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COLUMBIA FALLS, MT 59912

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AGENDA
CITY PLANNING COMMISSION REGULAR MEETING
THURSDAY, SEPTEMBER 11, 2025
COUNCIL CHAMBERS CITY HALL

CALL TO ORDER AND ROLL CALL

APPROVAL OF MINUTES:

1. Approval of the June 12 2025 Planning Commission Regular Meeting Minutes

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

NEW BUSINESS:

2. Update on the MLUPA Land Use Plan and the 2025 State Legislative changes
3. CoCF Land Use Planning Consultant RFP
4. MLC - Land Use Legislative Update 2025
5. MLC - MLUPA Overview - Aug 20225

ADJOURNMENT

Next Regular Planning Board Meeting – TBD

**CITY OF COLUMBIA FALLS
CITY PLANNING COMMISSION MEETING MINUTES
HELD JUNE 12 2025**

REGULAR MEETING – 6:00 PM.

President Fisher called Meeting to order at 6:00 PM

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

ABSENT: Commissioner Berube

Also present: City Manager Hanks, City Planner Mulcahy, City Attorney Breck (via Zoom), Public Works Clerk Sobczak

APPROVAL OF MINUTES:

Approval of May 8, 2025 Regular Meeting Minutes

Motion made by Kavanagh to approve the May 8, 2025 minutes as presented, Seconded by Johnson. Motion carried with all Commissioners present voting AYE

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

No public comment was presented.

PUBLIC HEARINGS AND ACTION:

A zone change request from the existing CI-1 (Light Industrial) to CB-2 (General Commercial):

City Planner Mulcahy presented a zone change request for the property located at 2155 9th Street West, commonly known as the Lazy Days Mobile Home Park. The request seeks to change the zoning of the northern half of the property from CI-1 Light Industrial to CB-2 General Business, aligning it with the existing CB-2 General Business zone of the southern half.

The property is currently split-zoned, with the southern half designated CB-2 and the northern half as Light Industrial. This split zoning has existed for at least 30 years.

The existing manufactured home park is a legal non-conforming use under current requirements.

Senate Bill 245, passed in 2023, allows residential and multifamily uses in commercial zones, leading to updates in the local zoning code.

The new owners are in the process of converting the property to a different commercial use and are requesting the zone change to achieve a single, consistent zoning classification (CB-2) for the entire parcel, which is a recommendation in the zoning ordinance to avoid complications with site development.

Adjacent zonings include Light Industrial to the north, CB-2 to the south (Super 1, AutoZone), CRA-1 (multifamily) to the east (an assisted living facility), and B-2 (Flathead County) to the west. The property is located within the city limits, specifically as the westernmost property.

The City's Growth Policy, which guides zoning, designates the entire property as commercial, supporting the proposed CB-2 zone.

Staff reviewed the request against the 12 criteria outlined in the City Zoning Ordinance, finding compliance with the Growth Policy. The change from a light industrial zone to a business zone, both intensive classifications, was noted as having no significant emphasis on local services or general welfare. The property is located at the intersection of Meadowlake Boulevard and Highway 2.

Potential transportation impacts were noted due to the property's location at the intersection of Meadowlake Boulevard and Highway 2. The Montana Department of Transportation (MDOT) will require a study to determine appropriate access approaches when the property converts to a new use, as transportation situations will definitely change. Otherwise, the zone change complies with the 12 criteria, which are the sole focus for such decisions.

Staff acknowledged the sensitive nature of converting a manufactured home park, which provides attainable housing, but emphasized that the decision must be based strictly on established criteria and growth policies, not the specific future use.

Staff recommended adopting the findings of fact from Staff Report #CZC-25-02 and approving the zone change.

The public hearing was opened at 6:08 PM. No proponents for the project came forward, and no members of the public offered comments. The public hearing was subsequently closed at 6:08 PM.

Commission members discussed the request, noting the procedural aspects and the benefit of consolidating the split zoning. Commissioner Johnson expressed initial difficulty in making a decision without knowing the specific future use but acknowledged the procedural understanding and the allowance for mixed-use projects under new legislation. Commissioner Kavanagh agreed that consolidating the split zoning made sense. President Fisher noted that while applications typically have a clear plan, this change was still logical.

A motion was made by Commissioner Johnson to adopt Staff Report #CZC-25-02 as findings of fact. Seconded by Vice President Ping. A roll call vote was performed and the motion passed with all Commissioners present voting AYE.

A motion was made by Vice President Ping to recommend approval of the Zone Change to City Council. Seconded by Commissioner Kavanagh. A roll call vote was performed and the motion passed with all Commissioners present voting AYE. City Council will hear this Zone Change on July 7, 2025.

A brief discussion was held regarding the ongoing housing study, the Montana Land Use Planning Act (MLUPA), and related initiatives. City Planner, confirmed that he and City Manager Hanks had a meeting about this prior to the current meeting. Their goal is to engage a planning consultant within the next couple of months to assist with these significant initiatives, including participation in the new land use plan. Additionally, a contract for water and sewer PERs (Preliminary Engineering Reports) is being prepared for City Council approval, which will help feed into the planning process, though this contract has not yet been approved. President Fisher noted that some other cities in the State appear to be further along in this process, and he has been observing their progress and surveys. City Planner Mulcahy mentioned are only a handful of consultants in Montana capable of handling this work, and many have been assisting other cities.

A motion to adjourn was made by Commissioner Johnson and seconded by Vice President Ping. The motion carried with all Commissioners present voting AYE.

ADJOURNMENT – Meeting duly adjourned at 6:15 PM

President

Attest:

Public Works Clerk

City of Columbia Falls

Montana Land Use Planning Act Update

September 11, 2025

Item No.2.



Columbia Falls Ahead 2045

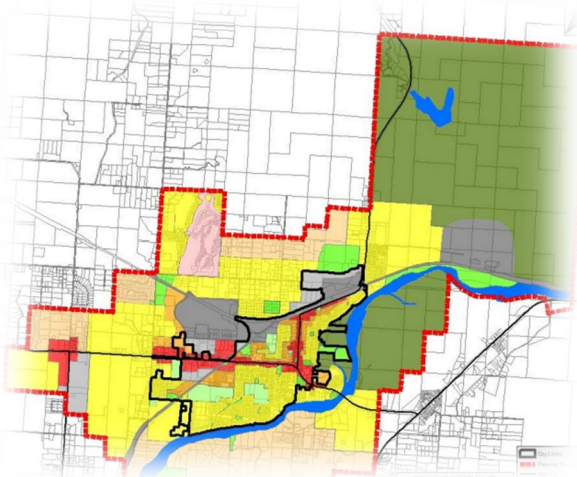


WHAT is the Montana Land Use Planning Act (MLUPA)?

- Adopted in 2023 by Montana Legislature (SB 382).
 - MLUPA and other Land Use Planning legislation further expanded in the 2025 session.
- **Requires the City to establish expected jurisdictional area and future land use boundaries** required to meet projected housing requirements over the **next 20 years**
- **Modernizes** how Montana cities and counties plan for growth.
- 10 identified Montana cities required to **update Land Use Plans by May 2026**.
 - City population >5,000 within counties with population > 70,000.
- Ensures **consistency** between growth policy, zoning, and subdivision regulations.
- Increased **public participation** at all stages.
 - *Columbia Falls published a Public Participation Plan (May 2024).*
- Requires zoning and subdivision decisions to conform with the adopted plan.
 - *Pre-MLUPA Growth Policies were advisory to zoning and subdivision decisions.*

WHY did we need these changes?

- Montana's land use and planning statutes are outdated, inconsistent, duplicative, and bureaucratic
- Everyone frustrated with the slow, expensive, risky process
- No alignment between growth policy, zoning, or subdivision criteria; every level of permitting required review all over again
- Administrative review and other streamlining processes prohibited under existing statutes
- No ability to rely on previous planning or analysis in permitting





COLUMBIA FALLS MONTANA

MLUPA Plan of Action & Milestones

Item No.2.

- Sep 11 Planning Commission
Oct 9 Planning Commission
Nov__ *Utility Infrastructure Public Meeting 1*
Nov 13 Planning Commission
Dec__ *Land Use Plan Public Scoping Event and Surveys*
Dec 11 Planning Commission
Jan 8 Planning Commission
Jan 26 Council MLUPA Workshop
Feb__ *Land Use Plan Public Scoping Event and Surveys*
Feb__ *Utility Infrastructure Public Meeting 2*
Feb 12 Planning Commission
Mar 12 Planning Commission
Apr 9 Planning Commission
Apr 13 Council Workshop - Land Use Plan
Apr 23 **MLUPA Public Hearing** Planning Commission
May 4 MLUPA Public Hearing Council – First Reading
May 18 MLUPA Public Hearing Council – Approves Plan

October				
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February				
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November				
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March				
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30	31			

December				
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29	30	31		

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January				
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May				
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18	19	20	21	22
25	26	27	28	29

Public Participation Expectations:

(City of Columbia Falls 2024 Public Participation Plan)

- Website with consolidated updates, resources, and strategic documents.
- Engagement opportunities at **Open Houses, Surveys, Interviews, etc.**
- Review draft versions of strategic documents.
- Opportunity for written and verbal comments.
- City analysis and response to public comment.
- Participation at public meetings.



MLUPA Requirements

- ☒ Public Participation Plan
- ☒ Establish a Planning Commission
- ☐ Land Use Plan
- ☐ Zoning and Subdivision Regulations

Studies

- ☒ Housing Study
- ☐ Infrastructure Assessment
 - ☐ Water PER
 - ☐ Sewer PER
- ☐ Land Use Planning Consultant

Land Use Plan (Sections 76-25-203 through 209)

Document existing conditions, future estimates, and anticipated needs for:

- Housing
 - Population projections for **20 years**
 - Housing units needed for that population
- Local Services and Facilities
- Economic Development
- Natural Resources, Environment, and Hazards

Future Land Use Map (Section 76-25-213)

- Identify preferred and anticipated pattern and intensities of development within the jurisdiction and any areas anticipated for future annexation.
- MUST reflect adequate area to accommodate the housing units and other needs reflected in plan.

Land Use Plan Update Review (Section 76-25-202)

- Every 5 years, Planning Commission must review plan and map to determine whether an update must be performed.
 - Public participation and comment provided
- If no new or increased impacts from original analysis, no update necessary.



Zoning Regulations (Sections 76-25-301..302)

• **Authority to regulate**

- Use of Land
- Density and types of uses
- Size, character, number, form, and mass of structures
- Development standards mitigating the impacts of development

• **Must adopt 5 of 14 housing reforms listed.**

✓ *Columbia Falls already meets this requirement*

Subdivision Regulations (Section 76-25-402..404)

• **Authority to adopt standards:**

- Grading and erosion control
- Design and arrangement of lots, streets, and roads
- Location of public utilities
- Provisions of other public improvements
- Legal and physical access to all lots

MLUPA Housing Reforms

- Duplexes by right where Single Family by right
- Tiny homes by right where Single Family by right
- Triplexes or fourplexes by right where Single Family by right
- Auxiliary Dwelling Units by right with Single Family
- Allow Multi-Family by right where commercial by right
- Allow Multi-Family dwellings by right where triplexes or fourplexes by right
- Adopt zoning that allows Single Room Occupancy
- Transit/jobs/school/etc oriented development zoning
- Eliminate or reduce off-street parking requirements¹
- Eliminate or reduce impact fees for ADU and multi-family dwellings
- Eliminate or reduce minimum lot sizes for housing
- Eliminate or reduce aesthetic, material, or massing for multi-family
- Eliminate or reduce setback requirements
- Increase building height limits for housing by at least 25%²

¹HB 492 - 2025 legislative session prohibits MLUPA communities from imposing certain minimum parking requirements

²SB 243 - 2025 legislative session imposes a minimum 60' height limit for certain zones in MLUPA communities



Wastewater Preliminary Engineering Review (Morrison Maierle)

- PER will build on information from the 2018 PER. The 2025 PER will expand analysis regarding areas of potential growth in the collection and transmission system.
- Host two (2) public meetings

Key Objectives and Deliverables:

- Update service population and growth projections based on the 2025 Housing Needs Study
- Update flow and load criteria using up to 5 years of data
- **Collection System and Lift Station analysis**
 - Describe existing condition, performance, and capacity
 - Evaluate areas of potential growth and impact to current system using models.
- **Treatment Plant analysis**
- Review previous PER's three remaining treatment alternatives and ten collection system alternatives to address projected needs. Update and/or develop cost estimates.
- Provide environmental impacts for all developed alternatives.
- **Develop a Collection System Model** (*Trunk Lines and Future Growth Lines Only*)
- Analyze potential regional growth areas and system impacts in potential developments:
 - Former CFAC Property
 - Meadow Lake Blvd
 - Cedar Palace
 - East of the River on Hwy 2
 - Intersection of Hwy 2 and Hwy 40
 - Meadow Lake Lift Station



Water System Preliminary Engineering Review (WGM and AE2S)

- Build on information from the 2018 PER. The 2025 PER will expand analysis regarding areas of potential growth in the transmission system.
- Host two (2) public meetings

Key Objectives and Deliverables:

- Document existing water system infrastructure, leak detection reports, etc.
- **Forecast water demands** for City's future growth areas and establish water system design criteria and parameters to use in evaluating water system improvement needs and alternatives.
 - Evaluate average daily demand per capita in current system
 - Evaluate acceptable avg day demand peaking factors in current system (max daily and peak hr)
 - Establish water demand factors for future conditions
 - Establish water storage volume requirements for 20-year population projections
- **Existing and Future Conditions Water System Model Development**
- **Evaluate water storage and transmission alternatives**
 - Capacity analysis based on existing and future demands
 - Analyze up to three (3) alternatives for redundant water storage (ground or elevated tank)
 - Evaluate location options based on modeling results, topography, and future growth scenarios
- Additional scope based on additional grants:
 - Water Audit Assistance
 - Source Capacity Review – evaluate timeline for future source and pump capacity needs
 - Financial Evaluation for the preferred alternative(s)
 - Prepare Uniform Environmental Checklist



*Columbia Falls is no longer
“affordable” alternative in Flathead Valley*

Housing Study 2025 Summary

- Estimate housing needed by residents and employees over the next 5-10 years
- Shape Land Use Planning and Zoning Reforms to facilitate **housing for permanent residents and employees** by helping to:
 - Identify and prioritize housing policies and goals
 - Educate the City, community, developers, and landowners with authoritative analysis
- Land is scarce within the city limits
 - Only two vacant multi-family lots
 - High land prices and low densities paired with high construction costs mean only expensive, high-end homes can be built - this combination **encourages undesirable development.**

Positive Trends

- Working age population (age 20-64)
- Recent developments include a mix of housing types
- Market rate rentals are at a “healthy” 5% vacancy; better than Kalispell
- Partnerships with local housing organizations are producing attainable home ownership

Concerning Trends

- Lack of land, low densities, high costs
- Unfilled jobs due to lack of housing
- Declining families with children
- Low-paying tourism sector part of job growth
- Vacation rentals and investors buying up homes
- 60% renters are cost-burdened (>30% income)

Extreme disconnect between housing costs and household incomes and wages



Estimated Housing Needs Through 2034 (10-years)

	Columbia Falls Area	City
Total Current Needs	620	245
Overcrowding	50	20
Forced to commute	570	225
Total Future Needs (through 2034)	780	200 to 405*
Job Growth	610	110 to 315*
Retiring Employees**	170	90
Total Housing Needs (through 2034)	1,400	445 to 650*
Average per year	140	45 to 65*

- Housing Study **10 year** look
- Land Use Plan must plan for **20 years**
- 2045 Total Housing Needs can be doubled to **890-1300**

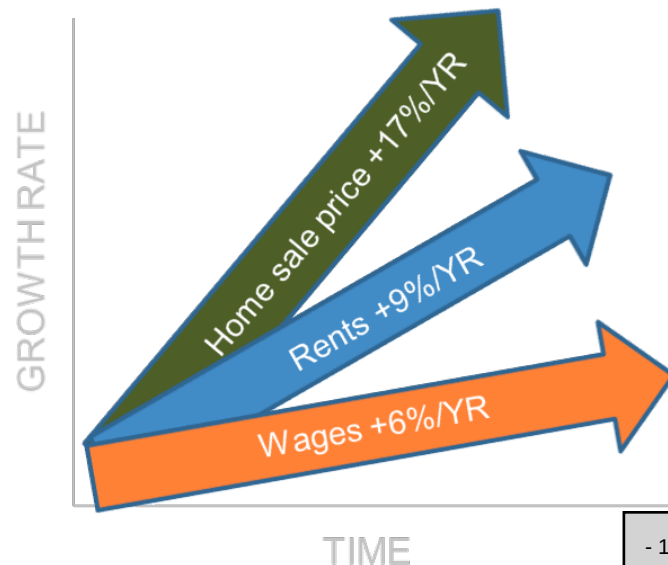
Resident/Employee Incomes vs. Market – For Purchase

AMI Level	Maximum Income (2.5-person household)	Maximum Affordable Purchase Price*	Owner income distribution	For sale listings (Jan. 2025)
<60%	\$45,120	\$150,300	16%	0%
60.1-80%	\$60,125	\$200,250	10%	1%
80.1-120%	\$90,240	\$300,550	23%	1%
120.1-150%	\$112,800	\$375,700	15%	1%
150.1-200%	\$150,400	\$500,950	13%	13%
>200%	>\$150,400	>\$500,950	23%	83%

77% of households

83% of listings

Yearly Change in Housing Prices and Wages: 2019-2024





2023 Land Use Legislative Changes

- SB 528 – Allows ADU's by right in any municipal zoning district.
- SB 323 – Allows duplexes in any SFR municipal zoning district as a permitted use.
- SB 152 – Sets new date for original tract. Now April of 2003. This effect major/minor subdivision determinations.
- SB 407 – Requires administrative review of architectural standards as opposed to external review boards.
- SB 245 – Allows multi-family and mixed use development as a permitted use in any commercial zone. Also sets minimum parking standard at one space per unit. Applies to municipalities of 5,000 or greater.
- SB 131 – Requires decisions on aggregations within 20 days.
- SB 158 – Allows family transfers in platted subdivision
- SB 331 – Clarifies condominium exemptions
- HB 211 – Various changes to the subdivision regulations



2025 Land Use Legislative Changes

- HB 492 – Except for ADA required spaces, zoning regulations may not include provisions that require:
 - More than one parking space for each residential dwelling unit; more than ½ parking space for each unit under 1,200 square feet. *MLUPA cities can't require any parking space for units less than 1,200 square feet.*
 - Any parking requirements for
 - Existing buildings, including vacant building, undergoing a change of use
 - Licensed childcare facilities
 - Deed-restricted affordable housing or Assisted Living Facilities
- SB 121 – Provides for public comment for proposed development.
- SB 553 – Allows subdividers to choose cash-in-lieu of parkland.
- SB 243 – Municipalities of 5,000 or more may not require more than one off-street and accessible parking spaces per residential unit. The Bill also sets the minimum height requirement at 60 feet in downtown commercial zones, heavy commercial zones, and industrial zones.
- SB 252 – Requires zoning regulations to treat manufactured homes and factory-built homes the same as any other residential unit.
- SB 214 – Clarifies non-conforming uses and their status if ambiguity exists in determining when the use commenced.

For Reference

Columbia Falls MLUPA webpage - <https://www.cityofcolumbiafalls.org/planning-zoning/page/growth-policy-montana-land-use-planning-act>

Kalispell MLUPA website – <https://engagekalispell.com/>

Whitefish MLUPA website - <https://engagewhitefish.com/>



COLUMBIA FALLS MONTANA

Request for Proposals

Land Use Planning Consultant *in support of Montana Land Use Planning Act Growth Policy Development*

Issued by:

City of Columbia Falls, Montana

August 2025

Request for Proposals

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Section 10: Project Contact / Inquiries

Section 11: Rights Reserved / Conflicts of Interest Disclosure

1. Introduction

- The City of Columbia Falls is soliciting proposals from qualified professional planning consultants to prepare a Land Use Plan and Future Land Use Map in accordance with the Montana Land Use Planning Act (MLUPA, MCA Title 76, Ch 1, Pt 6 and Ch 25, Pt 2). This Land Use Plan will serve as a foundational element of the City's Growth Policy update and will integrate with related planning efforts, including the City's 2025 Housing Needs Study, ongoing Water and Sewer Preliminary Engineering Reports (PERs), and ongoing updates to Zoning and Subdivision Regulations.
- The City seeks to proactively manage land use to preserve community character, protect natural resources, support infrastructure alignment with projected development, and expand housing availability and affordability.

2. Background

- The City of Columbia Falls' current Growth Policy was adopted in 2019.
- Columbia Falls, with a population of approximately 5,700, is experiencing steady growth pressures in housing, transportation, and economic development. Growth pressures are influenced by its proximity to Glacier National Park, Bob Marshall Wilderness, and rapidly growing areas throughout the Flathead Valley.
- The City has limited infill opportunities for new development. Annexation opportunities must be considered for new growth.

3. Project Objectives

- Compliance – Ensure consistency with MLUPA requirements for Growth Policy and Land Use Plan development.
- Integration – Incorporate findings from the Columbia Falls Housing Study and the City's Water and Sewer PERs (in progress).
- Land Use Plan – Develop a comprehensive land use framework that addresses residential, commercial, industrial, mixed-use, and public land needs. The Plan will also address local services, economic development, and natural resources.
- Future Land Use Map (FLUM) – Produce a clear, GIS-based map depicting long-range land use designations and growth scenarios to guide zoning and subdivision decisions.
- Public Engagement – Facilitate meaningful community input through workshops, stakeholder meetings, and digital engagement.
- Implementation Tools – Provide policy recommendations, growth areas, and strategies to guide decision-making.

4. Scope of Work

At a minimum, the consultant will complete the following tasks to fulfill statutory compliance with MCA 76-1-601 and 76-25-201:

- Project Kickoff
 - Meet with City Staff and Planning Commission to present the project timeline to accomplish all aspects of the Scope of Work.
 - Develop an inclusive public engagement strategy consistent with statutory public participation requirements and the City's Public Participation Plan.
- Data Collection and Baseline Analysis
 - Review relevant City documents (Housing Study, Water and Sewer PERs, Zoning and Subdivision Regulations, Transportation Plan, etc.).
 - Provide detailed analysis or reference substantial completion of analysis within other City plans for all Land Use Plan requirements in MCA 76-25-2.
- Community Engagement
 - Conduct and analyze a series of Planning Commission Public Workshops, Open Houses, Focus Groups, and Surveys to gather ideas, concerns, and suggestions.
 - Stakeholder interviews (school district, developers, major employers, neighborhood groups, citizen volunteers, etc.).
 - Utilize the City's website to incorporate online engagement while prioritizing transparency and responsive communications.
 - Routinely provide reports of Community Engagement metrics to meet all statutory compliance. Included additional metrics to differentiate between city, county, and out of county residential status.
- Land Use Plan Development
 - Develop a Land Use Plan to incorporate all MLUPA Land Use Plan requirements.
 - Prepare a Future Land Use Map with proposed designations, densities, and preferred growth areas. Develop a narrative summary to explain its purpose and the requirement that the Future Land Use Map be followed for land use planning development decisions.
 - Provide implementation policies and strategies.
- Integration with Growth Policy Development
 - Goals, objectives, and implementation strategies for each land use category.
 - Provide linkages to infrastructure planning, housing affordability, and economic development. Contribute to establishing benchmarks for phasing infrastructure expansion.
 - Zoning alignment recommendations.
- Final Deliverables
 - MLUPA compliant Land Use Plan (digital and print)
 - Standalone Executive Summary and other materials for public distribution (digital and print)
 - Future Land Use Map (print and GIS shape files)
 - Complete log of all public engagement metrics, comments, and survey results.
 - Presentation to Planning Commission and City Council.

5. Project Timeline

- The City requires project initiation in Fall 2025 with completion prior to April 2026 to meet statutory requirements in May 2026. A proposed project schedule must be included in the consultant's submission.

6. Budget

- The City is utilizing grant funding from the MT Department of Commerce's Pathways to Removing Obstacles Housing (PRO Housing) local planning and infrastructure support resources.
- The City of Columbia Falls will utilize a Proposals Based Selection process to negotiate a contract with the firm determined to be the most qualified. Costs will not be discussed until the top ranked respondent has been selected for contract negotiations.

7. Proposal Requirements

- Cover Letter – Summary of interest and qualifications.
- Firm's Background – Description of the firm, key staff, and relevant experience.
- Project Understanding & Approach – Narrative describing the consultant's approach to meet project requirements, specifically addressing a community engagement strategy.
- Work Plan & Timeline – Detailed tasks, deliverables, and schedule.
- Experience – Examples of similar land use planning or growth policy projects (Montana experience preferred).
- References – At least three references from recent comparable projects.

8. Evaluation Criteria

- Evaluation will be based on the Selection Committee's understanding of the prospective consultant's capability for providing the required Scope of Work.
- In making this judgement, the Selection Committee will review all consultant submissions subject to the individual firm's responses to the following criteria:
 - Project understanding and approach (20%)
 - Qualifications and relevant experience (25%)
 - Community engagement strategy (25%)
 - Capability to meet timeline (20%)
 - References and past performance (10%)

9. Submission Requirements

- Three copies of the proposal are to be mailed or delivered to Barb Staalnd, City Clerk, 130 6th Street West, Columbia Falls, MT 59912, email: staalandb@cityofcolumbiafalls.com, prior to **4:00 PM on Friday, October 3, 2025**.
- Submittals of proposals via email, hard copy via mail, or personal delivery of hard copy to the Office of the City Clerk in Columbia Falls are acceptable.

- Submittals received after the deadline will not be considered.
- Responses should be limited to 15 pages, double-sided, excluding cover letter and resumes. Minimum font size for all text is 12 point.

10. Project Contact / Inquiries:

- Inquiries concerning this proposal should be directed to: Eric Mulcahy, Contract Planner, (406) 755-6481 or email: eric@sandssurveying.com and Eric Hanks, City Manager, (406) 892-4384 or email: citymanager@cityofcolumbiafalls.com
- City's MLUPA website has links to the current City Growth Policy, MLUPA Public Participation Plan, and the 2025 Housing Study:
www.cityofcolumbiafalls.org/planning-zoning/page/growth-policy-montana-land-use-planning-act

11. Rights Reserved and Conflicts of Interest Disclosure

- The City of Columbia Falls reserves the right to accept or reject any and all proposals, or parts of Proposals; waive technicalities; and to make its decision on the basis of merit, appropriateness, and any other factor. Unless all proposals are rejected or the solicitation is canceled, a contract will be awarded to the Respondent whose proposal best meets the requirements and criteria set forth in this solicitation.
- Firms must disclose if they currently represent developers and/or landowners with interests in Columbia Falls.



2025 LEGISLATIVE SESSION

Montana League of Cities and Towns

Tax Increment Financing

HB 19 – Hearing before bonding - Public hearing before bonding beyond year 15 with notice to other taxing jurisdictions in the URA or TEDD. *(Applies to the pledge of tax increment to the payment of bonds on or after 2-27-25)*

SB 3 – Membership of URA and TEDD advisory board –

- ❑ Modifies the membership of an board of commissioners or advisory committee to a URA or TEDD. Minimum of 5 members, must include a representative from county and school district. No maximum member requirement.
- ❑ *Eff. 10-1-2025*, unless it is a URA under 7-15-4234 then at URA board of commission vacancy or next appointment by mayor.

Tax Increment Financing

SB 1 – Definition of Blight - Modernizes the definition of blight

- ❑ Removes outdated references to morals, disease, ill health, menace, etc.
- ❑ Requires at least 3 conditions to establish blight
- ❑ Removes bad planning, title issues, faulty lot layout, overcrowding, and inappropriate mix of uses as grounds for blight
- ❑ Does not affect eligible expenditure of funds

Eff. 4-03-2025

Land Use and Planning

SB 121 - MLUPA clean up bill

- ☐ Adds MLUPA public participation plan to Title 2 legislative provisions for constitutional rights
- ☐ Continues extraterritorial zoning within MLUPA; clarifies difference between county zoning and county subdivision regulations
- ☐ Fixes cross-reference for use of MFE
- ☐ Allows for continued participation in a city-county planning board

Land Use and Planning

SB 121, cont. - *MAID v State of Montana* – temporary provisions terminate June 30, 2027

- ☐ Removes requirement that public participation plan advise public to participate earlier in the process
- ☐ Provides new site-specific development application 15-day written comment period for all applications to address district court decision.
- ☐ *Eff. Date 5-8-2025; terminates 6-30-2027*

Land Use and Planning

HB 492 – Minimum Parking Requirements – Cannot require any parking spaces for:

- ☐ child-care facilities;
- ☐ deed-restricted affordable housing units;
- ☐ assisted living facilities; or
- ☐ existing or vacant buildings undergoing a change of use.
- ☐ HALF a parking space for residential units under 1,200 sf*
- ☐ ONE parking space for each residential unit over 1,200 sf

*MLUPA cities – NO parking spaces for any residential units under 1,200 square feet

(Eff October 1, 2026)

Land Use and Planning

SB 133 – Impact Fees

- Removes administration fee of 5%
- Prohibits local governments from adopting impact fees for purposes not listed in the statute
- Limits impact fees from increasing more than the full rate of inflation, as determined by the producer price index.

(Eff. 10-1-25)

SB 243 – Building Heights - Expands SB 245 from 2023 – building height allowed at minimum 60 feet for by-right mixed-use buildings in downtown, heavy commercial, and industrial zones. *(Eff. 10-1-26)*

Land Use and Planning

SB 252 – Manufactured and Factory-Built Housing - Codifies caselaw that municipal and county zoning regulations treat manufactured and factory-built housing the same as stick-built housing. *(Eff. 10-1-25)*

SB 214 – Non-conforming uses

- ❑ Prohibits external board review for compliance with any historical or other local design review standards.
- ❑ Requires any ambiguity or uncertainty in zoning regulations regarding a non-conforming use to be interpreted in favor of the use. Make sure zoning ordinance is clear that uses not specifically listed are not allowed.

(Eff 5-5-2025)

Land Use and Planning

SB 553 – Generally revise state policy laws

- ❑ Prohibits airplane carriers from terminating travel credit
- ❑ Passed Senate Business Labor and Economic Affairs and Senate 2nd and 3rd reading beginning of April and transmitted to House.
- ❑ Heard in House Business and Labor then amends on executive action:
 - ❑ Changes energy and telecommunications interim committee to the energy and technology committee (D Zolnikov)
 - ❑ Prohibits food service establishments from preparing and serving fresh kratom products for consumption on premise (E Buttrey)
 - ❑ Authorizes latecomer agreements; restricts ability of local governments to require land dedication for parks and recreation as condition of subdivision approval (T Nelson)
- ❑ Fails on House floor on 2nd reading; reconsidered and amended taking out kratom amendment, passed and goes to House Appropriations

Land Use and Planning

SB 553, cont.

- ❑ House Approps hears it on April 23, less than 3 minutes to explain no longer a fiscal impact because airline charge removed.
- ❑ House passed on 3rd and returns to Senate to concur in amendments; learned of amendments that morning and worked with lobbyist to modify them
- ❑ Sponsor refused amendments and do not concur passed 30-20 mixed vote
- ❑ Why am I telling you about this bill???

Eff. Date 5-12-2025

Land Use and Planning

SB 213 – Single-stairway building code Allows certain residential buildings classified as group R-2 occupancy to have a single stairway serving as an exit for all units. This provision applies under specific conditions:

- the building must have no more than six stories above grade,
- contain no more than four dwelling units on one floor,
- be equipped with an automatic sprinkler system, and
- each unit must have at least one window or other emergency exit provision.

(Eff. 10-1-25)

SB 33 – State buildings reviewed by state building code department

Provides that all state buildings shall be reviewed by state building code officials, not local certified municipalities

(Eff. 10-1-2025)

Land Use and Planning

SB 404 – Report building permits to DOR

Requires local governments to send copies of building and electrical permits for new construction to the Department of Revenue within 90 days of the permit's issuance. *(Eff. Date 10-1-25)*

HB 427 – Provide citation for delay or stop work order

Municipality must provide the text or citation of specific sections of the building code causing a delay of a completed application or stop work order.

- ❑ Must provide within 7 business days of request
- ❑ Penalty of \$50 for each day beyond the response period until provided
- ❑ Does not apply to “standard review period”

(Eff. Date 10-1-25)

Montana Land Use and Planning Act

Kelly A. Lynch, JD, AICP
Executive Director
Montana League of Cities and Towns

August 21, 2025

SB 382

WHY did we need these changes?

- Montana's land use and planning statutes are outdated, inconsistent, duplicative, and bureaucratic
- Everyone frustrated with the slow, expensive, risky process
- No alignment between growth policy, zoning, or subdivision criteria; every level of permitting required review all over again
- Administrative review and other streamlining processes prohibited under existing statutes
- No ability to rely on previous planning or analysis in permitting

SB 382

WHO does it apply to? (Section 76-25-105)

- 10 municipalities:
 - Belgrade
 - Billings
 - Bozeman
 - Columbia Falls
 - Great Falls
 - Helena
 - Kalispell
 - Laurel
 - Missoula
 - Whitefish
- All other jurisdictions may OPT IN – Lewistown

SB 382

WHEN does it apply? (Section 76-25-105)

- Must adopt land use plan, zoning, and subdivision regulations that meet the new framework within 3 years from effective date of the Act
- Other cities under 5,000 in a county of 70,000 will be mandatory after each decennial census and have 3 years to comply.

WHAT is in it?

Entirely new statutes for:

- Land Use Plan and Map (*Title 76, Chapter 25, Part 2*)
- Zoning Regulations and Map (*Title 76, Chapter 25, Part 3*)
- Subdivision Regulations and Map (*Title 76, Chapter 25, Part 4*)

Planning Commission

(Section 76-25-104)

- Consolidates all existing boards and commissions
- Responsible for recommendations on all legislative land use and planning decisions:
 - land use plan and future land use map
 - zoning regulations and map
 - subdivision regulations; and
 - any other legislative land use planning document the local governing body designates
- Hears appeals from administrative decisions

Public Participation Plan

(Section 76-25-106)

- Used throughout the framework. Must identify how you will provide:
 - dissemination of documents;
 - opportunity for comments;
 - public meetings;
 - electronic communication and access; and
 - analysis of and response to public comments.
- Plan must be followed throughout the MLUPA process

Land Use Plan

(Sections 76-25-203 through 209)

Document existing conditions, future estimates, and anticipated needs for:

- Housing
 - Population projections for 20 years
 - Number of housing units needed for that population
- Local Services and Facilities
- Economic Development
- Natural Resources, Environment, and Hazards

Future Land Use Map

(Section 76-25-213)

- Identify preferred and anticipated pattern and intensities of development within the jurisdiction and any areas anticipated for future annexation
- Must reflect adequate area to accommodate the housing units and other needs reflected in the plan

Implementation Plan

(Section 76-25-216)

- Analysis of inconsistencies in current regulation with plan and map
- Steps to bring them into compliance
- Schedule for adopting or amending CIP
- Schedule for updating plan for extension of services
- Procedures for monitoring and evaluating progress

Update Review

(Section 76-25-202)

- Every 5 years, PC must review plan and map to determine whether an update must be performed
 - ❑ Staff prepares determination regarding new or increased impacts
 - ❑ Public participation and comment provided
- If no new or increased impacts from original analysis, no update necessary
- If new or increased impacts, staff conducts analysis necessary to provide opportunity to comment on and consider all potential impacts resulting from the changes to the plan or map

Zoning Regulations

(Sections 76-25-301 and -302)

- Authority to regulate:
 - ❑ uses of land;
 - ❑ density and types of uses;
 - ❑ size, character, number, form, and mass of structures; and
 - ❑ development standards mitigating the impacts of development, as identified and analyzed in review and adoption of land use plan and zoning regulations
- Must adopt 5 of 14 housing reforms listed. If your code already meets them or doesn't have such regulations, you can count those towards the 5.

Housing Reforms

(Sections 76-25-302)

- Duplexes by right where SF by right
- Transit/jobs/school/etc.-oriented development zoning;
- Eliminate or reduce off-street parking requirements (HB 492)
- Eliminate or reduce impact fees for ADUs or MF dwellings;
- ADUs by right with SF;
- Adopt zoning that allows SROs;
- Triplexes or fourplexes by right where SF by right.

* HB 492 in the 2025 legislative session prohibited MLUPA communities from imposing certain minimum parking requirements

Housing Reforms

(Sections 76-25-302)

- ❑ Eliminate or reduce minimum lot sizes for housing;
- ❑ Eliminate or reduce aesthetic, material, or massing for MF;
- ❑ Tiny homes by right where SF by right;
- ❑ Eliminate or reduce setback requirements for housing;
- ❑ Increase building height limits for housing by at least 25%*
- ❑ Allow MF by right where commercial by right
- ❑ Allow MF dwellings by right where triplexes or fourplexes by right.

* SB 243 in 2025 legislative session imposes a minimum height limit for certain commercial in MLUPA communities

Subdivision Regulations

(Sections 76-25-402 and -404)

- Authority to adopt standards for:
 - ❑ grading and erosion control;
 - ❑ design and arrangement of lots, streets, and roads;
 - ❑ location and installation of public utilities, including water supply and sewage and solid waste disposal;
 - ❑ provision of other public improvements; and
 - ❑ legal and physical access to all lots

- Same exemptions to subdivision but consolidated and made consistent (all must meet zoning)

Miscellaneous Provisions

(Sections 76-25-201, -304, -403)

- Adoption of these documents all follows same process:
 - PC adopts PPP
 - PC follows PPP in drafting and revising plan/zoning/sub regs, recommends drafts to CC for approval
 - CC adopts final plan/regulations/map

- Amendments follow same process
 - ❑ Amendment may be initiated by petition, applicant, or governing body;
 - ❑ Consistency with land use plan and map made with each amendment to zoning regulations and map or subdivision regulation

Miscellaneous Provisions

(Sections 76-25-301, -502, -503, -504)

- Authority to adopt and set fees.
- New enforcement section that provides for civil enforcement with notice of violation.
- Variances all treated under consistent language, with administrative decision
- Appeals of all administrative decisions (including variances) can be made by applicant or aggrieved person to PC. All decisions by PC can be appealed to CC.
- Administrative exhaustion process for filing in DC, limited to administrative record in DC, 30-day statute of limitations.

MAID v State of Montana

- Challenge to SB 382 and 3 local preemption zoning bills – duplexes by right in single-family zones (SB 323), ADUs by right in all cities and towns (SB 528), and multi-family residential units by right in commercial zones (SB 245)
- Allege violation of due process, equal protection, and public's right to know and participate
- Declaratory relief that bills do not interfere with private covenants
- Court issued injunction against two of the four bills (not 382); injunction appealed by the state and overturned by Montana Supreme Court. All bills currently in effect.

MAID v State of Montana

- District Court opinion in February 2025 – held for plaintiffs on public right to know and participate
- On appeal to MSC – opening and response filed; our reply due early August
- Modified some provisions in MLUPA to address issues in district court opinion

Land Use and Planning

SB 121 - MLUPA clean up bill

- ☐ Continues extraterritorial zoning within MLUPA; clarifies difference between county zoning and county subdivision regulations
- ☐ Fixes cross-reference for use of municipal facilities exclusion in DEQ statute
- ☐ Allows for municipalities' continued participation in a city-county planning board

Land Use and Planning

SB 121 - MLUPA clean up bill – public participation changes

- ❑ Adds MLUPA public participation plan to Title 2 legislative provisions for constitutional rights (permanent change).
- ❑ Temporary provisions that end June 30, 2027:
 - ❑ Removes requirement that public participation plan advise public to participate earlier in the process
 - ❑ Provides new site-specific development application 15-day written comment period for all applications to address district court decision.

The Process - Site-Specific Review

Scenario 1

- Development proposal comes in
- Administrative review for preliminary determination that, with or without variances, the proposal is:
 - ❑ In substantial compliance with zoning regs, zoning map, and subdivision regs; AND
 - ❑ Impacts resulting from development were previously analyzed and underwent public review and comment.
- If meets both, staff provides notice of 15-day comment period then issues permit/plat.
- If comments show impacts or if comments show proposal is not in substantial compliance with regs/map, then must follow Scenario 2

Site Specific Review, cont.

Scenario 2

- Development proposal comes in
- Administrative review determines in substantial compliance with zoning regs, zoning map, and subdivision regs, BUT there are new or significantly increased potential impacts not previously analyzed or considered.
- Staff drafts preliminary report with review of and proposed conditions or mitigation for new impacts and provides 15-day comment period, then issues permit/plat.
- If comments show proposal is not in substantial compliance with regs/map, then must follow Scenario 3

Site Specific Review, cont.

Scenario 3

- Development proposal comes in
- Administrative review determines proposal is not in substantial compliance with zoning regs, zoning map, or subdivision regs
- Applicant must either bring proposal into conformance with regs/map [FAST TRACK] or follow what is essentially the same process they must follow currently to get land use/zoning/subreg amended [LONGER TRADITIONAL PROCESS]

Site Specific Review, cont.

Appeals Under All Scenarios

- Administrative decision is made on a proposal
- The applicant or any aggrieved person can appeal the administrative decision to the planning commission within 15 business days of the administrator's decision. PC holds a public hearing on grounds for appeal and issues decision.
- The applicant or any aggrieved person can appeal the decision of the planning commission to the governing body within 15 business days of the planning commission's decision. The governing body holds a public hearing on grounds for appeal and issues decision.