogers Rd Columbia Falls. Requesting zone change to perform family transfer to each of their children so they can live on the property. Existing septic systems on property, DEQ has approved use of these septic systems but they will have to drill another well.

No public comment for this agenda item.

Board discussion: Duffy wishes clarification that the zone change does not cover the unzoned sections of the property and will be a one and only application. Mulcahy; correct, about 1/3 of property is unzoned; the request is only to change the zoning on the portion that is currently zoned. It would not require any additional applications.

Motion to adopt Staff Report CZC-22-04 as Findings of Fact by Byrd-Rinck, seconded by Smith. Roll Call vote to Adopt Staff Report CZC-22-04 as Findings of Fact AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

Motion to recommend approval of zone change to City Council by Lundgren, seconded by Singer. Roll Call vote to Recommend approval of zone change to City Council AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

Chairman Vukonich asked for the staff report presentations on the River Highlands Request for a Zoning Map Amendment, a Planned Unit Development and a Subdivision in the Columbia Falls Zoning Jurisdiction. Mulcahy stated that all three staff reports will be presented in a single presentation with a single public hearing for all three requests:

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction – Staff Report CZC-22-02:

James Barnett on behalf of River Highlands LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential). Mulcahy presented the evaluation based on the 12 statutory criteria. Mulcahy stated that the staff report recommends approval of the zone change.

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction – CPUD-22-02:

James Barnett on behalf of River Highlands LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the development is called River Highlands Apartments. Mulcahy noted that the project consists of 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD; the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit. Mulcahy presented the Evaluation Based on Statutory Criteria for each of the 14 categories. Mulcahy presented the Summary of Findings as well as the staff recommendation to approve the PUD overlay zone subject to 19 detailed conditions.

Request for a preliminary plat in the Columbia Falls Zoning Jurisdiction – Staff Report CPP-22-02:

James Barnett on behalf of River Highlands LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The subdivision will create 21 lots (17 residential and 4 open space lots). The subdivision will extend Municipal water and sewer services along with reconstructing River Road and incorporating a detached pedestrian path. The new roads within the project will be privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments. Mulcahy presented the Findings of Fact based on statutory criteria and Columbia Falls Subdivision Regulations Chapter 17.12.090 Impact Criteria. Mulcahy completed the presentation with the Summary of Findings and staff recommendation to approve the preliminary plat with 19 detailed conditions of approval.

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Chairman Vukonich called for a recess at 7:45 PM.

Chairman Vukonich called meeting back to order at 7:51 PM.

Vukonich asked the Board if they had Questions for Staff: Kavanagh wondering max units for current CR-3 zone. Mulcahy CR-3 allows 7 dwelling units per acre, approximately 350 units. Kavanagh current zoning being single family and this development is primarily focused on multi-family. Mulcahy: Growth Policy looks at mix of other uses. Planned unit development tool allows the developer to utilize the multi-family more. Kavanagh in cluster development one building cannot exceed 10 units. Mulcahy: they are not utilizing the cluster development tool they are using the planned unit development tool. Clustering is not within urban residential zoning.

Vukonich: Staff Report item 10 character of the district, expand on summation for the large buildings being placed in this area. Mulcahy: disparity between areas current use and planned use. That is true of city growth in any direction; agricultural lands will have to be converted to an urban designation. Developers look to the Growth Policy set forth by the Planning Board and City Council to determine where there is potential for city growth. Vukonich seeks a greater understanding of the River Road improvements towards the Highway 2 intersection and the traffic that will go south towards Columbia Falls Stage and Kalispell. Mulcahy: traffic study did analysis of traffic patterns, 80% of traffic is going north into Columbia Falls. Vukonich, wondering does the height increase of 10 feet create the opportunity to build a 3rd floor. Mulcahy: they will still be able to have a 3rd floor without the height increase; it is to create a gabled look.

Kavanagh: has there been any feedback from MDOT in regards to traffic signal being warranted? Mulcahy reached out to them and has not gotten back to him yet. In his experience if the traffic impact study states that it meets those warrants the recommendations will be implemented but the City has no authority over the design and implementation in the MDOT's right of way. Kavanagh: approximately 150 spaces of on-street parking, is that including parking on River Road. Mulcahy said there is no parking on River Road.

Singer asked if there will be an elevator in the buildings. Mulcahy said he's not sure so he will let the applicant answer that question.

Duffy asked if the traffic light be built in Phase 1 of construction. Mulcahy's recommendation to the Board is that it be implemented in Phase 1. Vukonich asked if the project is approved will the City try to fast track MDOT to approve the traffic light. Mulcahy the traffic will need to be addressed as a requirement, all permits, MDOT and other, will have to be secured before they move forward.

Vukonich recalled in 2008, the extension of city services was going to be on the structure of the highway bridge now it is underground. Mulcahy noted it is a preference of the engineering firm; approval of this project does not prevent them from suspending services from the bridge. Depth of the bore is required to be 2 times the depth of the scour in a flooding event. There are existing bores under the Clark Fork River in Missoula, the Stillwater River in Kalispell, the Whitefish River and the Bigfork River. Polymer pipe is much improved than in the past. There was not the option of directional bore 50 or 60 years ago but now it is a design element the engineers are comfortable with.

Applicant presentation 8:14 PM: Mike Brodie, Civil Engineer on the project with WGM Group, 431 1st Ave W, Kalispell. Brodie reviewed the site plan noting that on the north end, 5 acres designated for conservation, park and road realignment. Not proposing any short-term rentals on the property but developer would not oppose if it is conditioned. Developer donating over an acre of land to the Northwest Montana Community Land Trust. Focusing this development on a lot of pedestrian access throughout the development and along River Road. Preferred by both the City Public Works Director and MDT to directional bore city services under Flathead River. Brodie noted that the City had a 3rd party engineer evaluate capacity and said that it was sufficient. Brodie went over plan to bore under the river and examples of other places that have done similar projects. Setbacks from river for the development are nearly at 300 feet for the entire development but the Planning Board can condition the 300-foot minimum if they consider that as a required condition. Storm water is a collaborative design to come up with the best way to manage storm water on the site. To answer Chairman Vukonich's question, they can build the buildings 3 stories without the height variance. Gables are a cosmetic choice that they believe adds to the residential architecture appearance and overall functionality. To answer

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Singer's question, there will not be elevators in these buildings. Traffic Impact Study states that the intersection will require a signal to maintain the level of service at this intersection. Intersection will have to be moved to the east to accommodate site distance. Traffic engineer evaluated amount of traffic north versus south and the primary route would be along Highway 2 to get to Columbia Falls, Whitefish and Kalispell. Development will not function well without the signal and Mulcahy has conditioned it to be constructed in Phase 1, the developer is not trying to avoid this. Donation to Montana Land Trust is approximately 1 acre and supports 10 units.

Chairman Vukonich asked the Board if they had Questions for the applicant's representative: Nelson: donation to Community Land Trust in Phase 2, what if phase 2 does not happen. Likely will condition that it will be part of Phase 1. Applicant, intention wasn't that they will do that later it was in the area that was designated Phase 2 so it was scheduled for that time. Kavanagh wondering about parking and garages as well as building loading. Applicant, townhomes will each have a driveway and a garage. Goal was to reduce parking spaces not for a limiting of cost but to increase the amount of greenspace in the development. Overall, it comes to 1.75 parking spaces per unit. Kavanagh: expand on request to reduce fire lane width. Walking path is the fire lane, was at 20 feet. When presented to Columbia Falls Fire Chief Karl Weeks stated that it does not need to be 20 feet and with a variance can be reduced to 12 feet since there are entrances at either end and no need to turn around. To answer the previous question of building loading he does not remember the exact number of bedrooms in units but the L buildings are single bedrooms, doesn't believe there are any studios. They have not been fully designed yet. Vukonich, what is the developer doing to offset the increase in the density and loading? Applicant, development is congruent with the growth policy. Community benefits in this development include the improvement of River Road, the community park, river access and parking, the open space, the clubhouse for residents, and the bike paths along River Road and Highway 2.

Chairman Vukonich called for a recess at 8:34 PM.

Chairman Vukonich called meeting back to order at 8:44 PM

Public Hearing opened at 8:46 PM

Claire Reese, 4123 Columbia Falls Stage, Columbia Falls. Opposed to this development. Concerned about having to redrill her well. Development will impact the aquifer. Sees nothing about compensating them for having to redrill their wells. Second concern is that there needs to be a separate entrance for this development. In an emergency there are not enough exits. Concerned about parking spaces people will end up parking on River Road. Concerned about the ability for people to walk to work and there is no public transportation.

Larry Hoerner, 100 River Estates Drive, Columbia Falls. Opposed to this development. Native American artifacts and encampment on property to be developed. Is there anywhere else in Montana where they put a stop light on the end of a bridge that is frozen over in the winter.

Weston Martin, 70 Jackson Hill Trail, Columbia Falls. Opposed to this development. Construction coming off of bridge before light is installed. Lots of equipment and trucks will be a problem. Hopes the Board uses common sense and vote accordingly.

Kim Morisaki, Northwest Montana Community Land Trust, 1329 Bald Eagle Loop Kalispell. Land Trust provides affordable ownership for people in the Flathead Valley. Impossible to build single family home for less than \$350,000. Huge part of the workforce cannot qualify for that type of mortgage. Shortage of rental space. Nothing available for purchase or rent. Anyone can come and build million-dollar houses and that is what will happen if this development is denied. Supports this development.

Clarence Taber, 24 Taber Ln, Columbia Falls. First mistake when the zoning doughnut was accepted. Too much traffic with this development for accesses to Highway 2. This area has the worst infection of hawkweed in the County, before soil is tore up need to deal with that. Opposed to this development.

Chris Hartzell, PO Box 2354, Kalispell, will not publicly disclose physical address other than Badrock Rd and Highway 206 area. Read from his submitted letter to the Planning Board. Opposed to this development. Main points about

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requirements the Board should seek if approved. Development fees to alleviate the deferred burden on residents and ensure developers pay for increased demand the development will have. Implement enhanced building requirements. Require safety enhancements for construction as well as a strict penalty clause if there is any contamination of the river.

Joy Gaddis, 24 River Falls Dr, Columbia Falls. May 4th 2022 Flathead County Sheriffs Office reported they are stretched too thin and 911 calls continue to spike. They did not respond to a drunk driver who had crashed into a guard rail. No one had spoken to the Badrock Fire Chief about the increase demand on the volunteer fire district until this project is annexed. According to national standards we are way down on police and fire. There have been 118 breaks in sewer lines under rivers since 2018. EPA estimates 1 break for every 100 feet of sewer that has gone under a river. What about everyone to the south of this sewer line. Opposed to this development.

Gary Hall, 140 Steppe Ln, Columbia Falls. Read letter he had previously submitted. Opposed to this development. Main points, this development will not benefit Columbia Falls. Will change character of community. Columbia Falls Stage and Middle Road have had numerous new houses and subdivision builds in the last few years. Scary to drive down Highway 2 with a traffic count of 17,881 cars per day. Always will be an inadequate and unsafe access to the highway. PUD states light will be installed if MDOT deems it is necessary and will be installed at buildout, way too late. 3000+ people a day use River Road. PUD states it is affordable housing, it is not affordable. Require a 2-million-dollar surety bond moving forward.

Jessie Johnston, 7210 Highway 2 E, Columbia Falls. Concerns if this development proceeds future developers will change zoning and join Columbia Falls up to the Heights. Agriculture affordability will disappear. A lot of grizzly bears at his property and there will be a lot of little kids in this development. Not legal entrance to FWP property and will be lots of kids going over there. Opposed to this development.

Johnny Alamilla, 2180 Tamarack Ln, Columbia Falls. Benefits will just be for people living on that side of the river. Zoning laws preserve what a community should be like and you are changing that. Opposed to this development.

Jacky Demongin, 4250 Columbia Falls Stage, Columbia Falls. Opposed to this development. Several items do not meet criteria and are based on an opinion. Suggests it complies with Growth Policy but projected growth is 3%. Development will increase population by 22%. Growth plan listed goal is not to overburden local services. Facilities already struggling with local population. Natural environment is threatened by this development. Will add congestion to our streets. Character of district will change drastically.

Kathleen Melee, 612 3rd Ave W, Columbia Falls. Concerned about annexation, referenced MT Code and stated that Annexation requires a vote. Does not see on website the City's annexation policies. Let citizens vote on annexation. Might need to change local government. Opposed to this development. Developer will keep money and build theme park.

Locke Ballard, 107 River Butte Dr, Columbia Falls. Opposed to this development. Probably wouldn't be built to 500-year storm conditions because they would not want to spend the money. 1% of this development is going to be housing for people that need it.

Angela Allen, 612 3rd Ave W, Columbia Falls. Opposed to this development. Adequate services and facilities are not available for this development. A lot of young people that would be in this development and would be coming to the High School, it is not safe on that road.

Nancy Dalley, 101 Steppe Ln, Columbia Falls. Opposed to this development. Deer and elk don't have anywhere to go. 40 house development just to the east, lots of additional traffic on route 2. Huge impact on school system, a lot of potential kids coming in. New roads will be privately maintained roads; can they make it a gated community and close it?

Debbie Evens, 1206 2nd Ave W, Columbia Falls. Opposed to this development. Already having issues making appointments. Population is growing fast. 1500 potential new people in this community.

Lucy Yeats, 315 Shooting Star Dr, Columbia Falls. Opposed to this development. Finding errors in the Findings of Fact. Area west of River Road is not the only area on the property with native vegetation. There is a high-pressure gas line on

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the property. Growth Policy is not regulatory. Property is designated urban residential because the city wants someone to pay to put water and sewer across the river.

Keigh Smiley, 2950 Columbia Falls Stage, Columbia Falls. Opposed to this development. Not appropriate place for city to be proposing development. More complicated to develop than the west of town. Too much density for that location. Asking to change to CR-4, 2-8 units per acre and they are asking for 9.2 units per acre, already exceeding their adjustment.

Scot Schermerhorn 1042 Waters Edge Way, Columbia Falls. Opposed to this development. Traffic study was done in January, traffic is different in July and August. Congestion, too much density, not the right time not the right place. City growth needs to be reasonable. If they are going to Evergreen or downtown Kalispell they will be going down Columbia Falls Stage and that road is terrible. Is this what we want for the community?

Tom Countryman 208 Cardinal Ln, Kalispell. Opposed to this development. Pipes run under the river sooner or later will break. MDOT, DEQ and FWP work very slowly on approvals. Big buildings being built with no ladder truck or public safety considered.

Courtney Stone, 225 Rogers Rd, Columbia Falls. Opposed to this development. Responsible development should be focused in areas with existing infrastructure. New city not new development. Already struggling to provide basic safety. Opposed to putting water and sewer under the river. Elk will not be able to access the WMA if this subdivision is built.

Shirley Folkwein, 285 Shooting Star Dr, Columbia Falls. Passed out copy of her letter to the Board and Staff. Opposed to this development. Growth Policy does not reflect the wishes of the community and is not a regulatory document. Development does not reflect the neighborhoods character. There is a high-pressure pipeline on this property. No backdoor outlet to this development. Disaster waiting to happen. Not affordable housing.

Chairman Vukonich reminded Mrs. Folkwein of the time limit, addressed the audience and stated that Montana Statute allows Planning Boards and other boards to limit testimony to 3 minutes.

Lynne Ann Kogut, 256 Jayhawk Ln, Columbia Falls. Opposed to this development. Middle Road is not safe, and they are adding more people to that road. 49-acre development, concerned they are concentrating all residents to 26 acres. Gateway community to Glacier Park doesn't want to see 3-4 story buildings. Concerned about the reduction of fire lane to 12 feet.

Ron McLoy, 670 Homestake Trail, Columbia Falls. Opposed to this development. Concerned about the traffic, especially to the south. Traffic study missed impact of housing increase to the south of this area. River Road not designed to be main thoroughfare. Civil services are already strained.

Alicia Hilliard, 129 Toftum Ln, Columbia Falls. Opposed to this development. Traffic makes it difficult to walk or ride bikes on River Road and Columbia Falls Stage. River Road is accident prone and not designed for accessibility.

Martha King, 695 Eckelberry Dr, Columbia Falls. Opposed to this development. Still working on Highway 206, end of Columbia Falls Stage onto Highway 35 is unsafe. Everyone goes to Kalispell.

Abbe McClenahan, 540 Whispering Ridge Ln, Columbia Falls. Opposed to this development. Propose city complete the housing study that was delayed at the June 6th meeting to complete discussions on short-term rentals and revise a plan. Non-Montana residents shouldn't have short-term rentals. 455 units to equate to over 1000 people, 25% of the population of Columbia Falls. Size of project is inappropriate.

Bill McCallum, 1805 11th Ave W, Columbia Falls. Opposed to this development. Traffic is bumper to bumper already. Small area adding a lot of people.

Jacqui Fehlman, 334 8th St E, Columbia Falls. Opposed to this development. Concerned about increase in taxes to bore under the river and the maintenance of the pipe. Developer not providing very much affordable housing. CFAC should be cleaned up before they go under the river. Middle school should be finished first. Need to look at long term effects of what we already approved.

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Meagan O'Bryant, 137 Scotch Pine Ln, Columbia Falls. Opposed to this development. Concerned about the electrical grid in a heat wave or cold snap. Evacuation from fire would cause gridlock on the road.

Nancy Paquette, 2559 Middle Road, Columbia Falls. Oppose this development. Only Robert Smith taking notes. Shouldn't rely on staff and what they choose to write.

Bill McAuliff 54 Middle View Trl, Columbia Falls. Opposed to this development. Volunteer with Bad Rock Fire, haven't heard a word, it is their district right now. Columbia Falls Fire District will not take it over until it is done. Has never seen stats and records and everything produced so badly.

Jill Johns, 1130 Nucleus Ave, Columbia Falls. Doesn't feel like she received sufficient proof that the affordable housing may come from the one acre donated and the smaller units. We will put all of the river protection that is 3 miles upstream at risk. Other rivers are tail waters not freestones and can't be relied on to contain water and sewer pipe. Do not put the Flathead River at risk.

Lee Shamp, 150 Red Barn Road, Columbia Falls. Opposed to this development. Gateway community for the outdoors, need to protect that, we are stewards to this area.

James Druyvestein, 4196 Columbia Falls Stage, Columbia Falls. Opposed to this development. Out of character with this area. Development will be the highest density anywhere in Columbia Falls. Don't cross river and annex in area. Snow plow removal will be harder with more roads.

Evon Heaser, 4196 Columbia Falls Stage, Columbia Falls. Dentist, patient load has become overwhelming in the past 6-8 months. All other medical, support and infrastructure services are strained. Stated Columbia Falls Mission Statement, believes this is unthoughtful planning. Pipe that is buried under the river will be changed. Is cost of units based off of Columbia Falls average income?

Cam Johnson, 222 Rogers Rd, Columbia Falls. Opposed to this development.

Lindsey Hromadka, 116 Lupfer Ave Unit B, Whitefish. Attorney representing the Upper Flathead Neighborhood Association. Client objects to the hearings being conducted together and short time limit on comments. Application is deficient and Staff Report fails to adequately address the issues raised by this development. This development does not comport with Zoning Regulation requirements. The zone change request does not comply with the Growth Policy. Development should be proposed in a multi-family zone not urban residential. Only 18% of people want growth on this side of the river. Staff Report relies on previous PUD approval of 150 units. 350 units with current zoning, don't think that accounts for open space requirements or roads and infrastructure requirements.

Chairman Vukonich addressed Ms. Hromadka informing her that her 3-minute comment period is up and she needs to step back from the podium.

Ms. Hromadka refused, said she had one more page to present.

Chairman Vukonich called an immediate recess, 10:23 PM.

Lieutenant Gary Denham spoke with Ms. Hromadka stating that if she did not leave the podium that she would be charged with disorderly conduct. Ms. Hromadka stated that she is not voluntarily leaving but she is leaving so she does not have to charge her clients for her ticket.

Chairman Vukonich called meeting back to order at 10:25 PM.

Manolo Victor, 354 Kelly Road, Columbia Falls. Opposed to this development. Lack of information we are getting. No proof or documentation that schools and utility services can support this development. Developers engineer did not have answer for the size of the units. Traffic Study needs to be done in July. Looks like the donated property for affordable housing is on the river.

Jessica Victor 354, Kelly Road, Columbia Falls. Opposed to this development. Schools are already pushed to the limits and this development will put more children into the school system. Need to have infrastructure in place first.

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Martin Stoffel, 4096 Columbia Falls Stage, Columbia Falls. Opposed to this development. A lot of traffic on River Road and goes south to Kalispell. School bus driver, has hard and unsafe time getting on Highway 2 with a busload of kids. 1.6 parking spaces per unit is too low.

Zach Root, 170 River Road, Columbia Falls. Opposed to this development. In Growth Policy 82 percent of Columbia Falls residents were opposed to development east of the river. Industrial zones near the green box site and to the west of town should be rezoned towards housing. These areas have increased traffic capacity and city services and environmental impacts have already been made by industry.

Eleanor Smiley, 2950 Columbia Falls Stage, Columbia Falls. Opposed to this subdivision. More cars on the road are not the solution. Hawk weed infestation already in the meadow to be developed. Keep the Flathead River wild.

Kelsey Johnson, 222 Rogers Road, Columbia Falls. Opposed to this development. Registered nurse, 32 beds in emergency department that accommodate the entire valley. Medical facilities are bursting at the seams and cannot accommodate the current residents. Cannot accommodate childcare now without adding more residents.

Fred Haas, 4188 Columbia Falls Stage, Columbia Falls. Opposed to this development.

Susan Wheeler, 170 River Road, Columbia Falls. Lots of properties to the west of river not annexed into city. If city services are extended to this development, would you try and extend services to them? Affordable housing hasn't really been addressed in this project. Development of 5- 10 acre parcels would be more in line with the character of the neighborhood.

Vicki Brown, 385 Badrock Drive, Columbia Falls. Opposed to this development. In the Growth Plan 48% of people said that they valued the preservation of the small-town community feel of Columbia Falls. 1 breach/mistake will jeopardize the river.

Lori Gaye, 674 12th Ave WN, Columbia Falls. Opposed to this development. Council has a judiciary responsibility to protect the interests of the community. Board has not been transparent where the direction is headed; with no transparency expect negativity and rebellion.

Donald Dean, 463 Kokanee Bend Drive, Columbia Falls. Opposed to this development. How long can the sewage plant handle the capacity so you don't annex this area or any other? How many more pipes will go underneath the river? How many people are going to die at the intersection of Highway 2 before they put a light there? Haven't heard any answers to questions. Health and safety wasn't addressed properly.

Rick Prestbye, 3085 Middle Road, Columbia Falls. Opposed to this development.

Steve Wirt, 134 Alabama Drive, Whitefish. Opposed to this development. Flathead River is not the Whitefish River or the Stillwater River or the Clark Fork River. Keep the river pristine.

Jan Haag, 514 Trapline Trail, Columbia Falls. Opposed to this development. Already have increased bicyclists and RVs on little roads. Growth at the expense of people is wrong. Trailers will have to go through the development. Quality of life issue.

Justin Kuntz, 600 Whispering Ridge Lane, Columbia Falls. Opposed to this development. Volunteer with Badrock Fire Department. Last year 344 calls, the year before was 287, this year we are at 289. Columbia Falls Fire Department will supposedly take over this development if it goes through. What about the people that turn left on Highway 2? Adding traffic all around and we will be the ones that have to clean up the mess. Not good area for this development.

Mayre Flowers, 135 S. Main St, Kalispell. 3-minute time limit is not being equally applied and is unfair in this situation. City Council is the one that has the authority to grant whether sewer and water are extended. Requires that Council consider the effects on public health and safety, whether it is the best interest of the city and its residents and the available water in the proximity of infrastructure. Did not see application for annexation in packet. Hearing should be tabled until that information is provided to the public. Subdivision plat application is missing required information. Road safety issues. Submitted written packet to staff.

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Shiloh Deitz, 1033 12th St W, Columbia Falls. Opposed to this development. Analysis on affordable housing for this development has a goal in mind as is not objective.

Connie Riley, 10 Crescent Circle, Columbia Falls. Opposed to this development. Sewer system, water system, the river or wildlife area will be ruined. Taxes have not been considered.

Lisa Crane, 2875 Witty Lane, Columbia Falls. Opposed to this development. Already a development on Meadowlake Boulevard and next to this proposed development. More people added to the town than just what will be added with this development. City cannot manage that amount of people added.

Bob Blackman, 123 River Butte Drive, Columbia Falls. Opposed to this development. Board needs to listen to fellow citizens.

Kathleen O'Hair, 162 Steppe Lane, Columbia Falls. Opposed to this development. Heard that the setback on the east side of the development is 13 feet. Not affordable housing. Could be too many dogs in a small confined area does not want to hear all the dogs.

Aaron Besser, 316 Sandbox Lane, Columbia Falls. Board is quasi-judicial board. Board should listen to their legal team.

Chairman Vukonich closed public comment at 11:03 PM and called for a recess.

Chairman Vukonich called the meeting back to order at 11:11 PM.

Motion to Adopt Staff Report CZC-22-03 (Zone Change) as Findings of Fact by Duffy, seconded by Singer.

Discussion began with Duffy stating that anytime they do a zone change they automatically approve a density change. Not comfortable with that. Engineering and technology with putting the service lines under the river has advanced and the risk factor goes down. Concerned about the lifestyle change for the people in the area. Planning Board did not write this plan and is not trying to sell this plan but they have to look at and consider what is being presented to them. Then they make an advisory statement to City Council.

Kavanagh stated that the audience speaks to the gravity of this development proposed. Can't say he is in agreement with some of the statements in the staff report. Proposes that they consider some amendments to these conditions. This development does promote congestion on some of the streets especially River Road. Not creating a better sight distance. Traffic signal installation will not alleviate the congestion created. A change from CR-3 and CR-4 zoning, though they are similar, does very much add density. In the Growth Policy we said limited multi-family and this development is primarily multi-family. Does not believe this is in step with the Growth Policy. Important that the PUD reflects the character and nature of the land and that is not the case here. Important for the public to know that the Findings of Fact need to reflect their decision.

Byrd-Rinck with this change the density of the development is higher than anywhere within city limits so the development belongs within the city limits. Does not propose any amendments.

Lundgren does not necessarily propose any amendments but is concerned about changing the zoning without knowing that it could be annexed into the city. Are we opening it up to large developments just by changing the zone? Does not want to increase the density if it not going to be annexed by the city.

Chairman Vukonich does not believe this project could go forward without annexation. Contract Planner Eric Mulcahy answered that he is correct; a requisite of getting city sewer and water is annexation. Mulcahy stated for the record there has been a lot of misquotes on the state law for annexation. When a person requests to annex their property there is not a public vote, it is a decision of the City Council. Provision in State Law 7-2-4601 Annexation by Petition states when an election is required and when it's not. When more than 50%, or in this case, 100%, of the people within the area request an annexation there is no vote. Chairman Vukonich asked Mulcahy if there is a submission by the applicant for annexation. Mulcahy said that there was a request for annexation on file but it has not gone to the City Council, pending the outcome of these hearings. The city does not want to annex this area and then have the project denied because you do not de-annex a property.

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Smith opposes the zone change and will vote against it.

Singer: would have been nice to see all of the public involved when the Board was updating the Growth Policy and they created it as best as they could. Massive changes in the valley lately. Regardless of density if they change the zone now what will happen later. Growth Policy is just a guide. This is a very large project in the wrong spot.

Nelson: when we zoned across the river it was for urban density. Likes the project mostly but with a zone change this project is in the wrong place and is the wrong style.

Kavanagh made a motion to propose an amendment to the Findings of Fact Number 1: Note that this area was, per the Growth Policy, deemed suitable for 2-8 dwellings per acre and limited multi-family, primarily single family. Motion was seconded by Lundgren. Roll call vote to amend the Findings of Fact Number 1, AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

Kavanagh made a motion to propose an amendment to the Findings of Fact Number 2: The application does not sufficiently explain or explore how pedestrian and vehicular movement is being mitigated on the property. Seconded by Byrd-Rinck. Roll call vote to amend the Findings of Fact Number 2, AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

Chairman Vukonich, significant commentary from the Board members with issues over the Staff Report as Findings of Fact. Question to the board will we go item by item to make report palatable? Roll call vote to Adopt Staff Report CZC-22-03 (Zone Change) as Findings of Fact, AYES: None, NOES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer ABSENT: Shepard. Motion does not pass.

Chairman Vukonich asked Staff if they still had to go through the other two items. Mulcahy answered that it would be the prudent thing to make the motions and perform the votes but based on the fact that the PUD and Preliminary Plat no longer reflect the densities of the underlying zoning you would not recommend approval of the findings.

Attorney Justin Breck confirmed for the Board that they should have discussion on the findings for the record.

Motion to deny the PUD Request based on the lack of the zone change to accommodate the PUD made by Smith. Seconded by Nelson.

Roll call vote to deny the PUD Request based on the lack of the zone change to accommodate the PUD, AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

Motion to deny Preliminary Plat Request based on that it is no longer compliant with the existing zoning on the property made by Kavanagh. Seconded by Singer. Roll call vote to deny Preliminary Plat Request based on that it is no longer compliant with the existing zoning on the property, AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer. NOES: None. ABSENT: Shepard. Motion passes.

All three items will go forward to the City Council with the Planning Board's recommendation to deny all three items.

City Council hearing will be on August 29th 7:00 PM in the Junior High Cafetorium.

Motion to adjourn made by Smith. Seconded by Nelson.

ADJOURNMENT – Meeting duly adjourned at 11:49 PM

Chairman

Attest:

Public Works Clerk