

**CITY OF COLUMBIA FALLS
PLANNING COMMISSION REGULAR MEETING MINUTES
HELD DECEMBER 12, 2024**

REGULAR MEETING – 6:00 PM.

President Fisher called Meeting to order at 6:02 PM

PRESENT: President Fisher, Vice President Ping, Commissioner Johnson, Commissioner Kavanagh

ABSENT: Commissioner Berube

Also present: City Manager Mark Shrives, Contract Planner Eric Mulcahy, City Attorney Justin Breck, Public Works Clerk Caleb Sobczak

APPROVAL OF MINUTES:

Approval of November 14, 2024 Regular Meeting Minutes

Motion made by Vice President Ping to approve the November 14, 2024 minutes as presented, Seconded by Commissioner 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)

Mike Burr, 560 Talbot Rd, Columbia Falls. Commented that the minutes for the last Planning Commission meetings are absent from the City website. He has been unable to locate the questionnaire for the employer survey that is part of the housing study on the City website. City Manager Shrives said that the survey can be accessed via a banner on the top of the City website homepage. Burr wondered if the Cities affected by this new planning law are trying to propose legislation to smooth the rough edges. City Manager Shrives said that the League of Cities and Towns are not proposing anything yet, they are saying they want to see where this goes first. Burr wondered how the public will know that a project is happening in their area with the new laws not requiring any notification if a developer follows all the regulations.

PUBLIC HEARINGS AND ACTION:

Toby and Mindy Gilchrist are requesting an annexation and initial zoning from the current County zoning of R-5 (Two-Family Residential) to City CR-5 (Two-Family Residential). The Columbia Falls Growth Policy designates the property as multi-family allowing eight or more units per acre. The applicants are also requesting a Planned Unit Development (zoning overlay) to allow the development of ten residential lots with each lot having a two-unit townhome for a total of twenty units on 2.27 acres. The PUD will provide deviations to the private street cross section along with setback deviations. The applicants are also requesting a subdivision that will create ten parent lots with each lot having a two-unit townhome for a total of 20 units on 2.27 acres. The subdivision will access Meadow Lake Boulevard with a private street and each lot will front on the new street. The property is currently vacant and located at 274 Meadow Lake Boulevard in Columbia Falls. The property is described as Parcel B of COS 22075 (Accessors Tracts 2BDAD); Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planner Mulcahy stated that there will a single presentation and public hearing for all three of the requests from the applicants with three separate motions for approval with votes by the Planning Commission.

Planner Mulcahy presented the combined Staff Report CA-24-01, CPUD-24-01 & CPP-24-01 on the 274 Meadowlake Boulevard Townhomes. With the new jurisdictional changes and the loss of the zoning donut the first step is now the

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annexation and initial zoning. The applicant's request for annexation and CR-5 zoning complies with the 2019 Growth Policy. City services are available in the area. With annexation the adjacent road is also annexed into the City. This development did not trigger the need for a Traffic Impact Study, typically it is required for 30 or more units. Other recent traffic impact studies have been performed on Meadowlake Boulevard for different developments, stating the need for removal of vegetation for clear vision and review of the intersection of Meadowlake Blvd and Highway 2 (9th Street West) by the Flathead County. This project meets all the review criteria for initial zoning. Regarding the Planned Unit Development, the Growth Policy supports the use and the density of this proposal. Applicants are asking for a deviation to the rear yard setback. Zoning would require a 20-foot setback and the applicants are requesting that be reduced to 10 feet. For the front yard, the drawing shows a 15-foot setback but in clarification the garage will be recessed to 20 feet of separation from the sidewalk. The last deviation is a request for a 24-foot paved road surface with 5-foot sidewalks on either side creating a 34-foot cross-section. Typically a road cross-section is 60 feet, 30-foot paved road with 10-foot boulevards and 5-foot sidewalks. This is a private road and meets the components of access for the PUD requirements. All other review criteria for the Planned Unit Development zoning overlay are met. Applicants are not requesting any deviations to the preliminary plat requirements and all review criteria are met. There has been concern on pedestrian access on Meadowlake Blvd. Conditions have been added to previous developments for backfilling the water main extension to a grade where a multi-use path can be installed and this condition has been added to this development as well. The requirement for a sidewalk to be constructed on the frontage of this property has the option for the City to take the cash-in-lieu and put it towards the construction of the multi-use path. Staff is recommending approval for annexation and initial zoning, the planned unit development zoning overlay and preliminary plat requests. Contract Planner Mulcahy read the 27 conditions of approval.

The applicant Toby Gilchrist, 225 East Bowman Dr, Kalispell, stepped to the podium to present and answer any questions from the Commission. He stated that Contract Planner Mulcahy covered everything. The townhome design was intended for a buyer to have the option of purchasing a single unit which there are more entry level housing loan options for. Mr. Gilchrist is joined by Doug Peppmeier from TDH Engineering and Aaron Wallace with Montana Creative.

The public comment period was opened at 6:47 PM.

Phillip Zeiler 165 Homestead Drive, Columbia Falls. Meadowlake Boulevard is very busy and this, along with the other developments, will increase the traffic greatly and the speed and stoplight installation needs to be considered. A private drive will limit access for the properties to the west.

Kris Smith 268 Meadowlake Boulevard, Columbia Falls. Expressed concerns with this development being incompatible with the neighborhood, increasing traffic and decreasing safety on Meadowlake Boulevard. This project falls short in integrating Growth Policy principles. This project is in a confined area that does not foster a neighborhood and does not have access to pedestrian or recreational amenities. The City is prioritizing more multi-family at the expense of people who already live in the area. Only a fraction of the vegetation and trees will remain. Lack of pedestrian infrastructure on Meadowlake Blvd is a concern. The increase in value of his property will lead to higher taxes. More development will lead to more strain on City infrastructure. This project does not serve the community and should be denied.

Shirley Folkwein, 285 Shooting Star Drive, Columbia Falls. Upper Flathead Neighborhood Association concurs with the comments Patrick Malone submitted to the Commission via email. The City must commence construction of the gravel multi-use path within one-year of build out if cash-in-lieu is accepted. It would be worth the financial commitment for the City and County to widen the road and add sidewalks or blacktop instead of a gravel path. Applicant must agree that short-term rentals should not be allowed. Short-term rentals are destroying neighborhoods and communities. This development will impact the wildlife with trees being destroyed that provide habitat and she encourages the City, residents and developers to compensate the loss of trees.

Pam Northrope 175 Homestead Drive, Columbia Falls. Agrees with her neighbors in opposition to this development.

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Doug Peppmeier, TDH Engineering, 450 Corporate Dr, Kalispell. Was not provided with the public comments and would have addressed those prior. Not asking for a change in zoning just switching from County to City. Cash-in-lieu option is at Cities discretion. Regarding safety of the road, a traffic impact study was not requested by the City or the County but one can be done.

Public comment was closed at 7:07 PM.

Planner Mulcahy addressed the Columbia Falls regulations on short-term rentals saying they are allowed in all residential zones with an administrative conditional use permit. The prohibition of short-term rentals can be conditioned for this development and placed on the plat. President Fisher added that the development to the south was approved but when it returned it was requested that half of the units become vacation rentals. This was denied, not the entire development, shows there is precedent for prohibiting short-term rentals.

The Planning Commission discussed the requested variances to the setbacks. Concern was expressed for the setback variance allowing for more density than would be normally allowed. Safeguards for adjacent property owners could be removed, as well as more trees and vegetation than is necessary.

Commissioner Kavanagh sought an update on the other developments status. Planner Mulcahy said that both the development to the south and the subdivision to the north are in standby as of now. In the north there has been an extension granted. In the south the conditional use permit granted is close to expiring so more than likely it will need to come back.

There was discussion by the Planning Commission in regards to the traffic impact study not being required or performed for this development. The applicant stated that there was a recent traffic impact study done by the subdivision to the north and the development to the south but they are willing to do another TIS. The Commission did not deem it necessary for the applicant to do another TIS.

The prohibition of short-term rentals for this project was discussed and the applicant stated that there was no intention of doing short-term rentals in this project. Vice President Ping noted that with the conclusion of the ongoing housing study more information will be known about the impact short term rentals has on Columbia Falls.

Aaron Wallace with Montana Creative stepped up to the podium to address the Planning Commission's questions on the setback variance. He had to work with a narrow lot with houses on either side of the road to make the numbers work. A two-car garage and the ability to park between the garage door and the sidewalk is the desire. With a 20-foot setback it made the dwellings too inefficient and they would have to go to three stories. Efficiency and an entry level housing type was the goal of the project. The road is a private thoroughfare, and the smaller cross-section is more efficient.

Discussion among the Planning Commission shifted to the proposed road cross-section variance. There is a lack of delineation shown on the plans between the sidewalk and road surface. The applicant stated that the sidewalk is typically raised 6 inches above the road surface. A condition of approval can be added to specify the need for sidewalk and road surface delineation. Parking requirements for this development was discussed. Every unit is required to have two parking spaces so an interior garage aspect would be necessary. The City requested that there be a 20 foot space from the front of the garage to the sidewalk for exterior parking without sidewalk blockage. Possibly the Home Owner's Association CC&Rs for this development would regulate the parking if the reduced setback variance is denied.

The applicants clarified that they are just proposing a lot at this point. Anyone building on this lot would need to go through zoning and building approval with the City before they could construct a dwelling. A single-family home could be built with the purchase of two lots but it would not be allowed to be built on a single lot that has been designated as a townhome lot. But the applicants stated that the intention would be to build the homes themselves and sell after build-out.

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A motion was made to approve annexation and initial zoning, CA-24-01, by Commissioner Kavanagh, seconded by Commissioner Johnson. A voice vote was performed with all present voting AYE.

A motion was made to approve CPUD-24-01 by Commissioner Johnson, seconded by Commissioner Kavanagh. Discussion amongst the Planning Commission continued.

A motion that Condition 28 be added prohibiting short-term rentals at this development and this condition will be added to the face of the plat was made by Commissioner Kavanagh and seconded by Commissioner Johnson. A voice vote was performed with all present voting AYE.

A motion that Condition 29 be added stating that the sidewalks along each side of the road shall be elevated 6 inches to create delineation between the pedestrian and driving surfaces by Commissioner Kavanagh and seconded by Vice President Ping. Condition 29 was discussed because of the possibility that it would eliminate on-street parking, but it was concluded that because of the road size and a 24-foot fire access requirement on-street parking would already not be allowed. A voice vote was performed with all present voting AYE.

The setback and road cross-section variances were discussed by the Commission. The applicant Toby Gilchrist commented on the setbacks wondering if the neighbors be more interested with a 20-foot setback or a 10-foot setback with a higher fence, does not want to sacrifice safety for 20 homeowners. Alternatives are to go higher and do three story buildings.

Kris Smith, 268 Meadowlake Blvd, Columbia Falls commented that as a neighbor to this development he would like a 6-foot privacy fence installed on the property boundaries and this would alleviate his privacy concerns, he would not like to see the dwellings be built to three stories.

President Fisher commented that it was his understanding that the Commission is asking questions of the applicants and neighbors to help inform their decision. He stated that this is not the public hearing this is the Commission gathering information.

Discussion amongst the Commission about the adding of a condition to install a 6-foot privacy fence. It was concluded that the privacy fence will be conditioned to be built along the back of each lot that lies on the north and south property lines.

A motion was made by Commissioner Johnson to add Condition 30 stating that a six-foot solid privacy fence shall be installed on the back of each lot along the north and south property boundaries. The motion was seconded by Commissioner Kavanagh. A voice vote was performed with all members present voting AYE.

A motion was made to approve the amended CPUD-24-01 with 30 conditions by Commissioner Johnson, seconded by Vice President Ping. A voice vote was performed with all members present voting AYE.

A motion was made to approve CPP-24-01 was made by Vice President Ping and seconded by Commissioner Johnson. A voice vote was performed with all members present voting AYE.

The Planning Commission is recommending approval for CA-24-01, CPUD-24-01 and CPP-24-01 to the City Council which will hear this request at the regular meeting on January 21st, 2025 at 7:00 PM.

A motion to adjourn was made by President Fisher and seconded by Commissioner Johnson with all members present voting AYE.

ADJOURNMENT – Meeting duly adjourned at 8:22 PM

President

Attest:

Public Works Clerk