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AGENDA
CITY PLANNING COMMISSION REGULAR MEETING
THURSDAY, MAY 09, 2024 – 6:00 PM
COUNCIL CHAMBERS CITY HALL

CALL TO ORDER AND ROLL CALL

Welcome new Planning Commission Member Dulcie Berube

APPROVAL OF MINUTES:

1. Approval of April 11, 2024 Regular Meeting Minutes

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

PUBLIC HEARINGS AND RECOMMENDATIONS:

2. Public Hearing - Public Participation Plan:

The City Planning Commission will hold a public hearing on Thursday, May 9, 2024, for the purpose of receiving public comments on the proposed Public Participation Plan. The Public Participation Plan establishes the framework detailing the City's commitment to public involvement throughout the process of adoption, amendment, modification, or rejection of any future land use plans, zoning, or subdivision regulations. The Public Participation Plan is the beginning of the process to comply with the Montana Land Use Planning Act (MLUPA), commonly referred to as SB 382, codified in Title 76, Chapter 25, M.C.A which creates a comprehensive update to Montana's land use regulations. The proposed Public Participation Plan follows the recommended template provided by the MT Department of Commerce and the League of Cities and Towns.

- A. Recommend Approval of Public Participation Plan to City Council

ADJOURNMENT

Next Regular Planning Board Meeting – TBD

FOR VIRTUAL MEETING INFORMATION, CONTACT CITY CLERK BARB STAALAND NO LATER THAN 5:00 PM ON THE DAY OF THE MEETING BY CALLING (406) 892-4391 OR EMAIL: STAALANDB@CITYOFCOLUMBIAFALLS.COM

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

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.

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

Chairman

Attest:

Public Works Clerk

NOTICE OF PUBLIC HEARING
CITY OF COLUMBIA FALLS
CITY PLANNING COMMISSION

The City Planning Commission will hold a public hearing on Thursday, May 9, 2024, for the purpose of receiving public comments on the proposed Public Participation Plan. The Public Participation Plan establishes the framework detailing the City's commitment to public involvement throughout the process of adoption, amendment, modification, or rejection of any future land use plans, zoning, or subdivision regulations. The Public Participation Plan is the beginning of the process to comply with the Montana Land Use Planning Act (MLUPA), commonly referred to as SB 382, codified in Title 76, Chapter 25, M.C.A which creates a comprehensive update to Montana's land use regulations. The proposed Public Participation Plan follows the recommended template provided by the MT Department of Commerce and the League of Cities and Towns.

The hearing will be held on Thursday, May 9, 2024, at their regular meeting at 6:00 p.m. in the Council Chambers at City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing upon recommendation from the City Planning Commission.

Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staalnd, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or via email: staalndb@cityofcolumbiafalls.com. For more information on the proposed Public Participation Plan, please call Eric Mulcahy, Columbia Falls City Planner at (406) 755-6481.

DATED this 18th day of April 2024

Barb Staalnd

Barb Staalnd, City Clerk

COLUMBIA FALLS PLANNING COMMISSION

Publish: Daily Interlake Sunday April 21, 2024

CITY OF COLUMBIA FALLS

LAND USE PUBLIC PARTICIPATION PLAN

Introduction

The Montana Land Use Planning Act (MLUPA), codified in Title 76, Chapter 25, M.C.A., creates a comprehensive update to Montana’s land use regulations. Under Section 76-25-106, M.C.A., the City of Columbia Falls is to provide a Public Participation Plan that creates a framework for communication and engagement to ensure access to public information, and continuous and ongoing public involvement for adoption of a future Land Use Plan and associated regulations as well as any amendments or updates. As public involvement in the administrative decision-making process for site-specific development will be more limited after the adoption of the Land Use Plan and potential subsequent five-year updates, public involvement during this process is vital. This document serves as a starting point for MLUPA compliance and will be revised as needed to ensure communication objectives are achieved.

Background

Currently, the City of Columbia Falls’ commitment to public involvement is defined in the 2019 Growth Policy. The Growth Policy defines goals and objectives identifying the importance of encouraging and supporting the continuous improvement of public communication, outreach, and involvement in the planning process. The City of Columbia Falls zoning and subdivision regulations also include the right to legal notice and public hearings regarding the City’s zoning and subdivision decisions.

The current process tends to drive public comment towards individual projects around the city. This can create tension as different visions for an area collide. The intent of the MLUPA is to drive public comment towards the land use planning phase to ensure that projects that come in have already been well-considered in the land use planning process.

MLUPA Requirements

The Public Participation Plan is the beginning of a process to replace the City's current Growth Policy, zoning regulations, and subdivision regulations to comply with the MLUPA. It will also guide public participation for future amendments and updates to those documents. MLUPA requires that the Public Participation Plan provide for the (1) dissemination of draft documents; (2) opportunities for written and verbal comments; (3) public meetings after effective notice; (4) electronic communication including online access; and (5) an analysis of and response to public comments.

Public Participation Opportunity

The purpose of this plan is to define a set of strategies that can be employed to ensure that the public is not only informed but also provided ample opportunity to participate in the process of crafting the City’s MLUPA compliant Land Use Plan. The strategies outlined in this document will provide a framework for continuous and extensive public engagement. Public engagement is critical because the final adopted plan, including any amendments or updates, comprises the basis for implementing zoning and subdivision regulations that must be in substantial compliance with the plan. Additionally, the scope of and opportunity for public participation and comment on site-specific development that is in substantial compliance with the Land Use Plan is limited only to impacts or significantly increased impacts not considered in the Land Use Plan, zoning regulations, or subdivision regulations. The opportunity to be engaged comes with the process establishing the plan and regulations, not with review of a site-specific project.

Public Participation Opportunity



Land Use Plan and Future Land Use Map

The intent of the Land Use Plan is to identify opportunities for the development of land within the City of Columbia Falls and its greater jurisdictional area for housing, businesses, agriculture, public lands, institutions, and the allocation of natural resources. The plan will acknowledge and address impacts of development on adjacent properties, the community, the natural environment, public services, facilities, and address potential natural hazards that may limit development in certain areas of the city. Accompanying the Land Use Plan will be the Future Land Use Map that establishes the City's expected jurisdictional area and future land use boundaries required to meet projected housing requirements over the next 20 years, as defined in the Land Use Plan.

Zoning and Subdivision Regulations

The City will review its zoning and subdivision regulations to ensure their alignment with the Land Use Plan upon its adoption. The MLUPA requires that city zoning and subdivision regulations meet its specific statutory requirements; including adopting a zoning map that aligns with the Future Land Use Map and implementing best practices to encourage development of new housing to meet the projected housing demand for the next 20 years. The zoning, zoning map and subdivision regulations adopted by the City Council through recommendation of the Planning Commission will set forth the administrative and decision-making processes of the City of Columbia Falls Planning & Zoning Department.

What Should You Expect From Us?

At a minimum, the City and any agent of the City must allow the community access to:

- Draft planning documents and regulations.
- An opportunity to provide written and verbal comments.
- The chance to be heard at public meetings.

- A pathway for electronic communication to address any questions or concerns involving the planning and implementation processes, documents, comments, or any updates to the process; and
- Analysis of and response to public comment.

The Public Participation Plan establishes the framework detailing our commitment to public involvement throughout the process of adoption, amendment, modification, or rejection of any future land use plans, zoning, or subdivision regulations.

Public Participation Principles

City staff and any agent of the City will be guided by the following principles:

1. Thought and Purpose

Public participation helps to bring thought and meaning to our planning and decision-making process. The values imparted into planning and regulation documents through public participation will help preserve the City of Columbia Falls's culture, identity, and prosperity.

2. Respect and Inclusion

Every member of our community has intrinsic value and adds to its ever enriching and endearing character. It is our goal to ensure that all members of the community feel welcome to participate in the planning process and have their voice heard.

3. Transparency and Trust

Clear communication will be provided at each step of the planning process and the City will retain all material from public participation events as part of the public record in accordance with the retention schedule published by the Secretary of State.

4. Open, Adaptable, and Evolving

It is important to maintain a continuous dialogue between community members and the City and agents of the City. Likewise, it is imperative that we continue to seek out new means and methods for improving communication and engagement activities through evaluation of participant feedback and public comment.

Goals and Objectives

City staff and any agent of the City will strive to achieve the following goals and objectives when engaging the public:

Goal 1: Create Consistency

Create a consistent approach to communication including clear expectations for where information can be found. Aim to improve current technology, create better processes, and continue to explore new methods of communication.

Objective A: Create Communication Expectations

Standardize how, when, and where information will be communicated to the public.

Objective B: Improve Customer Communication

Standardize publication of Planning projects to the City of Columbia Falls website. Periodically review communication processes and tools to evaluate their effectiveness.

Goal 2: Engage the Public

Receiving public involvement in planning and decision making is critical. We are committed to improving and increasing access to public participation opportunities and periodically refining engagement expectations.

Objective A: Create Public Engagement Expectations

We will identify ways to engage the public through multiple platforms.

Objective B: Improve Public Written Comment and Feedback

We will identify and provide an easily accessible pathway to receive and retain written public comments and will provide analysis and feedback when necessary.

Participation Framework and Tools

There is a wide range of public engagement strategies that may be employed by the City. The strategies are provided to set consistent expectations for public communications and involvement opportunities. This is an adaptable framework. The following tools are not all-encompassing but are instead intended to provide examples of types of public engagement which can be utilized to elicit robust public participation. Depending upon the specific platform, opportunities for written and verbal comments should typically be provided along with an analysis of and response to those comments.

Information Tools

The following methods may be used for sharing information, including dissemination of draft documents, about the adoption of or updates to the Land Use Plan, zoning regulations, and subdivision regulations.

- Legal Notice in Public Newspaper or other means (see Sec. 7-1-4127, MCA)
- Notification of adjacent properties when required.
- In some situations, seeking input from individual impacted properties.
- City of Columbia Falls Website (including access to information regarding the adoption process, documents, updates, and comments)
- Social Media
- News/Media/Advisory

Engagement Tools

The following methods may be used for gathering public input about the adoption of or updates to the Land Use Plan, zoning regulations, and subdivision regulations.

- Meetings with Community Groups
- Meetings with City Boards
- Surveys and Comment Forms
- Planning Commission work sessions (typically would occur after regular meetings, which are held at 6:00PM on the second Thursday each month, or at other times with the appropriate notice)
- Charrettes
- Storefront and “Pop-up” Studios
- Open Houses
- Presence at Public Events

Continuous Information and Involvement

The drafting and adoption of the Land Use Plan and subsequent land use regulations will be an extensive process, providing opportunities for continuous community engagement and feedback. Those who wish to remain involved throughout the planning process can stay up to date on current events by following activity on the City of Columbia Falls website (www.cityofcolumbiafalls.org), or by contacting the Planning and Zoning Clerk (130 6th Street West, Columbia Falls, MT 59912; (406-892-4432). All public engagement material will be retained as public record and be available upon request.

Participation Feedback

Feedback from community members on the adequacy of public involvement opportunities and feedback on lessons learned from participation events is essential to ensuring a healthy communication stream. Using this combination of feedback, staff and

working partners will determine next steps to ensure continuous public engagement. Staff and agents of the City will also provide an analysis and response to public comments and engagement activities as appropriate.

Subsequent Site-Specific Development

The MLUPA establishes a different process for land use decisions than what has previously been used in Montana. The changes will front-load public input, with limited public involvement during land use permit and application reviews, including subdivisions. Any public notice or input will be governed by the applicable MLUPA section or local zoning and subdivision regulations.

The scope of and opportunity for public participation and comment on site-specific development that is in substantial compliance with the Land Use Plan is limited only to impacts or significantly increased impacts not considered in the Land Use Plan, zoning regulations, or subdivision regulations. The opportunity for the public to be engaged comes with the process establishing the plan and regulations, not with review of a site-specific project.

However, any final administrative land use decision, including, including but not limited to approval or denial of a zoning permit, variance, preliminary plat, or final plat, condition of a zoning permit of plat or interpretation of land use regulations may be appealed by the applicant or any aggrieved person to the planning commission.

Next Steps

The MLUPA established a different process for land use decisions. The changes will front-load public input, with limited public involvement during permit and application review.

Upon adoption of the Land Use Plan, the Planning Commission will hear appeals on land use decisions. Unless an amendment to adopted regulations is

required, land use applications and permits will be reviewed, and approved or denied, by City staff. At this phase of the process, public input will be limited unless the permit or application in question differs significantly from the adopted Land Use Plan, zoning, or subdivision regulations. This section is subject to revision upon adoption of future regulations defining the public hearing and appeals process for the Planning Commission.