

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 12, 2021**

**CALL TO ORDER AND ROLL CALL**

**Chairman Vukonich called the meeting to order at 6:33 p.m.**

**PRESENT**

Russ Vukonich  
Mike Shepard (Via ZOOM)  
Patti Singer  
Robert Smith  
Steve Duffy  
Clay Lundgren

**ABSENT**

Claudette Byrd-Rinck  
Kurt Nelson  
Sam Kavanagh

Also present: Contract Planners Eric Mulcahy and Donna Valade, City Manager/Zoning Administrator Susan Nicosia, and City Attorney Justin Breck (via ZOOM)

**APPROVAL OF MINUTES:**

1. Approval of September 14, 2021 Regular Meeting Minutes

Motion made by Singer to approve the September 14, 2021 minutes as presented, Seconded by Shepard. Motion carried with all those present voting in favor:

Voting Yea: Vukonich, Shepard, Singer, Smith, Duffy, Lundgren

**VISITOR OR PUBLIC COMMENT:** (An opportunity for the Public to comment on any items not on tonight's agenda) - NONE

**PUBLIC HEARINGS AND ACTION:**

1. **Chairman Vukonich read the Notice of Hearing: Zoning Regulations Text Amendments and Overlay Zoning:**

The City proposes to incorporate text amendments to the Columbia Falls Area Zoning Ordinance, Municipal Code Title 18 in regards to adding the definitions and statutory provisions applicable to the regulation of recreational marijuana. The Planning Board and City Council may also consider the implementation of a map amendment with an appropriate overlay zone also related to these provisions.

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Planner Eric Mulcahy introduced Donna Valade to the Board. Donna has joined Eric at Sands Surveying and was formerly a planner with the Flathead County Planning Office.

Eric Mulcahy presented Staff Report CZTA-21-01 and reviewed each of the proposed changes and the proposed map overlay zone. Vukonich asked the Board if they had any questions for staff. Singer asked if the text amendments proposed limiting the number of establishments. Mulcahy said no, the limit is only retail facility in the CB-2 overlay zone. Vukonich asked City Attorney Breck to confirm that the Board and City cannot set regulations that make it impossible to conduct the adult marijuana business. Breck noted that was correct. Mulcahy also acknowledged that the City has 2 medical marijuana dispensaries located outside of the proposed overlay zone that would be grandfathered in their current location as a "non-conforming" use if they sell the adult use recreational marijuana as licensed by MT DOR. Shepard asked for confirmation that the CB-2 zone in the Railroad St area could not be used for sales. Mulcahy noted that CB-2 area is not within the proposed overlay zone. Attorney Breck reviewed the overlay map, noting that there are approximately 40 lots within the proposed overlay zone. Breck stated that the City cannot create regulations that make it impossible to conduct business in the City, ie. one business every 1,000 feet.

Chairman Vukonich opened and closed the public hearing at 6:58 pm with no one wishing to testify. Vukonich noted the written correspondence in the packets.

**A. Adopt Staff Report CZTA-21-01 as Findings of Fact**

Motion made by Smith to adopt Staff Report CZTA-21-01 as Finding of Fact, Seconded by Singer.

Vukonich asked Mulcahy to confirm that the proposed overlay zone was strictly for sales. Vukonich asked how much area for growing. Mulcahy confirmed that the CB-2 overlay zone only allows sales; he noted it was chosen as it was away from schools, churches and residential areas. Mulcahy noted that growing can occur in the CSAG-10, CI-1 and Ci-2 areas but he had not calculated the acreage. Shepard asked about the potential smell from the cultivation/manufacturing of marijuana. Mulcahy noted that smells are permitted in the industrial areas subject to permitted and conditional uses. Singer noted that she hopes the business is done tastefully. She also noted that Columbia Falls is implementing the regulations in a positive way but would like to see a strategic area. Singer motioned to add Limitation to Distance between same establishments. Motion died for lack of second. Shepard stated that the business will be self limiting. Breck noted that there are only 37 lots in the overlay zone.

Duffy made a motion to amend the overlay zone, removing the triangle on the south side of the highway to the west of the railroad tracks. Motion seconded by Shepard. Motion carried with the following voting: YEA: Vukonich, Shepard, Singer, Duffy and Lundgren. NAY: Smith

Vukonich called for the vote on adopting Staff Report CZTA-21-01 as Findings of Fact: Voting Yea: Vukonich, Shepard, Singer, Smith, Duffy, Lundgren

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B. Recommend Approval of Text Amendments and Overlay to City Council

Shepard made motion to recommend approval of text amendments and overlay zone, as amended by the Planning Board, to City Council. Singer seconded the motion. All members voted in favor of the motion.

**ADJOURNMENT - Meeting duly adjourned at 7:34 pm**

Next Regular Planning Board Meeting – TBD. Nicosia noted that the City website will reflect cancellation of meetings. Nicosia also noted that 2 city members and 2 county members have terms expiring 12/31/2021; they will be receiving letters of interest to continue from the respective government.

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Chairman

Attest:

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Caleb Sobczak, Public Works Clerk