

**CITY OF COLUMBIA FALLS
PLANNING COMMISSION MEETING MINUTES
HELD APRIL 11, 2024**

REGULAR MEETING – 6:00 PM.

Commission President Fisher called Meeting to order at 6:01 PM

PRESENT: Ping (via ZOOM), Johnson, Kavanagh, Fisher

ABSENT: None

Also present: City Manager Susan Nicosia, City Attorney Justin Breck (via ZOOM), Contract Planner Eric Mulcahy, Public Works Clerk Caleb Sobczak

APPROVAL OF MINUTES:

Approval of March 14, 2024, Regular Meeting Minutes

Motion made by Kavanagh to approve the March 14, 2024, minutes as presented, Seconded by Johnson. Motion carried with all present voting AYE.

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

Shirley Folkwein, 285 Shooting Star Drive, Columbia Falls. Voiced her appreciation for the public being afforded the opportunity in the last meeting to express their opinions and ask questions.

NEW BUSINESS:

Public Participation Plan

Contract Planner Eric Mulcahy presented the Public Participation Plans adopted by the cities of Kalispell and Helena noting that the plans are very similar to each other as the cities were provided a template to comply with the public participation plan requirements of SB 382. The plan provides the opportunity for staff to address any comments presented which is significantly different from the existing public comment process. Mulcahy noted that planning staff is looking for the Planning Commission to look through these plans, pick one and make changes as they see fit to formulate a draft that can be presented, hopefully at the next public hearing.

Johnson asked where the initial information came from for both plans. Nicosia said that the League of Cities and Towns and the taskforce with the Department of Commerce prepared a template for the cities to use; noting that the template complies with the legislative requirements.

Fisher asked City Manager Nicosia to present the plans by section. Nicosia presented the Kalispell plan beginning with the Introduction and MLUPA Requirements sections stating that between the two plans this section is identical. Nicosia presented the Public Participation Opportunity section and the Land Use Plan and Future Land Use Map section formerly referred to as the Growth Policy. Fisher asked for clarification that this plan will consider future annexations, Mulcahy answered in the affirmative stating it is a 20-year plan requiring a housing study to predict expansion and rising population. It will predict the land use of an area and if annexed would predict the zoning and density of that area. Fisher clarified that the zoning "doughnut" is disappearing, and the City will not have any authority outside of city limits, but this map will be predictive for future annexations. Ping stated that he appreciated the specificity that the Helena

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plan had the 20-year benchmark included in this section. Nicosia then read this section of the Helena plan and stated that she believes this is a good addition and should be included. Fisher noted that it sounds like everyone on the Committee approved of this.

Nicosia continued by presenting the Zoning and Subdivision Regulations section. Stating this section is very similar to what the City has done in the past and is straight forward, with the Public Participation Plan first, the Land Use Plan and Map second and then the Zoning and Subdivision Regulations.

Nicosia went on to present the What You Should Expect From Us section. She stated one of the biggest changes is the analysis of public comments. She continued with the Public Participation Principles. Kavanagh noted that Helena called out contractors and Kalispell did not and wondered if that would be necessary. The Planning Commission and City Staff discussed and decided to have "City Staff and any agent of the City" instead of contractors.

Nicosia presented the rest of the Kalispell Public Participation Plan and President Fisher opened discussion among the Planning Commission on any parts of the Helena plan that they wish to discuss.

Ping questioned the difference of page 26 of the Helena document that talks about the appeal of land use decisions, and should this be included? Nicosia stated that this is accurate. At the end of the process the Planning Commission becomes the Planning Board and Board of Adjustment and hears any appeal. Fisher clarified that this is spelling out what the statute says but for the benefit of the public this should be in the document, the rest of the Commission agrees.

Fisher opened public comment on these draft plans at 6:39 PM.

Ann Scott-Markel 520 Badrock Dr, Columbia Falls. Wondered about the definition of community members and public, aware that there is no definition in these documents. Fisher asked City Staff if the public is the public or are only people in city limits considered? Mulcahy answered that everyone is considered no matter where you live.

Lucy Yeats 315 Shooting Star Dr, Columbia Falls. No doughnut but there is a 20-year plan. Commission is limited to City residents. In 20 years, the City will expand. Does the Commission do the housing study? Nicosia answered that the housing study will be conducted pursuant to the requirements of the Department of Commerce and will be conducted by an independent consultant.

Shirley Folkwein, 285 Shooting Star Drive, Columbia Falls. Catch 22 the people that live outside of the City know that the City is coming but public participation is messy. She stopped into the County Planning Office to build relationships and they are not thinking about this because of the litigation against this senate bill. Encourages the Commission to reach out to the County and include the public.

Mark Waldo, 183 Middle View Trl, Columbia Falls. He stated he is a licensed architect and is concerned that people do not know until they see it. Critical to this process to paint scenarios for the public and the level of development that could happen. There will be a lot of frustration.

Nicosia clarified that Flathead County is not subject to Senate Bill 382 as the counties were removed from the legislation and that zoning does not go away with the loss of the doughnut. The zoning that is in place will be changed to the most similar County zone. The County zones are almost identical to Columbia Falls zoning since it was first created by FRDO when they oversaw all three Cities and the County.

Mike Burr, 560 Talbot Rd, Columbia Falls. Believes the Commission is wanting public comment to be equal, but it should be said in this document. This document is trying to get people to participate but you cannot bring people, word needs to get out in the water bill or some other kind of notice.

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Shirley Folkwein sought clarification about the zoning not going away and will be changed to a similar County zone. Nicosia answered that is correct. Mulcahy added that Whitefish is a good example, when they lost their doughnut State statute states that the County can take back the doughnut if they incorporate existing zoning with like for like zoning. Folkwein asked about the development of the Land Use Plan for the City, and will there be changes to the zoning or will it stay? Nicosia clarified that there is a difference between regulatory zoning and the Growth Policy/Land Use Plan vision. Zoning is a legal process that is adopted, the Future Land Use Map is a big picture, long range vision reflecting what the community thinks could be there and the zoning is what is there currently. Mulcahy continued saying zoning implements the Land Use Plan in the process if an area is changed from suburban to urban residential that would only predict an urban residential zoning. This plan will be more focused on the city and where City infrastructure is so it will be more urban. To make infrastructure extensions feasible there needs to be density because they are expensive. Nicosia said the Land Use Plan is a big picture look that has always been 20 years but now it is bolstered with more details, such as the housing plan, which was not a part of the plan in the past. Helena's plan added the subsequent five-year updates. If the Commission believes this should be added it could be beneficial for the public.

Fisher closed public comment at 7:03 PM and opened discussion among the Commission members.

Kavanagh, when he thinks of community, he includes the outlying areas with all comments being weighed equally regardless of where they live.

Johnson believes all comments should be included and weighed equally but he does not know how you would draft that language any different than what is already present in the documents.

Ping stated that if language is proposed that maybe clarifies people from adjacent communities, if that is necessary, then he would support that.

City Attorney Breck cautioned against making a distinction between City residents and non-residents. There is nothing that distinguishes between those groups in the State Constitution or Statutes and advises the City to stay away from language that states that comments by residents and non-residents are treated equally. The word public encompasses all. The creation of distinction is unnecessarily creating an opportunity for people to claim liability in a lawsuit against the City.

Fisher thinks that they have added what they want to put in and according to legal advice they will not mess with that language of the definition of public as defined by the State of Montana.

Kavanagh believes there might be some merit to beefing up the intro with the 5-year plan updates. Articulating the vitality of active public involvement early in the document is valuable, since that is what the Commission wants.

Fisher agrees that the five-year plan updates should be included. They do not want to complicate the plan, but it will make it more succinct for the public.

Mulcahy stated that there is consensus from the Commission and City Staff will draft language to present a Public Participation Plan at the following meeting.

A motion to adjourn was presented by Johnson, seconded by Kavanagh.

ADJOURNMENT – Meeting duly adjourned at 7:15 PM

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Chairman

Attest:

Public Works Clerk