



Missoula Consolidated Planning Board
Agenda

Date: December 1, 2020, 6:00 PM

Location: ZOOM Webinar

Members: Andy Mefford (County Appt), Dave Loomis (County Appt), Sean McCoy (County Appt),
Caroline Lauer (City Appt), Josh Schroeder (Conservation Dist Appt),
Neva Hassanein (Mayor appointee), Tung Pham (Mayor Appt), Vince Caristo (City Appt),
Shane Morrissey (City Alt)

Attend by computer:

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Issues? Call the City Clerk 406-552-6078

If anyone attending this meeting needs special assistance, please provide 48 hours advance notice by calling Development Services at 406-552-6630 or Missoula County Community & Planning Services at 406-258-4657.

Pages

1. Call to Order
2. Roll Call
3. Approval of Minutes from October 20, 2020 and October 27, 2020
4. Public Comment
5. Staff Announcements
 - 5.1. Welcome to New Planning Board Member Mr. Tung Pham
 - 5.2. Resignation of Mr. Peter Bensen
 - 5.3. Mr. Dave Loomis change of status from alternate member to regular member
6. Public Hearings

7. Communications and Special Presentations
 - 7.1. Long Range Transportation Plan (LRTP) Growth Scenarios. Aaron Wilson, Missoula Metropolitan Planning Organization (MPO)
 - 7.2. Affordable Housing Special Presentation. Montana James (City), Melissa Gordon and Karen Hughes (County)
 8. Committee Reports
 9. Old Business
 10. New Business and Referrals
 - 10.1. Missoula Conservation District re-appointed of Mr. Josh Schroeder to the Missoula Consolidated Planning Board. MCPB board members to vote approval of Mr. Schroeder's re-appointment.
 - 10.2. Election of Vice-President for the remainder of the 2020 calendar year
 - 10.3. Transportation Policy Coordinating Committee Appointment for 2021 and remainder of 2020
 11. Comments from MCPB Members
 12. Adjournment
-



Missoula Consolidated Planning Board Minutes

October 20, 2020, 6:00 PM

Virtual Meeting: Live Stream and On Demand: <http://www.ci.missoula.mt.us/webcasts>

YouTube Live Stream and On Demand:

<https://www.youtube.com/channel/UC5fnfMPFGSk8Gwq6F5UoqGg>

Live call in phone numbers: 1 (253) 215-8782 1 (888) 475-4499 (landlines only) Meeting ID: 960 049 3694

Voting members present: Peter Bensen (County Appt), Dave Loomis (County Alt), Josh Schroeder (Conservation Dist Appt), Caroline Lauer (City Appt), Neva Hassanein (Mayor appointee), Shane Morrissey (City Alt), Stephanie Potts, Vice Chair (County Appt), Vince Caristo, Chair (City Appt)

Regular member(s) absent: Andy Mefford (County Appt), Sean McCoy (County Appt)

1. Call to Order

Mr. Caristo called the meeting to order at 6:10 p.m.

2. Roll Call

Donna McCammon called the roll.

3. Approval of Minutes from the September 29, 2020 and October 6, 2020 meetings of the Missoula Consolidated Planning Board (MCPB)

Ms. Lauer moved, and Ms. Hassanein seconded the approval of the September 29, 2020 and October 6, 2020 Missoula Consolidated Planning Board (MCPB) minutes as submitted. With a voice vote of all ayes the minutes from September 29, 2020 and October 6, 2020 were approved.

4. Public Comment

No public comment(s) on items not on the agenda.

5. Staff Announcements

Ms. Hughes announced that the fall/winter 2020-2021 Missoula Consolidated Planning Board (MCPB) schedule would be coming out soon.

6. Public Hearings

6.1 Continuation of September 29, 2020 Hearing: Mullan Area Neighborhoods Master Plan and Code.

<https://www.youtube.com/watch?v=k2Wgtsmtmbc>

Tom Zavitz, Development Services, City of Missoula and Andrew Hagemeyer, Community and Planning Services, Missoula County, covered details in the memo provided by Dover Kohl & Partners dated October 20, 2020. <https://pub-missoula.escribemeetings.com/filestream.ashx?DocumentId=51814>

Mr. Hagemeyer stated that this is a continuation of the September 29, 2020 public hearing. He referenced the memo listed above and the recommended changes detailed therein, based off public comment received and Planning Board discussion of September 29, 2020. Highlights of the memo were brought before the board; changes to the plan included:

- Minor clarification in stormwater retention
- Added description of how bus routes would be implemented
- Include language for Zero Waste
- Strengthened implementation language for affordable housing
- Strengthened implementation language for conservation and agricultural lands preservation
- Included implementation language for Zero Waste

Highlights regarding changes to the code:

- Removed airport reserve
- Reduced parkland requirement from 22% to 11%
- Required clustering in EADA and allowed transferring density outside EADA
- Include density bonus for ag land preservation
- Minor changes to uses (nursing homes, mini storage)
- Included design for Zero Waste facilities
- Minor updates to language to match city's language

Changes to code not in the memo:

- Add: "utility-scale renewable energy generation" as a permitted use to T2, T3, and SD-2
- Add to definitions: Utility-scale renewable energy generation: Includes solar, hydropower, geothermal, and wind but does not include propane, natural gas, or any carbon dioxide polluting source. May be combined with agricultural uses.

One change to the zoning map was recommended:

- Change the McKinnon Property to T2, which is 1 unit per 20 acres as this is a conservation easement area. Two housing units would be appropriate for these 40 acres, which will be dedicated to local agriculture and/or open space.

Mr. Caristo asked about the purpose of clustering in the EADA. Mr. Hagemeyer stated that the EADA area is a set box, and clustering toward the edges would leave an open area, which would be beneficial to flight patterns should an accident ever occur. It would encourage density outside of the EADA and provide as much open area as possible within the EADA.

Mr. Schroeder asked if any changes would allow the code to be more prescriptive as far as open space. Mr. Hagemeyer stated that incentives were created to allow for more open space within a development, which was geared toward incentivizing leaving the prime ag land irrigated soils open. It is also an aspiration that the city has funds to proactively purchase some of the larger park areas ahead of time. Mr. Zavitz stated that actual open space design would be left to the developer.

Mr. Caristo asked about an implementation committee. Mr. Hagemeyer had received that question previously and felt it would be beneficial.

PUBLIC COMMENT [6:42 p.m.]

Lia Mendez, graduate student at the University of Montana, environmental studies program, appreciates how much the community values open space and public lands. She is concerned that the master plan document does not contain the necessary language to ensure that the landscaping aspects of the finished product live up to the spirit of the plan. She cited Section 1.4, rules of interpretation, which defines "may" and "should" as permissive. She referenced item 4.6 of the draft code, Landscaping Standards, item A.6 states:

In Transect Zones T2 and T3, native plant perennial landscapes should replace turf grasses where possible and be very diverse.

She stated that there no guarantees that this suggestion be adopted in the execution phase of the plan. Ms. Mendes does not feel this is sufficient and language needs to be strengthened to guide developers in their landscape planning, as well as provide recommended species for planting. Similarly, item A.3:

Landscaping shall be designed to remain functional and attractive during all seasons through a thoughtful selection of plant varieties.

In speaking with a cultivator of Montana native plants, she learned that most perennial native plants change dramatically in appearance throughout the year. She asked Planning Board members how they could better ensure the implementation of the landscaping standards by not just "encouraging" native species but making a specific quota of native plants species mandatory.

Seamus Land, environmental studies student, graduate program, University of Montana, is newer to the area and is getting a sense of the dynamics of the community. He had reviewed the plans and felt impressed with what it aspires to accomplish. He is interested in the restoration and ecological integrity of Grant Creek and feels that is imperative that space be reserved in a buffer for that project. This is a great opportunity to educate and incorporate relevant science, including climate change.

PUBLIC COMMENT CLOSED [6:54 p.m.]

PLANNING BOARD COMMENTS

Mr. Bensen missed the September 29, 2020 MCPB meeting, and the first part of this hearing. He had attended the presentation on this topic during the summer months, so was acquainted with it. He asked if it would be appropriate to abstain, having missed the September 29, 2020 meeting. Ms. Hassanein stated that, as Mr. Bensen had attended earlier presentations on the Mullan Area Master Plan, it would be acceptable for him to participate in the vote. Mr. Loomis stated that Planning Board is a recommending body; board members review the documents provided as best as they can and try to provide the governing bodies with helpful direction. He concurs that Mr. Bensen should fully participate in meeting.

Mr. Schroeder stated he is in favor of the more prescriptive form-based code, it helps create a sense of place, is more conducive to place-making, and less focused on use and more on form. It discourages monolithic product types and design which results in uninteresting places and spaces which do not foster connection within communities. He would like to see it be more prescriptive and specific in terms of open space. Native species are more drought tolerant and protect better against invasive species. He would support a percentage of native species in the plan. He feels it is a great plan.

Mr. Loomis agreed with Mr. Schroeder, he too agrees that it is a great plan and a huge step forward. There is more work to be done at the next level by staff and the governing bodies.

Ms. Lauer asked what the implementation process would look like. She felt that the "may" and "should" components of the plan need clarification. Mr. Zavitz stated that the board could make a recommendation regarding making a requirement towards native plants. This is code, like the current code, and there will be a little give-and-take. He stated that part of having a form-based code depends on having a very expert permitter on staff. Design Excellence in building design is another code used by the city, and it uses the same concept, and it takes expertise.

Mr. Bensen voiced support of the project; but felt frustrated that the last several months the Planning Board were filled with subdivision requests in this area, prior to approval of the Mullan Area Master Plan.

Mr. Morrissey asked about the density differences between this plan and the subdivisions recently approved. Could this lower density put constraints on bus transportation and other amenities? Mr. Hagemeyer stated that they knew the recent development proposals were in the works during the development of the Mullan Area Master Plan. The density proposed in the neighborhood units and the zoning are fairly consistent with these new developments. Heron's Landing is a hair under the density mark, Hellgate Meadows is right on, and Remington Flats is little below the density mark. 12 to 14 units per acre needs to be achieved to get neighborhood services like a corner store or a transit route. Mr. Hagemeyer stated that there will be minimum density requirements for the developments that come in after the Master Plan is adopted. Mr. Morrissey asked if the vision for 6,000 units had already been eroded, and if more density in some areas could be incentivized. Mr. Zavitz added that, for this area, 6,000 is more like a minimum number, and they cannot get too much below that. There is room to get 1,000 -2,000 units above this. Mr. Morrissey asked if there would, or should, be a plan to revisit successes and failures in a few years. Mr. Zavitz stated that Development Services does a yearly update to their zoning codes. They revisit Title 20 every year, taking comments from staff, developers, and citizens to improve. This year the city had

over 50 amendments to the zoning code in the update. Mr. Morrissey felt strongly that the plan should be revisited on a regular basis to ensure its' continued success. Mr. Hagemeyer stated that development proposals will be needed to come through the process for them to evaluate it; and they do not get these proposals for a year or two. They will be back in five years to review the plan; it might not be the zoning that needs to be tweaked, but possibly the plan itself. Mr. Morrissey would like to see explicit standards, and when needed, to hear variance requests. Mr. Hagemeyer stated that the Planning Board would see most of the development proposals for this area, per Division 7 of the code. Mr. Zavitz added that these would be major subdivisions, and as such, they would come before the Planning Board.

Mr. Morrissey stated that if native plants were made an imperative, it could limit agricultural uses and/or fruit trees, which are not native.

Mr. Schroeder asked about the density changes to Heron's Landing and Remington Flats, and how the physical form, placement, and size of those developments would have been different had they been approved under the new form-based code. Mr. Hagemeyer explained Heron's Landing had a grid system of roadways; form-based code has perimeter road standards. Traditionally block lengths were used, which does not necessarily facilitate connectivity as a perimeter system does. The perimeter of the road would have to be 1,500 feet. Mr. Hagemeyer stated that Remington Flats had driveways in the front of the dwellings; but this is not the preferable place for parking within the form-based code, which would be the side or back of a structure. Form-based code requires a better mixture of buildings. Mr. Zavitz added that Heron's Landing road designs, under the form-based code, would be less wide roads with more pedestrian friendly designs. Heron's Landing was designed by a firm utilizing the "missing middle" concept. With the form-based code it would have been denser, have more variety in the street designs, the blocks would have been smaller, and more pedestrian friendly. Mr. Hagemeyer stated that the real differences occurs with multiplex and commercial buildings where there are requirements on facades and storefronts. Mr. Zavitz indicated that no developers had stated that they could not work with it, or that they felt it could not work.

Mr. Morrissey asked about precedence when there are conflicts in zoning between city and county. The form-based code seems to be using impermeable paving; however, the city has gotten away from that; the pavement of alleys. Who takes precedence over street standards and have these issues been cross-checked? Mr. Zavitz replied that they had cross-checked with street designs to a point, and the city is working on revising Title 12, which are specifications for streets and roads. Currently, street and road standards reside in subdivision regulations. They are working toward a unified development code. Ms. Means, City Development Services, added that the goal is to make this as transparent as possible; where they know there are standards that are in the subdivision regulations and the form-based code, the priority would be the form-based code. This may mean an administrative clarification in the sub-regulations; there are also ways to add administrative clarifications. Mr. Zavitz stated that this was new to all the city departments, not just the Planning Board. The Euclidean code is black and which and this will be an effort to educate and work with all the departments. The goal is streamlined review to provide affordability.

Mr. Caristo asked if there were portions of the area that would need to be rezoned; and all the portions in the county expected to be annexed to the city upon development. Tom answered yes to the second question and no to the first. No city lands will be rezoned or reclassified, they will all be county and probably all coming into the city.

Mr. Bensen asked about irrigation ditches and water rights. Mr. Zavitz stated that the BUILD grant project is dealing with some of that; one of the landowners would abandon their rights to one of ditches. This would be a significant change, but it sounded like they would be willing to do that. Mr. Bensen stated that as climate change continues to occur it would be reasonable to assume that water rights will become more significant. Mr. Hagemeier stated that water rights are part of the private property rights bundle but could be acquired by local governments. He stated that there was interest in converting surface water rights to groundwater rights in the area. Ms. Hassanein asked about a water bank in Grass Valley. Travis Ross, Environmental Health Specialist for the Missoula Valley Water Quality District, would be contacted for details. Ms. Hassanein recalled that at one time Mr. Flynn said that he had severed the water rights for most of this land.

Ms. Hassanein read portions of an intergovernmental meeting agenda from August 25, 2020 between the Missoula Board of County Commissioners and the Tribal Council of the Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Nation. (Document attached to the agenda.) CSKT requests a renaming of the "Mullan area" and an excerpt of the document was read:

... renaming the "Mullan area" is not about forgetting John Mullan and his significant role in the area's history. It's about recognizing that he is not an appropriate figure to honor if we are to find names that everyone in the community can celebrate. Mullan was a vigorous proponent of political and cultural genocide. His writings contain valuable information for our history, but they are also full of racist references to Indian people. Like his superior, Isaac Stevens, Mullan repeatedly made solemn promises to the Séliš, Qlispé, Kootenai, and other tribes to respect our self-determination and sovereignty. But when Mullan and Stevens wrote to each other, they both explicitly laid out their vision of the future — their true objectives, which they took pains to conceal from tribal leaders during treaty meetings and other discussions. A representative passage can be found in Mullan's letter to Stevens in December 1853...

She proposed a motion to recommend the removal of the name "Mullan Area" from the plan and to consult with Tony Incashola, Director, Séliš-Qlispé Culture Committee on a more historically accurate and inclusive name. Mr. Bensen, Mr. Caristo and Ms. Potts support the motion. Mr. Caristo asked how this would work procedurally. Mr. Hagemeier stated that the current name has recognition within the community and a change at this stage could create confusion. However, he envisioned working with the tribes and cultural committees to arrive at suggestions and present those to the council and commissioners hearing; then when a resolution is adopted for the plan and the code it would no longer be called the Mullan Area Master Plan. Mr. Schroeder asked if multiple stakeholders would be part of the new naming process, and if so, this should also include the Nez Perce Tribe. He is in favor of the motion but does not wish to exclude other interested/invested tribal governments.

Board members discussed amendments and voting details [see YouTube video <https://www.youtube.com/watch?v=k2Wgtsmtmbc>]

A joint city-county hearing is scheduled for December 7, 2020 to hear the public's thoughts on this plan. On October 21, 2020 from 11:00 a.m. t 1:00 p.m. Dover Kohl & Partners will provide a presentation to staff and City Council members at the Land Use and Planning Committee meeting.

Moved by: Neva Hassanein

Seconded by: Peter Bensen

Recommend to the City of Missoula, and the Missoula County Commissioners the removal of the name "Mullan" from the Mullan Area Neighborhoods Master Plan and the associated Form-Based Code before passing the final version; with exception given to current road names, and that they find a more historically accurate and inclusive name from dialogue with the Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Nation and other tribal governments, as appropriate.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Neva Hassanein

Seconded by: Shane Morrissey

BE IT RESOLVED THAT the proposed Mullan Area Neighborhoods Master Plan be recommended to the Missoula City Council for adoption as a Neighborhood Plan of the Our Missoula City Growth Policy and to amend the City of Missoula Future Land Use Map to include the Mullan Area Neighborhood Master Plan Land Use Designation, aligning with the Mullan Area Neighborhoods Master Plan and to repeal the Wye-Mullan West Comprehensive Area Plan for the same area.

Moved by: Shane Morrissey

Seconded by: Josh Schroeder

Amendment 1. That the recommended revisions to the *"September 11, 2020 Drafts of the Mullan Area Master Plan and Form-Based Code"* as listed in the Memorandum dated October 20, 2020 from Jason King and Rob Piatkowski, Dover, Kohl & Partners, and attached to the agenda, be recommended for approval in the Mullan Area Master Neighborhoods Master Plan.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey
Seconded by: Caroline Lauer

Amendment 2. Add Action 5.1.2 to create an implementation committee in the near term, and on-going, with the lead agencies being both the city and the county.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey
Seconded by: Neva Hassanein

Amendment 3. Add strategy action 5.1.3 to review the plan and the code for updates yearly for the first five (5) years. The lead agencies are the city and the county. Time frame on-going.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Neva Hassanein
Seconded by: Shane Morrissey

BE IT RESOLVED THAT the proposed Mullan Area Neighborhoods Master Plan be recommended AS AMENDED to the Missoula City Council for adoption as a Neighborhood Plan of the Our Missoula City Growth Policy and to amend the City of Missoula Future Land Use Map to include the Mullan Area Neighborhood Master Plan Land Use Designation, aligning with the Mullan Area Neighborhoods Master Plan and to repeal the Wye-Mullan West Comprehensive Area Plan for the same area.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey
Seconded by: Dave Loomis

BE IT RESOLVED THAT the proposed Mullan Area Neighborhoods Master Plan be recommended AS AMENDED to the Board of County Commissioners for adoption as an Area Plan of the Missoula County Growth Policy, the Missoula County Land Use Map (MAP 18) be amended to include the Mullan Area Neighborhoods Master Plan Land Use

Designation, and the boundaries of the Wye-Mullan Comprehensive Area Plan be amended based on the findings and conclusions contained in the staff report.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey

Seconded by: Caroline Lauer

Recommend the Missoula City Council approve an ordinance that establishes the Mullan Traditional Neighborhood Development Form Based Code.

Moved by: Caroline Lauer

Seconded by: Neva Hassanein

Amendment 1 to the Form-Based Code: Section 4.6.A; Landscape Standards/General Standards

Item 4. Recommend that staff and consultant to determine percentage of native plant species to be required and specify this number in the code.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Stephanie Potts

Seconded by: Josh Schroeder

Amendment 2 to the Form-Based Code: Section 4.6.A; Landscape Standards/General Standards

Item 3. Strike item 3 from the code. "Landscaping shall be designed to remain functional and attractive during all seasons through a thoughtful selection of plant varieties."

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Dave Loomis

Seconded by: Stephanie Potts

Amendment 3 to the Form-Based Code: Section 4.6.A; Landscape Standards/General Standards

Recommend that staff develop language for governing body use on responsibility for both private and public standards and maintenance.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey

Seconded by: Peter Bensen

Amendment 4 to the Form-Based Code: That the recommended revisions to the *"September 11, 2020 Drafts of the Mullan Area Master Plan and Form-Based Code"* as listed in the Memorandum dated October 20, 2020 from Jason King and Rob Piatkowski, Dover, Kohl & Partners, and attached to the agenda, be recommended for approval in the Mullan Area Form-Based code.

Amendment 5 to the Form-Based Code: Add "utility-scale renewable energy generation" as a permitted use to T2, T3, and SD-W.

Amendment 6 to the Form-Based code: Add to definitions: Utility-scale renewable energy generation: Includes solar, hydropower, geothermal and wind but does not include propane, natural gas, or any carbon dioxide polluting source. May be combined with agricultural uses.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Shane Morrissey

Seconded by: Caroline Lauer

Recommend the Missoula City Council approve an ordinance that establishes the Mullan Traditional Neighborhood Development Form Based Code AS AMENDED.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Neva Hassanein

Seconded by: Dave Loomis

THAT the proposed Mullan Traditional Neighborhood Development Form Based Code be recommended AS AMENDED to the Board of County Commissioners for adoption as a zoning regulation for a portion of Missoula County to implement the Mullan Area Neighborhoods Master Plan, based on the findings of fact and conclusions contained in the staff report.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

Moved by: Josh Schroeder

Seconded by: Peter Bensen

THAT the proposed zoning map amendment implementing the Mullan Area Neighborhoods Master Plan as shown in Exhibit 5 be recommended to the Board of County Commissioners for adoption WITH CHANGES RECOMMENDED BY STAFF IN THE MEMO DATED 10/20/20, based on the findings of fact and conclusions contained in the staff report.

AYES: (8): Peter Bensen, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, Stephanie Potts, and Vince Caristo

ABSENT: (2): Andy Mefford, and Sean McCoy

Vote results: Approved (8 to 0)

7. Communications and Special Presentations

No communications nor special presentations.

8. Committee Reports

Mr. Bensen reported that at the Transportation Policy Coordinating Committee (TPCC) met earlier in the day. The first run of the long-range transportation plan was presented. The plan provided 3 different options: 1) business as usual, 2) strategic issues within the city, or 3) "enhanced connections", which, is an option that extends to outreaching communities. Each plan has pros and cons, and these plans will be brought before the Planning Board in December 2020.

Commissioners Strohmaier and Slotnick asked if that the Planning Board could take a proactive role in coordinating with the towns and communities in Missoula County (starting with the close ones like Lolo, Frenchtown, east Missoula) regarding their regional growth plans. The context was the long-range transportation goals for Missoula County, specifically strategic and enhanced connections. Commissioner Strohmaier suggested the community councils. Staff will follow up with the commissioners to get specific information on this request.

9. Old Business

No old business.

10. New Business and Referrals

No new business nor referrals.

11. Comments from MCPB Members

Ms. Potts announced that she will be resigning from the Missoula Consolidated Planning Board (MCPB) effective the end of October 2020. Ms. Potts will be relocating to the Gallatin Valley. She will be attending the October 27, 2020 meeting prior to her departure from the board. Mr. Caristo and other board members expressed their appreciation of her service.

12. Adjournment

Mr. Caristo adjourned the meeting at 9:39 p.m.



Missoula Consolidated Planning Board Minutes

October 27, 2020, 6:00 PM

Virtual Meeting: Live Stream and On Demand: <http://www.ci.missoula.mt.us/webcasts>

YouTube Live Stream and On Demand:

<https://www.youtube.com/channel/UC5fnfMPFGSk8Gwq6F5UoqGg>

Live call in phone numbers: 1 (253) 215-8782 1 (888) 475-4499 (landlines only) Meeting ID: 960 049 3694

Voting members present: Andy Mefford, Peter Bensen, Stephanie Potts, Dave Loomis, Caroline Lauer, Shane Morrissey, Vince Caristo

Regular member(s) absent: Sean McCoy, Josh Schroeder, Neva Hassanein

1. Call to Order

Mr. Caristo called the meeting to order at 6:03 p.m.

2. Roll Call

Donna McCammon called the roll.

3. Approval of minutes deferred to a future meeting

4. Public Comment

Lia Mendez, graduate student at the University of Montana, environmental studies program, provided comments at the October 20, 2020 meeting of the Missoula Consolidated Planning Board (MCPB). She thanked the board members for addressing her comments and concerns on the Mullan Area landscaping code and native plants. Ms. Mendez remains interested in staff recommendations on amending the code to require a minimum percentage of native plants. She will continue to follow the public discussions on what constitutes native species and what might be on the landscaping list.

Seamus Land, environmental studies student, graduate program, University of Montana, also provided public comments at the MCPB meeting on October 20, 2020. He appreciated the discussion on native plants that ensued. He encouraged the board to continue the dialog on native plants due to their climate resiliency and the sense of place they create. Mr. Land encouraged the board and other entities to proceed with the Grant Creek restoration, the buffer zone, and the funding for that. He feels that the Grant Creek restoration will add to the sense of place and add an educational aspect to the plan.

5. Staff Announcements

5.1 Updated Planning Board Schedule (attachment)

5.2 2019-2020 Title 20 Update package adopted 10-19-20 at City Council

Ms. Means, City Development Services, explained the process with City Council and thanked the planning board members for their discussion and input.

5.3 Planning Board Moving to Zoom WEBINAR Nov/Dec 2020

6. Public Hearings

No public hearing(s).

7. Communications and Special Presentations

7.1 City Subdivision and Townhouse Exemption Development (TED) Regulation Review Project – Update; Laval Means and Jessica Garrow (with consultant firm Design Workshop)

<https://www.youtube.com/watch?v=4R83SIbKfIQ>

Ms. Laval Means, Development Services (DS), City of Missoula, reminded the board members that her department has been working on the assessment of the current land development regulations, focusing a lot on process, but also current regulations, best practices, and local examples. They will be receiving a recommendations report which will provide a roadmap for the way forward. She introduced Jessica Garrow and Nicole Rebeck-Stout, from Design Workshop. Mr. Ben Brewer, City of Missoula Planner, would be providing finer details later in the presentation.

Ms. Garrow provided a presentation on the recommendations report and the progress made with that. The Design Workshop team is comprised of Jessica Garrow, Project Manager; Anna Laybourn, Principal-in-Charge; Nicole Rebeck-Stout, Planner; and Brooks Cowles, Housing and Economics. An overview of project goals was provided, which had been previously provided when the team last met with the board, late spring/early summer. Goals are focused on outcomes and a report that will lead to a land use review process that is easier to administer from a city perspective, and easier to understand from community and development perspectives. Ms. Garrow stated that Missoula's Engage Missoula platform was used: <https://www.engagemissoula.com/missoula-subdivision-regulations-review> and interviews were completed. 120 participants took part in the community questionnaire and the highlights of those results were presented. The most important topics were identified as: create affordable housing (84%), consistent with values (89%), physical features (88%), and align with policy documents (83%). The environmental focus group identified their most important topics as: steep slope protections, access to local food, and access to rivers and waterways.

Mr. Caristo asked if these were questions on what people value, or what they feel needs to be changed. Mr. Garrow clarified that these are values which they feel should be incorporated into a code and into the process. Ms. Means and Ms. Garrow reminded board members that the packet [<https://pub-missoula.escribemeetings.com/filestream.ashx?DocumentId=52307>], and Engage Missoula, contains the draft of the recommendations report. The environmental report was still out while the draft recommendations report was being compiled, so that is not in the report at this time, but it will be added, along with additional detail, to the recommendations report.

Ms. Garrow compared the process in Missoula with national best practices. Four case studies were completed covering both subdivisions and the Townhome Exemption Developments (TEDs). They completed a state law analysis that focused on state law requirements. She stated that Montana is unique in how prescriptive the subdivision regulations are and where there might be opportunities for adjustment of Missoula's code to better align with state law. An existing code analysis was completed, with the focus on process. Best practice theme focuses: public comment process, housing opportunities, streamlined process, and policy alignment. Lessons learned from the case studies were identified as process or regulatory. Some of the "wins" were proactive conservation and development services support.

Missoula meets the state law requirements. Ms. Garrow stated that Missoula's parks calculations when density is not known is lower than the state allowance, and this is included in the recommendations report. Opportunities were identified: clarity in regulation hierarchy, pre-application documents, administrative reviews, and parks dedication updates. Existing code opportunities were identified as: ensure all timelines are incorporated in code, role of DS in agency comments, pre-application phase simplification, and timing of neighborhood meetings. The recommendations report places impact and issues into three categories: community impacts, city impacts, and development impacts and examples were provided.

Ms. Lauer asked for examples and context of city policies not being fully realized. Ms. Garrow stated that one example is that the housing policy seeking affordability and diversity of housing types; however, there are specific requirements related to density calculations, sloped lots, or other impacts to the amount of housing, and these could be updated. Ms. Garrow stated that a developer could be in line with the Growth Policy, but that it was not carried through into the zoning.

Mr. Bensen asked about the Planning Board's role in the process, and can the role of the board be optimized, and if so, how? Ms. Garrow provided a best practices example from Bozeman: instead of going to the planning board for a minor subdivision, that first step is completed at a staff level. There is still a public comment period but no public hearing. She stated that this was identified as a change that could be made to help streamline Missoula's process without negatively impacting outcomes. This is a delegation clearly allowed in state law. Mr. Garrow stated that there were also conversations around regulations based on geography and scale. She stated that proposals in certain areas where one might expect development, that are relatively consistent with the code and the growth policy, a more expedited process, and that may or may not skip Planning Board. Ms. Means clarified that minor subdivisions currently do not go to Planning Board, but to Land Use and Planning (LUP) Committee and there is still opportunity for public comment.

Mr. Caristo asked if subdivision and TED projects were required by state law to come to the Planning Board. Ms. Garrow stated that there several exemptions that can be adopted through the process and those are included in the recommendations report. She provided an example of changes that could be made to cluster subdivision regulations that would have a different process and could skip some of the steps. The same could happen with the infrastructure exemption and growth policy, where the community has an adopted growth policy and they have done some additional work to understand and quantify that infrastructure is available to serve that subdivision. In that situation some of

the steps could be skipped. Ms. Garrow stated that it is about taking advantage of the exemptions that are in state law.

Impacts and issues discussion from the recommendations report:

Administrative Issues

- Development process clarity
- City and agency review team consistency
- City staff capacity
- Timelines for the development process

Regulations issues

- Limited flexibility / options with regulations
- Conflicts between regulations and policies
- City staff has a larger workload than is necessary
- Policies and regulations are not prioritized and/or geographically prioritized

Ms. Garrow stated that the recommendations report is divided into sections. The first section is Administrative:

A1: Update checklists and flow charts

A2: Establish City project review team with project champion

A3: Implement a formal documentation process for established decisions / milestones

A4: Require key agencies to be present at scoping or pre-application meetings

A5: Create a development process manual. A Public Works (PW) manual is currently underway; and completing that is a short-term implementation strategy and will help with clarity issues around public works requirements. Ms. Garrow stated that once it has been in place or awhile, they recommend a review to see if it makes sense for the general development process.

A6: Increase staff capacity for development project review

Mr. Mefford felt that item A4 is important; many times, he has attended scoping meetings, or pre-apps. These can take weeks to get set up and frequently the decision-makers and/or key personnel are not in attendance. Having the right staff and agencies present at a stakeholder meeting is key to the success of a project. A secondary issue is knowing where you are in the process; it could benefit from having a process like that with a building permit, where a project number is assigned. As a developer's representative it would be advantageous to have access to a portal and see how it is moving along. Ms. Garrow stated that Mr. Mefford's concerns were consistent with the feedback they have heard. She feels there is an opportunity for clarity on this item.

Mr. Caristo asked about the Public Works manual; is this separate from their proposal? Ms. Garrow stated their full recommendation is to have a development process manual that covers not just Public Works, but the whole range of requirements

for a project. The Public Works manual is in the works now, so an important short-term step will be to complete that and learn from it.

Mr. Loomis felt that the importance of item A6 was obvious. There is a continuing problem with city development staff recruitment, training, and retention. He would like the Planning Board to urge the city to find long-term solutions. The current staff is doing remarkably well with the limitations placed upon them. He feels that the expectations of the staff are too high given what the department has been given by city council.

Code and State Law

CP1: Implement administrative review process. Ms. Garrow stated that certain minor subdivisions could be delegated to the planning director for review.

CP2: Establish an expedited review process based on criteria. Smaller projects could have a quicker path to approval.

Ms. Garrow stated that these are best practices pulled from Bozeman and Billings, MT as they are specific to Montana state law.

Ms. Potts will be moving to the Gallatin Valley soon and noted that housing is not affordable in that area. There are a lot large homes being developed, but they are not affordable and not near services nor the urban core. She compared this with recent Planning Board discussions on the Mullan Area Master Plan in Missoula; to attempt to prevent unchecked development from happening. She asked how this could be balanced but ensure the values are maintained as development occurs. Ms. Garrow stated that there are recommendations in CP4 that focus on aligning regulations to the policy documents.

CP3: Adjust neighborhood meeting requirement. They received a lot of comments and conservation about this with the LUP committee, the working group, and through community engagement. They identified that the neighborhood meetings requirement in Missoula is probably happening at the wrong time. It is happening before a public hearing, but so far into the process that the developer has already spent quite a bit of time, effort, and money to design the project, and is sometimes reticent to make adjustments based off the neighborhood meeting. They suggest:

- Establishing some best practices and handouts as to what should be happening at the neighborhood meeting and determine who should be participating and provide the guide to neighborhood councils and the development community.
- Staff presence/attendance at neighborhood meetings at least for the larger projects to answer questions and help clarify requirements.
- Adjust the requirements based on the project type. Small projects or minor subdivisions could provide a meeting or an informational mailer at their discretion, whereas a large subdivision would continue to have a neighborhood meeting. Other comment methods need to be considered, as opposed to comments received only at a neighborhood meeting, i.e. the Engage Missoula platform and on-line forums.
- Recommend the neighborhood meeting occur prior to the pre-application meeting.

- Reduce requirements of pre-application meeting.

Mr. Caristo asked about noticing requirements and publicity for neighborhood meetings. Ms. Garrow stated that Fort Collins, CO is required mail property owners within a 300-foot radius for notice of the public hearing and the same list is used for the neighborhood meeting. Other communities have a poster requirement. She agreed that it is difficult to notify every person.

Mr. Bensen felt that it was a no-win situation and felt bad for the staff having to attend these meetings. Not everyone knows when it is the right time to complain. He commends the effort but is not optimistic for a solution being realized. Ms. Garrow agreed that this is one of the more difficult elements in the report, and they have tried to outline multiple options and get feedback on what is and is not working.

CP4: Align regulations to policy documents. Implemented by allowing variations that meet the Growth Policy and zoning tool updates.

CP5: Update the TED process to prioritize clarity and establish clear criteria for its use. Ms. Garrow stated that it is important to point out that Missoula is the only community in Montana to utilize the TED process. The state law is short, about two lines, and it does not give a lot of direction. She felt that Missoula had done a good job, even with the lack of direction. The process works in Missoula and is compliant with state law.

Mr. Mefford said that Missoula was the only community in the state utilizing the TED; however, the communities in the Flathead, Bozeman, and Billings are also experiencing tremendous growth and they are deciding without the TED regulations. They are managing their growth through zoning. He felt this all goes back to staff workload; we have created a set of regulations and more checklists, which all take more staff time. He stated that one could argue that other municipalities in the state have been able to do without those regulations and questioned the necessity of creating the TED regulations in the first place. This would be one way to free up staff time to work on other things. Mr. Caristo asked if he was talking about conditional use approval. Mr. Mefford clarified that he was talking about the Townhome Exemption Development (TED) process which was created and put into the Title 20 development code. The entire section was added in, which he did not support. He also does not advocate overlay districts and design excellence. Mr. Mefford felt that the effort in keeping up Title 20, and these others, up to date is arduous and requires a lot of staff time and adds cost, and it starts factoring into affordable housing. He stated it was not so much about design exception, but the added processes which may have not been necessary.

Ms. Garrow stated that they recommend the TED be continued but that it be examined and streamlined as intended by state law. One of the recommendations is to re-evaluate the TED ownership unit.

Ms. Potts stated that a set of regulations was not created by the TED, TED exemptions are an exemption from subdivision review. She agreed that Missoula as a more onerous process than Butte or Billings; but it is still a less onerous process than having all those pieces of land go through a full subdivision review. The state has delegated citizen run boards at the county level the duty to review these. The vagueness in state law is to allow each county to do what is right for their communities. She felt that citizen review processes are important.

Mr. Caristo asked about the changes to the TED recommended by MCPB previously. Ms. Means concurred that amendments were heard last year, and it is important to look at all the land development regulations, not just the one tool as one affects the other. Mr. Brewer recapped the basic changes, including: limiting the scope of a project that a TED exemption could be used for, a size cap of up to 10 or 20 dwelling units for a single TED project; removed the conditional use requirement entirely so it is all an administrative review process through zoning compliance permit review and from there it is ready to file the declaration after that approval. Since then there has been one larger TED for 14 to 15 units that has been in the review process, which would have been a conditional use project under the previous regulations. Mr. Brewer stated that 12 to 15 smaller TEDs, many which were an existing home, adding another home to the property and using TED to make them both available for separate ownership. Others had 4 to 5 new units, which are in line with what they were aiming for and using TED as a tool for infill development and make that review process streamlined and have more residential units coming online more quickly.

Ms. Garrow stated that they recommend potentially increasing the cap size in certain areas. One example would be in an area with a Master Plan where there has been conversation and expectation around development that is going to occur. Similarly, certain infill areas might make sense as well.

CP6: Embed flexibility into regulations with options that reward innovation.

CP7: Update code to allow or encourage ADUs and Cottage Homes. They have discussed allowing ADUs within TED developments and removing the minimum lot size requirements for ADUs and cottage homes.

CP8: Update code density calculations by using gross density calculations. Hillside and floodplain lot reductions could be removed while still prohibiting development in those areas but allowing for the full density on the parcel.

Ms. Lauer ask about rewarding innovation in item CP6. Are rewards limited to density or do they extend to incentives for electric vehicle stations, on-site solar energy, climate related building performance, or air filtration for wildfire smoke? Ms. Garrow stated that implementation would not be that specific, the focus has been innovation and flexibility within the strict subdivision standards, which could be translated into street width and road connections, although she does see the opportunity to add in language on other incentives.

Mr. Loomis asked for clarification on item CP8, which has to do with steep slopes, and not subtracting from the density yield. Ms. Garrow stated that currently steep slopes are deducted from the density calculations. Any area considered sensitive lands should continue to not have development but, in an effort, to provide additional housing stock and variety of housing types, the land area should be calculated for the density. Mr. Loomis did not feel there should be a reward for steep slope properties, 20% and up. Dwellings downslope will suffer the consequences of increased runoff and bear the cost of expensive engineering solutions.

Mr. Morrissey agreed with the recommendation; if a site is 50% undevelopable due to steep slope standards or protecting watersheds, if those lands are deemed

undevelopable, double the density can be placed on the area of the parcel that is left. He felt that this would protect those spaces for the community.

Mr. Mefford added that it would be a good thing to promote an incentive to increase the density. He asked about the density computation. Ms. Garrow clarified that density would not be reduced for the slopes; the slopes could not be built upon, but neither would the density calculations be reduced.

Ms. Potts was concerned about making this a blanket rule. She recalled the Planning Board hearing on McCauley Butte which had both steep slopes and agricultural land. There are also large landowners holding mountainside real estate. Although this is city specific, she felt that there are nuances with each proposal and care should be taken with this.

Mr. Morrissey asked if the language should be extended lands that we want to preserve in some way, not only hillsides and floodplains. This would then include prime agricultural soils. Mr. Caristo noted that increasing density allowance would not absolve other requirements, include parkland, agricultural preservation, and streets. Ms. Garrow stated that he was correct; this is about the calculation only and does not change anything else as it relates to city requirements.

Mr. Loomis asked that if he had 100 acres, and 90 acres was in the floodplain, would he get full credit for density as if it was 100 acres, but put it on the remaining 10 acres? Ms. Garrow stated that as it is written now, it would eliminate the reduction in the density calculation; but they are hearing at this meeting that there are situations where the calculation should not change based off of a very large lot size and percentage of the lot within steep slopes or within a floodplain. Additional nuance could be provided to address the comments received at this meeting.

Mr. Morrissey asked if it could be improved with guardrails/side rails by specifying a density exceedance percentage and give it some parameters. Ms. Means stated that this is not a density bonus, but rights that are already there for the overall parcel. They can either go through a density reduction exercise and not build on the sensitive lands; but this recommendation is to not do the density reduction and still not build on those lands. The developer would still have to comply with zoning, building types, heights, and setbacks. There might be infrastructure and street and roadway constraints. Mr. Morrissey stated that is what he was advocating for but would be fine with a case-by-case review and allowing all density on a smaller piece of land.

Mr. Mefford asked about the transfer of development rights. A recent board hearing had both ag and hillside components; would that property owner have no options for development? Ms. Means stated that staff sometimes has to trace back through the history of subdivision to ensure that some rights might have been moved. It starts as one parcel, and some rights have been moved to creation, some have been limited. She gave the example that if a parcel had 40 units and these were used in different ways, then they would be done. Sometimes it may mean that a parcel cannot be developed and "no build" terminology would need to be placed if all the rights were previously used.

CP9: Update code to allow parking reductions in certain areas.

CP10: Update code provisions related to parks dedication requirements. Ms. Garrow stated that park dedication is a detailed section in state law, and there are opportunities to update these requirements. She provided implementation opportunities:

- Update to state dedication amount
- Clarify Cash-in-Lieu (CIL) options
- Update parks exemption language
- Allow some CIL by right for small park dedications
- Advocate for state law change

Mr. Caristo felt the parking reduction recommendation made a lot of sense. He asked if on-street parking was specifically addressed and allowed in certain situations, specifically, corner lot situations. Ms. Garrow stated that although it was not included, it would make sense as a medium-term recommendation. Mr. Brewer added that this is included in the design excellence overlay; in most of the sub-districts in a design excellence overlay credits are given for meeting parking requirements, which includes on-street parking adjacent to those sites.

Mr. Morrissey noted that design excellence does not apply in all areas, and it would be good to include here. He asked if there was a way to encourage alley access parking and/or reducing driveway width; to promote more walkable neighborhoods and less forward-facing garages.

Mr. Bensen was concerned that park dedication requirements. He recalled the park director's comment to the planning board, that the expenditure of CIL funds are up to the park district, and the monies may not benefit the subdivision from which they were collected. He asked if the CP10 recommendations applied only to the TED provisions, or were they to be more generally applied? Ms. Garrow stated that this recommendation is broader than subdivision and TED, but these requirements come from state law. Mr. Bensen felt that having an advocate in the process would be important. She stated that parks dedication, neighborhood meetings, and TEDs are where there are a lot of different recommendations because they are more the complex pieces of the Missoula process.

CP11: Adopt the subdivision infrastructure and growth policy exemption. Ms. Garrow stated that no community has adopted this exemption because it is complex. They suggest that as a short-term recommendation that the city work to understand the requirements for this infrastructure exemption.

CP12: Update the cluster subdivision exemption. There are opportunities to create a more streamlined process as it related to cluster subdivisions. There are opportunities to create a more streamlined process as it relates to cluster subdivisions. This could also be an area to tie in some of the policy documents and statements about the preservation of agricultural lands.

C13: Adopt a unified development ordinance (UDO).

Ms. Garrow stated that there are regulations that have been adopted twice; some of the requirements in subdivision have also been adopted in Title 20 as it relates to TED, this is redundancy that creates additional pages. When there are requirements from

engineering or public works that are outside of Title 20, there is a question on which regulation to meet. The UDO can help articulate that but pulling these into one place.

Programs and Policy

P1: Establish incentives for affordable housing.

P2: Prepare city research materials for habitat, slopes, geotechnical, etc.

P3: Establish hierarchy for policies based on geography.

Ms. Means will email board members a comment log to provide feedback and asked that those be returned by November 6, 2020. Comment can also be made through the Engage Missoula website. The final document will go to Land Use and Planning (LUP) on November 18, 2020.

8. Committee Reports

No committee reports.

9. Old Business

No old business.

10. New Business and Referrals

No new business nor referrals.

11. Comments from MCPB Members

Planning Board members thanked Ms. Potts for her service to the board and wished her well with her future endeavors in the Gallatin Valley.

Mr. Loomis appreciated the city staff presentation.

Mr. Bensen recalled a conversation about the land use element with Andrew Hagemeyer. They had preserving and connecting riparian areas, game trails and natural resources. These are not specific to any neighborhoods, and we need to facilitate paying attention to these details. One of the intentions of the park district was that children would have to walk only a certain amount to reach a local park. He stressed the importance of byways, trails, and connectivity through the whole city, and was not sure which department was responsible for this, or if the Planning Board should be more involved. Peter cited the influence of Teddy Roosevelt and Ian McCard.

12. Adjournment

Mr. Caristo adjourned the meeting at 8:16 p.m.