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AGENDA
CITY PLANNING COMMISSION REGULAR MEETING
THURSDAY, APRIL 11, 2024 – 6:00 PM
COUNCIL CHAMBERS CITY HALL

CALL TO ORDER AND ROLL CALL

APPROVAL OF MINUTES:

1. Approval of Minutes - March 14, 2024

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

NEW BUSINESS:

2. **Public Participation Plan**

Planning Commission will review draft Public Participation Plan and amend as deemed appropriate and necessary. Once the Columbia Falls Draft Public Participation Plan is prepared, the Planning Commission will give notice and will hold a public hearing to solicit comments regarding the proposed Land Use Public Participation Plan.

ADJOURNMENT

Next Regular Meeting - Thursday, May 9, 2024

CITY OF COLUMBIA FALLS PLANNING COMMISSION MEETING MINUTES HELD MARCH 14, 2024

REGULAR MEETING – 6:00 PM.

The meeting was called to order at 6:02

PRESENT: Fisher, Ping, Johnson, Kavanagh

ABSENT: None

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

ORGANIZATION OF BOARD:

Ping nominated Darin Fisher to serve as president, seconded by Kavanagh, with all present voting Aye. Justin Ping was nominated as Vice President by Fisher, seconded by Johnson, with all present voting Aye.

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

None

NEW BUSINESS:

Adoption of By-Laws:

Contract Planner Mulcahy presented a draft set of by-laws from the Department of Commerce and tailored after Kalispell’s and Whitefish’s by-laws. City staff will provide a secretary to take minutes and City staff will be responsible for posting agendas and packets.

Mulcahy presented recommendations on a set meeting date: the 2nd Thursday of the month, the 3rd Wednesday of the month or the 3rd Tuesday of the month. Wednesdays do not work for Kavanagh. Nicosia suggested that the 2nd Thursday would work better since it would loop into Council meetings on the first and third Mondays of the month and the timing for packet publishing would be ideal.

Johnson motioned to adopt the 2nd Thursday of the month at 6:00 PM as the official meeting time for the Planning Commission, seconded by Fisher. A voice vote was performed with all present voting Aye. Nicosia noted that if the second Thursday of the month is a holiday, potentially only Veterans Day, then the meeting will be held on the following Thursday.

Mulcahy continued to present the draft by-laws to the Commission. Including an option to replace a member if they continue to miss meetings. In amendments if an applicant chooses to amend their application after publication, then there is a re-notice requirement.

Johnson wondered if the number of members on the Planning Commission was in the by-laws. Nicosia said no it is defined as a five-member board in the Resolution adopted by City Council. They are still advertising for a fifth member since there are currently four members. If a fifth member is not found Fisher suggested he could leave the Commission. Nicosia had a question for the attorney if under quorum should they specifically call out if a member can participate via

Zoom? Historically if a quorum is needed and a member participates via Zoom, they must participate for the entire meeting not just for the action item. The other by-laws do not currently call that out and she wondered if these by-laws should. Attorney Breck recommended language for Section Meetings 1. Quorum A. to read, "A majority of members present at a meeting of the Commission, either physically or virtually, shall constitute a quorum." Johnson clarified that virtual member attendees would need to be present for the entire meeting.

Johnson made a motion to amend draft by laws to allow virtual attendance to constitute a quorum, seconded by Kavanagh. A voice vote was performed with all present voting Aye.

Kavanagh motioned to adopt the by-laws as amended, seconded by Ping. A voice vote was performed with all present voting Aye.

Fisher asked if there was any other official business before adjournment. Nicosia said that the first action of the Committee will be adopting the Public Participation Plan. The Department of Commerce team that helps with these new Planning Commissions will be coming up with some dashboard information and they will have training. Mulcahy said that we can provide examples of the plans adopted by neighboring cities. Fisher noted that he expects that there will be good templates coming from City Staff so the Planning Commission will not be reinventing the wheel and he recommended that all members should print out and read their own copy of Senate Bill 382. He also mentioned that because of the public nature of these meetings there will be no outside of meeting discussion or sidebars allowed; make sure that members do not reply all to emails with your thoughts.

A motion was made to adjourn by Johnson, seconded by Kavanagh. Meeting adjourned at 6:25 PM

President

Attest:

Public Works Clerk

LAND USE PUBLIC PARTICIPATION PLAN

CITY OF KALISPELL – DEVELOPMENT SERVICES

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 Kalispell 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 being achieved.

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 Kalispell 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.

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. The zoning 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 Kalispell Development Services Department.

What Should You Expect From Us?

At a minimum, the City and its consultants 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 its consultants 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 Kalispell'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, consultants, and contractors. 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 its consultants 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 Development Services Planning Division projects to the City of Kalispell 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 in an effort 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 Kalispell 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 Tuesday 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 Kalispell’s website (www.kalispell.com), or by contacting the Development Services Department office (201 First Avenue East, Kalispell, MT 59901; (406-758-7940); planning@kalispell.com). 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 consultants will also provide an analysis and response to public comments and engagement activities.

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.

**City of Helena,
Montana**
*Community
Development
Planning Division*
Public Participation Plan
2023

Community Development Department
Planning Division
316 North Park Avenue, Room 445
Helena, Montana 59623





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Introduction

In accordance with the Montana Land Use Planning Act (MLUPA), the Planning Division of the City of Helena Community Development Department (*Planning Division*) presents its first Public Participation Plan. The MLUPA creates a comprehensive update to Montana's land use regulations. The City of Helena's Public Participation Plan will provide a framework for communication and engagement to ensure access to public information, and continuous and ongoing public involvement throughout the three-year process for adoption of the future land use plan and associated regulations. As public involvement in the administrative decision-making process will be more limited after the adoption of this Land Use Plan and 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 align with policies and recommendations adopted by the State of Montana or the Helena City Commission. Upon adoption of all documents required by the MLUPA, the City may review the Public Participation Plan periodically to ensure that communication objectives are being achieved.

Background

Currently, the City of Helena's 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 Helena 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.

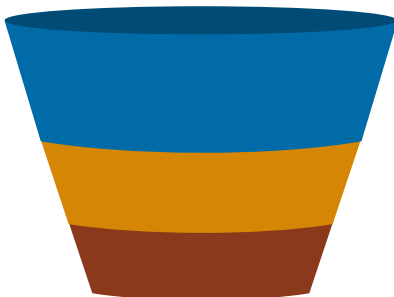
MLUPA Requirements

The Public Participation Plan is the beginning of a three-year process to replace Helena's current Growth Policy, zoning, and subdivision regulations (Helena City Code Titles 11 and 12, respectively) to comply with the MLUPA.

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 new MLUPA compliant Land Use Plan. The strategies outlined in this document will provide a framework for continuous and extensive public engagement.

Public Participation Opportunity



Land Use Plan and Future Land Use Map

The creation of the Land Use Plan and Land Use Map will allow for the greatest opportunity for public involvement.

Zoning and Subdivision Regulations

The drafting of new zoning and subdivision regulations will allow for written and verbal public comment and analysis and response to public comments by City staff.

Public Notice of Administrative Decisions

The opportunity for public involvement in future developments conforming to the Land Use Plan, zoning, and subdivision regulations will be limited.

Planning Commission

The Planning Commission will initially be tasked with reviewing and making recommendations to the City Commission regarding the development, adoption, review, and approval or denial of a Land Use Plan, Future Land Use Map, and updates to the City's Zoning Regulations, Zoning Map, and Subdivision Regulations. To achieve and complete these initial goals, the Planning Commission will hold standing meetings on the first Thursday of each month in-person, virtually, or a hybrid of both. Additional meetings will be held as needed.

Meetings will typically be scheduled for 6:00pm but may be held at other times according to the needs of the meeting subject or to the needs of the community. In person meetings may be held in the City-County Building or within the community in various locations as the work of the Planning Commission dictates and requires. The goal being that these are meetings of particular community importance and should be held throughout the community.

Notices of each held meeting will be provided as required of City policy and as required in §2-3-203, Montana Code Ann. All meetings will be properly posted on the City website in the Public Meetings calendar, on the Community Development's MLUPA project page, and VIA social media postings through the City's various platforms. If any such meetings are held as official public hearings (policy recommendations, ordinance change recommendations), these meetings will also be posted in the legal section of the Helena Independent Record.

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 Helena 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

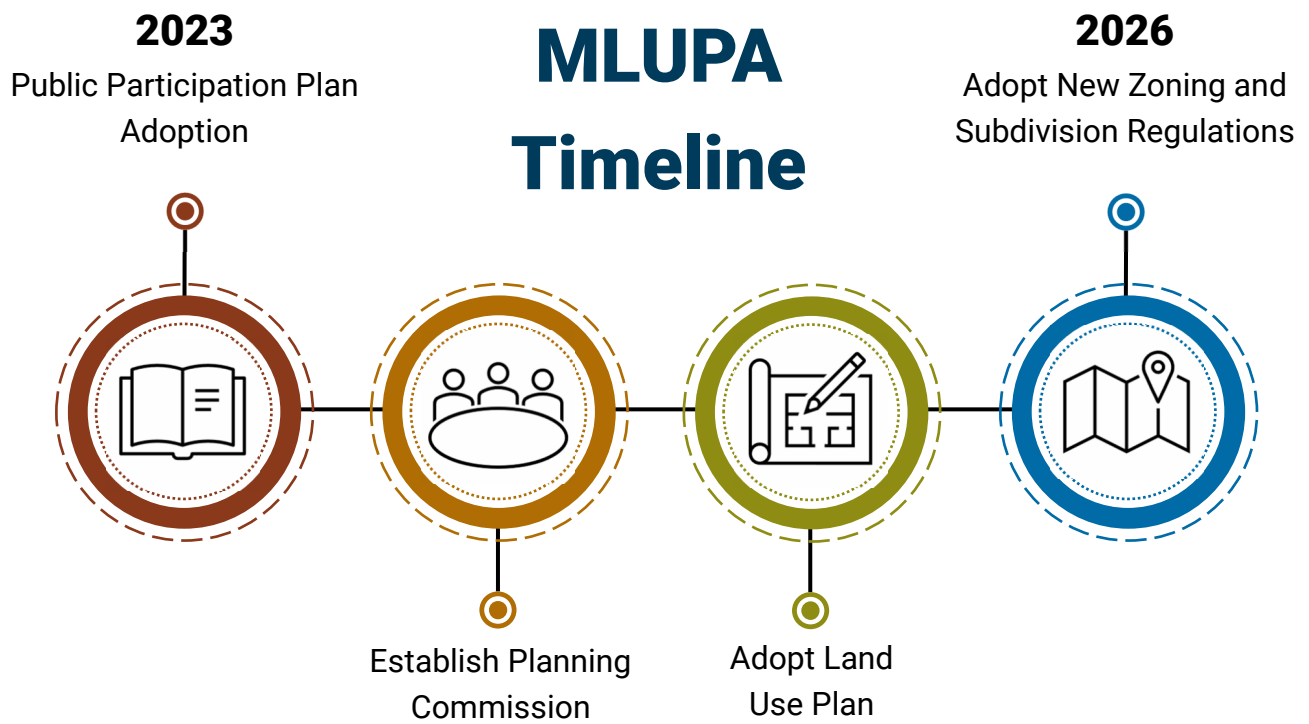
The City will review its zoning, zoning map, and subdivision regulations to ensure their alignment with the Land Use Plan upon its adoption. The MLUPA requires that city zoning and subdivision regulations meet its specific statutory requirements; including adopting a zoning map that aligns with the Future Land Use Map and implementing best practices to encourage the 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 Commission through recommendation of the Planning Commission will set forth the administrative and decision-making processes of the City's Planning Division.

What Should You Expect From Us?

At a minimum, the City, consultants, and contractors 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
- Access to the analysis 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, consultants, and contractors 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 Helena's culture, identity, and prosperity.

2. Diversity, Equity, and Inclusion

Diversity is the heart and soul of our community. The personal identity of 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.

- We will continue to listen and evolve our participation tools and strategies;
- We will encourage all members of the public to stay informed and participate in public engagement events; and
- We will commit to making all communication and events accessible in the planning and regulation drafting process.

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.

4. Open, Adaptable, and Evolving

It is important to maintain a continuous dialogue between community members and the City, consultants, and contractors. 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, consultants, and contractors 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

Adopt policies for City staff, consultants, and contractors to follow which details how, when, and where information will be communicated to the public.

Objective B: Improve Customer Communication

Optimize and standardize publication of Planning Division projects to the City of Helena 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 use the IAP2 Spectrum, adopted by the City of Helena and described in the next section, as a standard framework for public participation opportunities and the distribution of public information.

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

The IAP2 Spectrum, adopted by the City of Helena in 2021, is a matrix comprised of a range of public engagement strategies and varying levels of participation by the community. The strategies are implemented to set consistent expectations for public communications and involvement opportunities. This is an adaptable framework and the following tools are not all-encompassing; rather, the listings help illustrate the level of involvement the community can expect from the City at each step.

Information Tools

The following methods can be used for sharing information about the Land Use Plan process, and projects to follow the Land Use Plan.

- Legal Notice in Public Newspaper or other means, as stated in MCA 7-1-4127.
- Neighbor Notification
- Public Notice
- Signs
- City of Helena Website
- Be Heard Helena
- Social Media
- News/Media/Advisory

Engagement Tools

The following methods can be used for gathering public input about the Land Use Plan process, and projects to follow the Land Use Plan.

- Be Heard Helena
 - Surveys and Comment Forms
- Workshops
- Charrettes
- Storefront and “Pop-up” Studios
- Open Houses
- Presence at Public Events

Participation Spectrum

	Inform/Consult	Involve	Collaborate
Goal	Provide information in a timely manner, obtain feedback on analysis, issues, alternatives, and decisions.	Work with the public to make sure concerns and aspirations are considered and understood.	Partner with the public in each aspect of the decision-making process.
Promise	"We will keep you informed, listen, and acknowledge your concerns."	"We will work with you to ensure your concerns and aspirations are reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as possible."
What Part of the Planning Process?	Public notice and comments regarding administrative land use decisions.	Opportunity for oral and written comment with analysis and feedback from City staff when considering new zoning and subdivision regulations.	Interactive engagement opportunities contributing to Land Use Plan.

When?

The creation of the Land Use Plan and the drafting of updated zoning and subdivision regulations will require public engagement at the *Involve* and *Collaborate* levels of the public engagement spectrum. It is important to take an active role in opportunities to be involved and provide feedback, being mindful that new land use plans and regulations will determine the outcome of future land use decisions that may allow for by-right development situations with limited opportunity for public hearings and comment.

Where?

Interactive and exciting engagement opportunities will be held at public events throughout the City. Our goal is to ensure that these events are both equitably distributed and accessible to allow for all of Helena's voices and concerns to be heard. Participants may also be asked to give feedback on how to improve future engagement tools, processes, and 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 Helena's website, Be Heard Helena, or by contacting the Planning Division office. Planning Commission meeting agendas, meeting materials, and minutes will be made available on the City website prior to each meeting. 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, the Planning Division staff and working partners will determine next steps to ensure continuous public engagement. The Planning Division staff, consultants, and contractors will also provide an analysis and response to public comments and engagement activities at the *Consult, Involve, and Collaborate* levels of the participation framework.

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.