

Missoula City Council Land Use and Planning Committee Minutes - DRAFT

September 15, 2021

1:30 pm

ZOOM Webinar

Members present: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

Members absent: Jesse Ramos

1. ADMINISTRATIVE BUSINESS

The meeting was called to order at 1:45 p.m.

1.1 Roll Call

Amanda Vermace called the roll.

1.2 Approval of the minutes

1.2.1 Approval of the Minutes from July 21, 2021

Due to an error with attachments, the minutes were not approved and will be reviewed during the next Land Use and Planning meeting.

2. PUBLIC COMMENT

There was no public comment.

3. COMMITTEE BUSINESS

3.1 Appointments to the City Board of Adjustment

No discussion was held for the Mayor's appointment of Joe Dehnert and Ryan Morton to the City Board of Adjustment. The committee approved the appointments and the item will move to the City Councils Consent Agenda for Monday, September 20, 2021.

Moved by: Julie Merritt

Confirm the Mayor's appointment of Joe Dehnert, as Alternate 1, and Ryan Morton, as Alternate 2, to the City Board of Adjustment for terms to begin immediately and expire on June 30, 2023.

AYES: (11): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (1): Jesse Ramos

Vote results: Approved (11 to 0)

3.2 Referral and Staff Report: England Boulevard Annexation

This item was presented at City Council on Monday, September 13, 2021, during the public hearing. Kaitlin McCafferty, Associate Planner with Community Planning, Development and Innovation department and members from the applicant team were present to answer questions. No requests were made to present the background and the committee went right into questions and comments.

The committee inquired about the proposed development and if the property was approved for annexation. Ms. McCafferty stated 76 units would be proposed. Additional questions were asked about traffic and non-motorized connectivity to the surrounding areas besides England Boulevard. Ms. McCafferty responded that notice was provided to city agencies and no concerns or comments were made regarding traffic or adding new infrastructure. The applicant team added that non-motorized connectivity could be an option with the support of the surrounding area.

Additionally, members of the committee asked about rental cost once the property is built. The applicant team stated the rate would be standard as they do not plan to build luxury apartments at the proposed site and no tax credit is being requested to subsidize the project. A one-bedroom apartment would cost about \$800.00 and a two-bedroom apartment would be in the mid to upper \$900.00 range.

The item goes before City Council on Monday, September 20, 2021, for Final Consideration.

Informational Item only

3.3 Marijuana Land Use Regulation Revision White Paper

Jordan Hess gave an introduction of the item and gave recognition to the Community Planning, Development and Innovation department staff involved in the research and presentation provided. Ben Brewer, Planner with the Community Planning division, gave a background on how the item started to evolve and the hope to develop an ordinance to regulate the House Bill that passed allowing for adult use of recreational marijuana. Mr. Brewer turned the presentation over to Spencer Starke, Associate Planner with the Permits and Land Use Review division. Mr. Starke provided a timeline for adult use of recreational marijuana which included allowing business licenses to be issued for retail, cultivation and other means of business related to the legalization of recreation marijuana use. Mr. Starke shared a map that displayed businesses that have been operating within the city. These businesses include;

- Cultivation
- Dispensary
- Multi-Use: Cultivation & Dispensary
- Multi-Use: Cultivation & Manufacturing
- Multi-Use: Cultivation, Dispensary & Manufacturing

- Multi-Use: Dispensary & Manufacturing
- Medical Cannabis - Delivery Only
- Home Based Delivery Service (Medical Marijuana)
- Transportation
- Testing

Cassie Tripard, Planning Supervisor with the Permits and Land Use Review division, went over the impacts of marijuana related use. Staff categorized these into three major concerns;

- Public Health and Safety
- Urban Form
- Neighborhood Character

Ms. Tripard also discussed the 2035 Our Missoula Growth Policy which is used as the city's guiding plan. Mr. Starke gave recommendations from staff that covered four preliminary impacts to mitigate through Title 20. These four impacts include;

- Align with State Classifications
 - Cultivation
 - Retail Dispensary
 - Manufacturing
 - Testing, Other
- Prohibit Commercial Cultivation as Home Occupations
- Preserve a Diverse Mix of Uses
- Limit Non-Transparent Glazing

Spencer Starke, Associate Planner with the Permits and Land Use Review division, gave the anticipated timeline for adoption of ordinance in order for it to be in effect by January 1, 2022. Mr. Starke included a summary of the recommendations along with the recommended motion.

The committee and staff discussed concerns with the recommendations. The main concern was over the proposed 500-foot buffer between marijuana related business from schools or places of worship. The House Bill 701 already requires the 500-foot buffer, however the committee would like to see more than 500 feet. Mr. Starke clarified the buffer was not accurately displayed as it would be a radius or circumference. City Attorney, Jim Nugent also added that the buffer is from entrance points. Additionally, the committee inquired about current businesses that have frosted or glazed store front windows and how staff would handle compliance concerns if that recommendation gets approved. City staff stated further discussion would help regulate future businesses and the option to enforce existing businesses through code compliance. Jennie Dixon,

Planner with Missoula County, added the county is looking at energy conservation as well.

Moved by: Heather Harp

Recommended Motion: Direct Community Development Planning and Innovation to prepare an ordinance amending Title 20, the City of Missoula's Zoning Code, in alignment with the presented "HB-701 (MCA 16.12) WHITE PAPER" and set public hearing process with a November 1, 2021, public hearing at Planning Board, and November 15, 2021, public hearing at City Council.

AYES: (9): Stacie Anderson, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Bryan von Lossberg, and Heidi West

NAYS: (1): Sandra Vasecka

ABSENT: (2): Mirtha Becerra, and Jesse Ramos

Vote results: Approved (9 to 1)

4. ADJOURNMENT

The meeting was adjourned at 3:08 p.m.