

Journal of Proceedings

Missoula City Council

March 14, 2022, 6:00 pm
ZOOM Webinar

Members Present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Administration Present: Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Mayor John Engen

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Acting Mayor Gwen Jones at 6:00 PM.

2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

Committee of the Whole, March 16, 10:20 - 11:15 a.m.

Parks and Conservation Committee, March 16, 11:30 a.m. - 12:00 p.m.

Public Works Committee, March 16, 1:15 - 3:00 p.m.

President Jones Thanks Marty and before we go to public comment, could I have you back up and put the screen up for virtual attendance, if people want to call in or zoom in to give public comment on this meeting? And I should note that Mayor Engen asked me to run the meeting tonight, so I'm presiding, and we are still in a virtual format, even though we're working through the hybrid system but if we could go through that information that would be super helpful. Thank you.

Marty Rehbein I'm not sure if this is the slides that you were intending me to show but if you proceed to the City Council's the City's website you'll see a meetings button in the middle of the page and that'll take you to our agendas and you can open up the html or the pdf agenda and the information to join is at the very top. We'll show, I'll show you how to navigate that here in just a second and then once you're in the zoom webinar you can click the participant's button and raise or lower your hand, or if you're joining via phone you can raise or lower your hand and that will indicate to the presiding officer that President Jones that you wish to be called on, and if you're calling in via phone you can dial *9 to raise your hand and press star 9 again to lower your hand. We have some public comment alternatives. If folks wish, they can leave a voicemail for City Council that sends that voicemail to all 12 Council members. It's 406-552-6012 or you can email all 12 Council members with one email address that is Council@ci.missoula.mt.us. President Jones Great, thank you. Marty, just in terms of a technical check here, I have been leaving my microphone on if you're hearing feedback I'll be more careful to turn it off, but you just let me know okay.

Marty Rehbein That sounds fine to me.

President Jones Okay great, excellent.

4. PUBLIC COMMENT

President Jones Okay, we will go to public comment on items not on the agenda and we have Mark Anderlick raising his hand. So, this is items not on the agenda. We will be hearing the River Road Subdivision later on tonight, a separate item. So, Marty, if you can let Mr. Anderlick in and unmute him.

Mark Anderlik Good evening, thank you. First of all, I want to wish Mayor Engen a complete recovery and all the best. If you're listening John, I hope you do well. I just want to make a brief comment about the approach and, and by the way I'm with Western Montana Democratic Socialists of America, and I want to make a quick comment about the 100% Clean Electricity Program that this City Council has endeavored to undertake. I think these times speak exceptionally strongly and I can't think of any better reason than the war going on in Ukraine right now for us to pursue clean electricity and to wean ourselves off of fossil fuels. I, I, I can't say how much that our security, even now, and also the well-being of our children and ourselves, and our planet are all at stake at this perilous moment. So, I would encourage you as a Council to pursue with all vigor 100% clean electricity. Thank you very much.

President Jones Great, thank you Mr. Anderlik. Next for public comment we have Sarah McLean and if you could just say your name and I failed to mention we usually keep it to three minutes. Ms. McLean.

Sarah McLean Hello, my name is Sarah McLean and I'm with the Western Montana Democratic Socialists and I live in Missoula. Mayor Engen and City Council members, thank you for this public comment period. I would like to comment on the 100% Clean Electricity Resolution, which you passed in 2019. So, I know you're aware of the devastating effects climate change will have on our fishing, agricultural, and tourism industries, air, forest, and every aspect of our lives. My comments focus on how this plan will succeed, given what really looks like the bad faith of the NorthWestern Energy Company, who for example proposed a new gas plant in Laurel soon after signing the agreement. I would like the Mayor and the City Council to look into public ownership of our energy grid in the same spirit as Mayor Engen, with great fortitude and foresight, led us in the campaign to own our own water company. If this is blocked legally, then we need a campaign to change the law. I think that owning our own grid would give us the power to choose clean energy options. It would take some years, but it has taken years already and then NorthWestern Energy has shown no sign of beginning to step up the transition in order to come anywhere near the goals of the 100% by 2030 plan. Such, an effort would raise awareness of the need for clean energy in Missoula and put pressure on the NorthWestern Energy Company. Thank you and I wish the Mayor all the best in with his health challenges.

President Jones Thank you. Seeing no other hands raised, I'll just check one more time. Right, seeing no other hands raised for public comment on items not on the agenda, we will go forward to our consent agenda.

5. CONSENT AGENDA

President Jones Our consent agenda; items listed on the consent agenda were approved in City Council committees to be placed on the consent agenda to save time at Council meetings by voting on them as a

package. The City Clerk will read the list aloud so citizens watching on MCAT will know what is on the consent agenda. We'll invite community comment on these items before we vote. Marty, if you could read the consent agenda items please.

President Jones Great, thank you. Is there any public comment from the public regarding the consent agenda? If so, please raise your hand. Not seeing any, is there any questions or comments from Council? Ms. Vasecka.

Aldersperson Vasecka Thanks. I would like to separate 5.6 and vote on that separately please. And may I speak to that?

President Jones Go ahead.

Aldersperson Vasecka So, 5.6 is the Marshall Mountain Park Master Planning contract. I have been really torn with this, but after reading the copious amount of pages of the surveys that were conducted. There was this one page in the Parks, Parks Recreation Trails and Open Space needs assessment, so the pro survey in 2018 and only 28% of respondents supported the City purchasing more land, while 37% supported improving, renewing, or restoring features that already exist. And so, since the Marshall Mountain is not even within city limits, I think that we should spend all the more money on maintaining what we currently have, before we go down an endeavor to purchase this large mountain. I know that this is just for the Master Planning contract, but I personally feel that if we vote yes on this, that is essentially approving the purchase of the mountain. So, I will be voting no on that.

President Jones Any other comments from Council on this item? Or on any items on the consent agenda? And I don't see any from our virtual attendees or our Council members, no raised hands there. So, Marty if you can do roll call votes on the consent agenda and separating out number six please.

AYES: (12): Aldersperson Anderson, Aldersperson Becerra, Daniel Carlino, Aldersperson Contos, Aldersperson Hess, Aldersperson Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

Vote result: Approved (12 to 0)

5.1 Accounts Payable (claims) for checks dated March 15, 2022

Approve accounts payable in the amount of \$574,165.72 for checks dated March 15, 2022.

Vote result: Approved

5.2 Purchase of three (3) Ford Explorers for Police Department

Approve the purchase of three (3) Police interceptor Explorers from Duval Ford of Jacksonville, Florida for \$48,640.08 each totaling \$145,920.24.

Vote result: Approved

5.3 Award the bids for Street Maintenance and Construction Material Contracts for 2022

I move the City Council awards the bids for Street Division construction and maintenance materials as follows and authorizes the Mayor to sign purchase agreements with the lowest bidders: 1. Award the bid for 500 tons of emulsified asphalt CRS-2P polymer modified to Idaho Asphalt Supply Inc. of Hauser, ID, at \$605.00/ton for a total of \$302,500.00 and authorize the return of bid bonds. 2. Award the bid for 2,000 tons of hot mix asphalt (grade "B") to Knife River of Missoula, MT, at \$54.18/ton for a total of \$108,360.00 and authorize the return of bid bonds. 3. Award the bid for 1,000 tons 3/8" seal coat aggregate to Western Excavating of Missoula, MT, at \$31.00/ton for a total of \$31,000.00 and authorize the return of bid bonds. 4. Award the bid for 3,000 tons of hot mix asphalt (driveway grade 3/8") to Knife River of Missoula, MT, at \$57.18/ton for a total of \$171,540.00 and authorize the return of bid bonds. 5. Award the bid for 500 tons of hot mix asphalt (grade "D") to Knife River of Missoula, MT, at \$54.18/ton for a total of \$27,090.00 and authorize the return of bid bonds. 6. Award the bid for 1,500 tons of drain aggregate (sump rock) to Western Excavating of Missoula, MT, at \$30.00/ton for a total of \$45,000.00 and authorize the return of bid bonds. 7. Award the bid for 5,000 tons of 1/2" winter traction aggregate to Knife River of Missoula, MT, at \$17.00/ton for a total of \$85,000.00 and authorize the return of bid bonds.

Vote result: Approved

5.4 Splash Montana 50 meter pool liner replacement

Approve and authorize the Mayor to sign a contract in the amount of \$237,920.00 with Aquatic Renovations Systems, Inc. (RenoSys) for replacement of the Splash Montana 50 meter pool liner

Vote result: Approved

5.5 Referral -- Appointment to Energy and Climate Team

Appoint Alli Kane to serve as a regular member on the Energy and Climate Team beginning immediately and ending on July 31, 2025.

Vote result: Approved

5.6 Marshall Mountain Park: master planning contract

Approve and authorize the Mayor to sign a contract with SE Group for the Master Planning of Marshall Mountain Park in the amount not to exceed \$130,000.00

AYES: (11): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Alderperson Sherrill, and Alderperson West

NAYS: (1): Alderperson Vasecka

Vote result: Approved (11 to 1)

5.7 Greenough Heights Major Subdivision and Rezoning

[First reading and preliminary adoption] Set a public hearing on April 4, 2022 and preliminarily adopt an ordinance rezoning the subject property located at 1006 W. Greenough Drive and refer this item to the Land Use and Planning Committee for presentation and discussion on March 30 and April 6, 2022.

Vote result: Approved

President Jones Thank you and that concludes our consent agenda.

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM - None.

7. SPECIAL PRESENTATIONS

President Jones We do have two proclamations I will read on behalf of Mayor John Engen. The first is a proclamation for Transit Operator Appreciation Day.

7.1 Proclamation - Transit Operator Appreciation Day

WHEREAS, public transit benefits us all in Missoula by reducing traffic and parking congestion, improving air quality, and making our city more equitable and accessible to all; and WHEREAS, public transit operators fill an important role in our community by getting people where they need to go, from work and school, to medical appointments, grocery stores, and other service essential services; and WHEREAS, public transit operators frequently go above and beyond the call of duty, working long hours, and safely operating our transit system in rain, snow, extreme cold, wind, in an ongoing global pandemic; and WHEREAS, public transit operators help to build our community by knowing their passengers, celebrating their successes, aiding in times of crisis, and greeting them every day with friendly faces; and WHEREAS, Mountain Line Mountain Line and UDASH provide essential services to our community at zero fare for the benefit of all residents and visitors of Missoula. Now, therefore, I, John Engen, Mayor of the City of Missoula in the State of Montana hereby recognize the 18th day of March 2022 as Transit Operator Appreciation Day.

President Jones And it is signed by John Engen, Mayor of the City of Missoula.

President Jones The second proclamation today. Let me just double check on our attendees. Okay the second...

Alderperson Hess I'm sorry Gwen...

President Jones Yes...

Alderperson Hess Shanti Johnson from Mountain Line is here.

President Jones Okay thank you for pointing that out. We do have someone from the transit, transportation community, to comment and we have Shanti Johnson.... if you can let her in. Thank you. You should be able to unmute yourself, go ahead.

Shanti Johnson Yes, thank you Council members for having us and for setting aside some time to recognize the transit operators of Missoula. My name is Shanti Johnson. I work for Mountain Line, and I do outreach and communications, and I'm attending on behalf of Corey Aldridge, our CEO and General Manager, who is at a conference and out of town. We just wanted to take this moment to thank the city and the county for their support of our operations. We are operating independently of both, but beholden to both and this really is a joint effort to provide service that benefits all Missoulians, and we could not do that without our operations officials. So, thank you so much for taking time to recognize our team. They've worked hard over the last couple of years and will continue to work hard to provide an essential service to benefit us all. Thank you.

President Jones Thank you Shanti, appreciate that. Okay, I don't see anyone else from transportation to speak to this, so we'll go on with the second, second proclamation, which is Celebrating Women in Public Office Day.

7.2 Proclamation - Celebrating Women in Public Office Day

WHEREAS, the month of March is Women's History Month, which celebrates the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Montana is well represented; and WHEREAS, while the 20th Century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields, and thus providing opportunities to support women in public office is imperative; and WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities. Now, therefore, be it resolved by the Mayor of the City of Missoula and the Missoula City Council that March 19, 2022 hereby be proclaimed Celebrating Women in Public Office Day and call upon the people of Missoula and Montana to unite as we support the success of women in public office and observe every March 19th with appropriate activities, events, and programs.

President Jones And it is signed by Mayor John Engen of the City of Missoula. And I am proud to say that while, I, for a majority of my time on Council, we've actually had a majority of women representatives. It has been a lovely experience.

8. PUBLIC HEARINGS

President Jones Okay, we are going to go on with the next item on our agenda, which is public hearings. State law and City Council rule set guidelines for inviting community comment in a formal way on certain issues, following a staff report on each item the City Council and the Mayor invite community comment. During Covid-19, the City Council is holding the public hearing open for a week and then voting the following week unless there is a requirement for final action on the night of the public hearing. Tonight, we have one public hearing. It is the River View Subdivision and rezoning for 1923 River Road and we

will open and close public hearing tonight and vote on it because we are on a time deadline due to subdivision regulations under Montana state law. So, we will have a staff presentation by Alex Eidam, Senior Planner, City of Missoula. Good evening.

Alex Eidam Thank you. Can you all hear me okay?

President Jones Yes.

Alex Eidam And you can see the slide okay? Perfect. Thank you very much. My name is Alex Eidam, and I am a planner with the Community Planning, Development, and Innovation Department at the City of Missoula, and we are here this evening to review a request submitted by Joe Dehnert with IMEG Corporation on behalf of the property owners for a 19 lot major subdivision and rezoning from RT10 Residential to RT5.4 Residential at 1923 River Road. I'd like to highlight here really brief; we'll go over it also later but there's three different things happening tonight. First and foremost, will be the rezoning motion. We have received over 25 of protest petitions, so the 2/3 super majority vote does kick in. So, that will happen first followed by the variance motions. There are four separate variance requests and then the final one would be for the subdivision. So, the property is located directly adjacent to and south of River Road which is south of the Clark Fork River and between Reserve Street and Russell Street. It is part of the city's Ward 6 and within the River Road neighborhood Council. So, just real quick, please note that for the majority of the slides in this presentation River Road and the north direction will be on the left hand side. So, just kind of orient yourself, that's how most of the slides are laid out. So, here is the existing conditions exhibit and the existing lot is roughly 2.38 acres and as we can see there is an existing detached house and detached shed both of which will be removed if this subdivision is approved. LaFray Park is highlighted in the blue cloud on the bottom right hand corner and it's directly adjacent to the west of the subject property. Here's the preliminary plot for these subdivision and re-zoning. There are 19 proposed lots, all ranging from 4,343 square feet to 4,681 square feet. Access to the subdivision will be provided from River Road and road A. Improvements to River Road along the street frontage adjacent to the parcel are proposed. Road A is a new proposed low density, local residential street public right-of-way. that would be, would provide access from River Road to all 19 lots of the subdivision. The applicant requests four variances as part of this project. One is for right-of-way width and street specifications on road A. One is for cul-de-sac turnaround streets; one is for block length; and the last is for right-of-way width on River Road. Now, I will discuss the subdivision review criteria, which addresses compliance with the Growth Policy and zoning and the impacts on agriculture, agriculture water user facilities, local services, the natural environment, wildlife and wildlife habitat, and the public health and safety. Our Missoula Growth Policy land use designation for the subject property is residential medium density, which allows 3 to 11 dwelling units per acre. The land use designation is intended to fit within many established residential neighborhoods and acknowledges single dwelling residential building types as the primary use with potential for accessory dwelling units. The current relatable zoning districts are RT10, R8, R5.4, and RT5.4. The Our Missoula Growth Policy housing goals emphasize equity and land use by ensuring that every neighborhood in Missoula participates in addressing the city's housing issues. The subject property

is zoned RT10, Residential, two unit townhouse. The RT10 zoning district requires a minimum parcel size of 10,000 square feet and 10,000 square feet is required per unit. The subject property is 2.38 acres which would currently allow 10 dwelling units at a density of 4 dwelling units per acre. The proposed zoning for the subject property is RT5.4, Residential, two-unit townhouse. The RT5.4 zoning district requires a minimum parcel size of 5,400 square feet and 5,400 square feet required per unit. However, the minimum parcel area requirement does not apply to lots created through subdivisions approved after May 6, 2019, which would be the case if this subdivision is improved. Instead, total unit yield is calculated based upon the gross parcel area divided by the minimum parcel area per unit. So, in this case, as shown in the upper right hand corner of the slide, the subject property is 2.38 acres and that equates to 103,672.8 square feet, which would be divided by 5,400 square foot minimum parcel size and that's what gets you the total 19 dwelling units at a density of eight dwelling units per acre. Here's just an audit slide for the zoning comparisons of what is current and what is being proposed. In the red are going to be the areas that are, there's going to be a difference between the two. Primarily both zoning districts allow detached houses, flatline houses, two unit townhouses, two unit houses, and some mixed use. The difference with the RT10 is in red; you can see the three because it allows three unit townhouses with a conditional use permit, whereas RT5.4 does not. Both zoning districts have the same setback, so 20 feet in the front and the rear, 7.5 feet from the side or 1/3 of the building height, and then a 10 foot street side setback. The height for both is also going to be 30 or 35 feet and that's depending on the primary roof pitch. So, the key component of the difference is the units per acre. So RT10, to recover is four dwelling units per acre versus RT5.4 is eight dwelling units per acre. And how that ties into the subject property at 2.38 acres is RT10 allows for 10 dwelling units for the current parcel size and RT5.4 allows for 19 dwelling units. So, here's just to kind of capture a couple of the other neighborhoods, rather other streets in the neighborhood off of River Road. So, in the upper left-hand corner in yellow, there's the Riverstone Drive and that property is 4.54 acres. There's 16 units on there and that equates to 3.5 dwelling units an acre. Below that in the orange is Luella Lane and that is 4.77 acres; there's 26 units on that property and so that equates to 5.45 dwelling units an acre. Next to that, in the green, is what's being proposed is the River View Subdivision and so again, this is 2.38 acres they're proposing with the rezone 19 units, which will allow eight dwelling units an acre. Adjacent to that, on the right in the red, is Carter Court and that's 2.38 acres, there's 14 current units and that's 5.8 dwelling units an acre. And lastly, above, is the Skyla Court project property and it's 4.41 acres; there's 27 units there and that equates to 6.1 dwelling units per acre. So, the next three criteria to address for subdivision review is agriculture. The Natural Resource Conservation Service soil survey for Missoula County state the subject property is 100% identified as 114 urban land, which is not prime farmland, prime farmland if irrigated or land of agricultural importance. There will be no impact to agriculturally important soil as a result of this subdivision. The next criteria is agricultural water user facilities and as you can see there is an off-site irrigation ditch located to the south of the subject property that's roughly 20 feet away. The subdivision application states the property is not served by an existing developed irrigation system or water right. However, on February 10th,

Development Services received public comment from the President of the Orchard Homes Irrigation Ditch Company informing us that the subject property is located within the Orchard Home irrigation district and is subject to water shares, as outlined in the title report section B3. In cases such as this, the City's Subdivision Regulations require that potential lot buyers be notified that the lots are classified as irrigated land and may be continued to be assessed for irrigation water delivery, even though the water may not be deliverable to the lots. Staff recommends two added conditions of approval, as shown on the slide, to address this requirement and this is all reflected in memorandum number one that was dated February 11th. So, with that, no impacts to agricultural water user or water user facilities are foreseen as a result of the subdivision, if the recommended conditions of approval or imposed. Next I'll cover the impact of subdivision on local services which includes the following provisions. All 19 lots will be served by city sewer and water services. Solid waste disposal will be provided by Republic Services, Parks and Recreation approved parkland through cash donation in lieu of dedication due to the proximity to LaFray Park. Based on correspondence with the local school district, the subdivision will create no adverse impacts to schools. This other property will be serviced by City Police and City Fire, and the transportation element contains all four variance' requests and I'll go over those more in depth in the next few slides. So, the first variance request is from three standards for road A which is functionally classified as a low density local residential street. All 19 lots within the subdivision will have access to road A which connects to River Road right of way on the northern side of the subject property. The subdivision regulations for low density local residential streets requires a minimum 45 foot wide right-of-way and a 33-foot street including two 10-foot travel lanes, two six-foot parking lanes with curb and gutter, plus seven foot boulevard, and five-foot sidewalks. As indicated, the applicant is requesting a variant specific to the 45-foot right-of-way and 33-foot street width. The second standard from the regulations state of public street and road right-of-way must meet the standards in Table.2A and the third standard they're requesting to vary from are the regulations state a parking lane is required on both sides of local residential streets and cul-de-sacs. So, the applicant requests to vary from these regulations and standard and is proposing a 29.5 foot right-of-way and 25.5 foot street width with one 7-foot parking lane for road A. The City Subdivision Regulations state that all streets within a subdivision must be dedicated public right-of-way or at the city engineer's discretion may be a public street and public access with private maintenance easement. The applicant proposes two 20-foot sidewalk and utility easements alongside and adjacent to the east and west sides of road A which would each include a seven foot boulevard, five foot sidewalk, and eight foot utility easement. These easements are designed to contribute to the functionality of the 29.5 foot right of way and 25.5 foot street width while also maintaining the allowed density in the subdivision. According to the City of Missoula Fire Marshal, the International Fire Code requires 20 feet of unobstructed driving surface for City and Fire to provide life safety and fire protection services. So, parking should only be allowed on one side of the street if the variance for a narrow street section is approved. Staff recommends a condition of approval that requires no parking signs along the entire eastern side of Road A, as indicated on the orange line with the slide. Lastly, the

applicant is proposing shared driveways and no access strips identified by the blue lines on the slide in various locations along Road A to limit the location of driveways and optimize the on-street parking. The second variance request is from four standards for the dead end turnaround. The regulations state that cul-de-sacs, loop, or circle streets and turnarounds are prohibited. However, section 3-02(b) of the regulation state if variances are approved for cul-de-sac, loop or circle streets, and turnarounds a separate set of eight standards must be met. Those are listed below and the three specific standards the applicants requesting a variance from are highlighted in red. Proposed Road A represents 100% of the roadway vials within the subdivision; therefore, exceeding the 15% requirement. The property is surrounded by existing development with no other street connections available. Development Services and Public Works and Mobility Department Staff have found that the property configuration and surrounding development results in no reasonable alternative to the proposed design. The other two standards for a minimum 50 foot right-of-way radius and 45-foot radius minimum pavement width are primarily applied to traditional style cul-de-sac designs rather than a hammerhead turnaround. The applicant proposes a turnaround street that meets the International Fire Code, Appendix D, for hammerhead turnaround streets so long as no parking is allowed at the end of the hammerhead turn around on lots eight and twelve. The third variance request is in relation to the regulations which state blocks may not exceed a maximum length of 480 feet in urban and suburban subdistricts. The applicant is requesting a variance for approximately 534 feet. This property is a narrow elongated shape at roughly 162 feet wide and 638 feet long. It has one legal access from River Road. The unique shape produces the road configuration options while the proposed road optimizes the residential density potential. Granting this variance to the block allow allows Road A to provide safe and accessible access to all 19 lots in the subdivision. Requiring road connections within the minimum 480 foot block length along Road A would not result in an increase of connectivity, as there are no road connections available on adjacent properties. The physical surroundings of this parcel are consumed with a build out residential subdivision, other residential development, a public park and a warehouse building. The fourth and final variance request is from four standards for River Road, which is functionally classified as an urban collector without parking. It is currently a 60 foot wide right of way and provides the only access to the subdivision. The subdivision regulations for urban collectors without parking require a minimum 80 foot wide right-of-way including two 10-foot travel lanes, two five-foot bike lanes, and curb and gutter, which equals approximately 31 foot street width from back of curb to back curb plus 7 foot boulevard and 5 foot sidewalks, and a small amount of additional space for maintenance. Table.2A also includes the possibility of a turn in center lane, which would require additional space. The regulations also state that subdivisions abutting existing or proposed streets and roads must provide dedication of right-of-way to meet the requirements of Table.2A, measured from the existing center line and extending along the entire frontage of the proposed subdivision. For River Road along the subdivision, this would require 40 feet of right-of-way instead of the existing 30. The variance is to waive the requirement for additional right-of-way dedication. The applicant is also proposing a 10 foot sidewalk and utility easement along the north

portion of lot 1 and lot 19, which in addition to the River Road right away, that would include a 7 foot boulevard and five foot sidewalks along the entire frontage of the subdivision adjacent to River Road. To have street improvements and easements would create sidewalk connectivity along River Road, which would provide additional safe pedestrian access. The applicant shall pay for the cost of the half street improvements to River Road along the entire frontage of the subdivision. That'll be subject to the review and approval of the city engineer and all those improvements shall be installed or the applicant shall enter into an Improvement Agreement with Financial Security for future installation prior to filing the final plot. And a recommended condition of approval requires the waiver of the right to protest the creation of and participation in a street improvement district or street lighting improvement district for future lighting and other improvements along River Road. To demonstrate non-motorized transportation, the plans are now turned, and north is towards the top of the page. So, we're looking at the turnaround for Road A and Carter Court subdivision to the east of the subject property. So, there is an existing public non-motorized access easement on the Carter Court Homestead Division on the east portion of lot 14, and that goes from the end of the cul-de-sac to the southeastern most portion of the subdivision and from there the non-motorized access easement runs on the southern portion of lot 7 and 14. To date, no trail or sidewalk has been developed within the non-motorized access easement, so that's all on the Carter Court subdivision. So, the regulations state subdividers must provide active transportation facilities that provide (a) Continuous access to all lots within the subdivision and access to adjoining developments unless exempted by the regulations and (b) Safe routes to schools, playgrounds, bus stops, and public parks in common areas. So, the applicant is proposing a 10 foot wide public non-motorized access easement along the entire southern boundary of lots 9-11 to provide a continued connection from the Carter Orchard Home Subdivision to LaFray Park. Now, I'll cover the final criteria which include the impacts of the subdivision on the natural environment, wildlife and wildlife habitat, and public health and safety. As you can see here, the proposal division is in an urbanized area and there is no riparian vegetation on the subject property, no adverse impacts to wildlife or the natural environment are anticipated. The Montana County Weed Management Act and Missoula County Weed Management Plan require developers and owners to revegetate with beneficial species at the first opportunity after disturbance of the soil. The applicant submitted a weed management and revegetation plan in compliance with the regulations. This property is located outside the FEMA identified one percent annual chance flood hazard areas and floodplain in the property does not contain areas with slopes of 25% or greater or other apparent hazards. There will be no adverse impacts to natural environment, wildlife and wildlife habitat, or public health and safety as a result of the subdivision. So, as I mentioned before, state law says if protest petitions are signed by owners of 25% of lots or units within 150 feet of the property, at least 2/3 of present and voting members of Council are needed to approve zone changes. So, we received 15 valid protest petitions and there's 31 lots or units. So, that's 48.5%, so the super majority is required to approve this, specific to the rezone request. So, staff recommends that City Council approve the adoption of an ordinance to rezone the subject property from RT10 to RT5.4. City staff recommends that City Council approve variance

number one to request, to allow a 29.5 foot right of way and 25.5 foot street width with one seven foot wide parking lane. Staff recommends City Council approve variance number two, to allow for a turnaround street Road A and then further approving the variance from specific turnaround design standards including the turnaround may not exceed or represent more than 15% of the total roadway miles and the right-of-way radius must be with a minimum of 50 feet and that the pavement width must be a minimum of 45 feet. Staff recommends City Council approve variance request number three and that is to allow a block length of 534 feet. Staff recommends City Council approve experience number four and that is to allow the existing River Road 60 foot right away and propose improvements. And then finally, staff recommends City Council approve the subdivision motion of the River View Subdivision preliminary plot application subject to the recommended conditions of approval based on findings of fact and conclusions of law in the staff report, as amended and memo number one dated February 11, 2022. And I have the conditions here again, just for reference if needed later but with that my presentation's concluded.

President Jones Thank you Alex. Is there a representative for the developer present to comment?

Alex Eidam It should be Joe Dehnert or Danny Oberweiser. Yeah, Joe's here in the attendees with his hand raised.

President Jones Thanks Joseph has his hand raise so if you want to unmute yourself, I believe you can talk now.

Joe Dehnert Okay, can you all hear me?

President Jones Yes.

Joe Dehnert Perfect. Well good evening, my name is Joe Dehnert, I work at IMEG here in Missoula. Tonight, we're representing the developer for the proposed 19 lot major subdivision and the rezone along River Road. I'm joined by my co-workers, Danny Oberweiser and Paul Forsting. As always, Alex, thank you so much for the phenomenal job of presenting the situation as it stands now, findings of facts. It's crucial to getting everyone on the same page, to make sure we're making informed decisions. So, thank you so much for your thorough presentation, as always. Obviously, City Council members, you know I'm, I'm feeling very confident that you have more than enough information, regardless of the decision you make tonight to make an informed decision after the Land Use and Planning Committee meetings that we attended over the past two weeks. So, thank you again for your time and consideration, and last, but definitely not least, all the members of the public that have been involved in this process so far, from the neighborhood meeting up until tonight. Looking at the timeline for this project, the pre-application was actually submitted almost a year ago to the date. So, it's been an involved process and I can't thank everyone enough for being involved. That being said, really tonight you know in presentations in the past, I've just reiterated certain points that Alex has brought up but the three most important points of consideration I believe for the Council's decision tonight are just to reiterate once again that you know the proposed rezone does align with the Growth Policy designation of that residential medium density. You know, the, the relatable zoning districts are, as Alex mentioned, the RT10, but also RT5.4. So, we do

align with the Growth Policy and it's not an atypical request. It would be a much easier decision if when the passing of the Growth Policy came to fruition, there was mass rezoning but unfortunately we're left with a decision like we have tonight where although it is a relatable zoning district, we still have to request for the rezone change. The second point of consideration you know River Road and the improvements needed along River Road has really come up in almost every public comment that's been received up to this point and unfortunately we can't improve the entirety of River Road. However, I, I don't think it should go without mentioning that some improvements are better than none and the sidewalk and the boulevard improvements along the frontage of our property will definitely help the pedestrian travel along River Road because it is much needed, and I would argue that having additional residents along River Road creates a need to bump up that complete street project that's already been slotted on the Long-Range Transportation Plan. So, having extra residents will do nothing but help that cause and potentially up that timeline because extra residents might produce extra need. And then lastly, just reiterating you know this process has been going on for the better part of a year now and as you can tell from Alex's thorough presentation a lot of work has gone into her staff report and we are coming here tonight with both staff and planning board recommendations for approval. So, with that being said the project aligns with the city's housing goals and Growth Policy while still being economically feasible for the developer. So, thank you so much for your time and consideration, Council members, members of the public, and also city staff. With that, I will lower my hand.

President Jones Thank you. Is there anyone else from IMEG or on behalf of the developer to speak tonight? To finish out the presentation or is that is that everyone? I don't see any other raised hands, so I think we're good. So, we've had a presentation from staff, and we've had comments on behalf of the developer. With that, I will open the public hearing and we will take public comment. I would ask people who want to public comment, give public comment, if you can please put your first and last name on this, on your screen, so that we can see that and introduce you with a full name. It greatly helps and we will let you into the virtual meeting to comment. So, if anyone wants to give public comment on this item during the public hearing, please raise your hand. Okay we have Bill Comstock. And we ask everyone to take no more than 3 minutes. I'll be relaxed about that but try not to go too long and if you just say your name for the record and then 3 minutes. Mr. Comstock. You can unmute yourself. Mr. Comstock, if you can unmute yourself... there you go...you should be able to...

Bill Comstock Sorry for the messing around, I'm not real familiar with this format. So, yeah, thanks for giving me the opportunity to speak. I'm not very well prepared for this. I haven't been a part of this process. In fact, I didn't even know about it until last week at all. I don't know why I live about three doors down from the piece of property. I knew Ruth Brinkerhoff who lived there for a long time, and I'm just about three doors, down across the street from her. My address is 1824 and I really hadn't heard of any public meetings, and I just noticed the sign in front of the property last week, and certainly didn't know about any neighborhood meetings and had no notification that there was a significant rezoning. That's just to say, this took me very much by surprise. I'm not putting that on anybody but, I just had to scribble

down a few notes when I found out it was going before the full Council tonight. So, thank you for the opportunity. The first thing I'd like to, to find out from the planning commission and staff is to what extent this project is compatible with the goals of the River Road infrastructure plan? I don't know if it's appropriate....

President Jones Mr. Comstock, we don't do back and forth in public comment, just to let you know, but go ahead and give your comments and put your questions out there and then later on when Council has an opportunity, if Councilors want to ask those questions on the record and get answers, that's the format we follow.

Bill Comstock Thank you. I'm sorry about....

President Jones That's the way it works, that's alright.

Bill Comstock I hope that question was taken by everyone. The River Road infrastructure plan was approved by the Council unanimously and I don't have the dates here. I was one of the people that was instrumental in writing up the plan. It was a huge, long public process that was worked on, and we think a very good document and the Council liked it very much. What we were primarily interested in, the plan covered the area north of Third and between Russell and Reserve to the river. And you know, by the name infrastructure plan, we're really looking at infrastructure knowing that this section of the city would be impacted by development was inevitable. We felt strongly that we wanted to try to guide the infrastructure, the infrastructure that would be appropriate to further and fairly high density development. From what I've been able to tell looking at this plan, you know they're asking for a significant increase in density and you know I believe that you know we can handle that kind of density in the neighborhood but we wanna...It looks like way, and excuse me to the developers, but a little bit that I've seen were shoehorning a bunch of houses into a pretty small place without really thinking creatively how this kind of thing could be done. And I think as a neighborhood and as a city, we could probably do this kind of density in there in a way that could showcase how we can do density within this city. And something that we could be proud of within the community and within the city as a whole, and maybe even beyond that. Now a key component of our infrastructure plan was the idea of green infrastructure. We could do infrastructure associated with high density development that maintains some of the green aspects that this neighborhood historically had. And I, I don't want to go into the details right now but again staff presumably had looked at the, the infrastructure plan and noted that. You know, we just need to see to what extent staff and developers in the Council are familiar with those recommendations of the plan. The plan was not binding but was approved by the Council unanimously and Mr. Nugent was involved at that time. So, with that being said, I'm hoping that we could see this project sent back to committee and, and a little more careful look at this idea. Can we put in a development here that is something that is of value to the neighborhood, that we can walk away from here and saying yes we've done something good here and that can speak well to what we're doing in the city in terms of adding density at the same time as creating something we can be proud of. And just as an example, clustering, you know what might clustering look like on this piece of property. The green infrastructure, the infrastructure plan had

advocated strongly for making sure we're maintaining green space within the neighborhood. The way this is laid out is just a continuous line of individual homes and I didn't see much green space in the plan. Connectivity, I noted just now in the presentation by planning that they are leaving an easement at the south end of the development and I again, I would put the question forward to the planners, I, I couldn't tell from the documentation whether that easement is accessible from the cul-de-sac that this development is on. That would be important, to give us some connectivity, say from River Road. If I want to ride my bike and get down to say Curtis, it would be really nice if I could jump on there. It would be nice for the residents to be able to jump on a bike and access the trail facilities that goes down to Curtis through LaFray Park. So, that connectivity is an issue.

President Jones Mr. Comstock.....We're over 6 minutes, but if you can just wrap it up.

Bill Comstock Okay thank you.

President Jones I hate to cut you off....but I just

Bill Comstock I haven't had a chance to see the conditions of approval. They were just put up on the screen, so we could see it, I certainly didn't intend. The newspaper said that the developers felt they could not make this pencil out without you know these exceptions to the zoning laws, the change in the zoning. I kind of questioned that....Did, if planning had... Had they spoken to planning in advance of the public process and they said this was a no-brainer to get this kind of density. I'm just not sure when the developer says this will not pencil out unless we get the density. I mean you know, maybe they shouldn't have gotten into it without knowing that. So, I think I've you know the developer has stated tonight and they did earlier in the planning board that the River Road improvements were a responsibility of the city, basically. That River Road needs you know devout improvements and the city has a long-term plan and that's sort of going to cover them and I, I think that's really questionable for the developer to put the infrastructure improvements and support this kind of development on them. So, thank you for the extra time, I appreciate it. Thank you.

President Jones Thank you. Thank you for your comments Mr. Comstock. Next, we have Shirley Kinsey, if we can pull her into the meeting and Shirley, if you unmute yourself... put your name, give your name on the record. Uh oh, she seems to have....I don't see her in the meeting. Marty can you pull her back into the meeting?

Shirley Kinsey Can you hear me now?

President Jones Yes.

Shirley Kinsey [laughs] It's always something, right? I'm Shirley Kinsey, I'm an adjacent property owner at 1927 River Road. First, I just want to let you guys know that none of the adjacent property owners are anti-development. We always knew that this lot would get developed, but assumed it would be at the R10 zoning designation. I believe words are really important and the meaning of the word minimum is the lowest amount or level of something. So, when you have a minimum standard for development, that should be the standard. You can bet a private citizen wanting to develop their property has to meet minimum standards set by planning, but the developers have full-time professionals to end run minimum

standards with variance. So, shouldn't minimum standards be redefined as suggestions? To that end, why even bother having standards if you're not going to follow them? There's an existing easement running on the west border of this property. It's a prescriptive irrigation easement for the private lateral irrigation lines. My neighbor at 1925 has an active irrigation line. My line is currently inactive, but we both want to have the maintenance access left in place. I've not heard anything addressing how they plan to maintain this prescriptive easement. The developer's application is, when I read through it, it was, it was just, it struck me as a lot of half-truths. The lack of concern of our planners also kind of bothered me to accept all these variances. Putting in this large of a subdivision in this real narrow lot will only hasten to the failure of an already deteriorating infrastructure. So, River Road to, in my mind, is not an appropriate urban collector. The road has no shoulders, no sidewalks. To get to the urban transit stop, you're forced to walk in the street. It's even dangerous to ride your bike down. So, and the feeder streets are deplorable. Curtis keeps getting patched and the Street Department works really hard at keeping it patched, and new holes develop next right next to the patches. Wyoming is generally difficult to drive due to the street side parking, in the townhome section; it gets reduced to a one-lane road. And lastly, the, the developer states that they're meeting the Growth Plan, but I question are they really? Yeah, there's a, this is a private lot, and they can create more density, reducing the lot size from 10,000 to 5,400 but to what end? The intent of the reduction of lot size and the increased density was to help create more affordable housing. They might, the developers made no secret that these houses will be sold at market value. So, who can really afford a \$400,000 plus dollar home? I, I really strongly encourage the Council to vote to oppose the rezoning to R5.4. I'd like to see this area kept at the current R10 zoning, which it really in my mind is more characteristic of the area. I really appreciate your time tonight. Thank you.

President Jones Thank you Ms. Kinsey. Is there any other public comment? Shirley's hand is back up, I'm not sure if that's.... we're gonna.... Typically, we only go once. Okay we have Russell Mellen who has raised his hand, if we can bring him in. And unmute yourself Mr. Mellen. There you go, you should be able to speak now.

Russell Mellen Good evening and I want to thank you for allowing us to make comments tonight. We've had....this is probably the fourth meeting we've had on this and we've totally do, we, we do, we're not against the development of this project. What we're against is we're against the, the, the re-zoning from an R10 to an R5.4, allowing 10 units. Whereas an R5.4 allows for 19 units. With 10 units, you would be able to have a proper division and you'll be able to have a proper turnaround. Whereas, with the 19 they have, what they call this hammerhead. I have no idea why the Fire Department ever agreed to this because it looks like it's a total nightmare. One other thing by having 19 units in this subdivision, you're putting a stress on an already bad and unsafe infrastructure of River Road. One of the conditions on River Road is our school kid. Our school children have to walk on River Road. They don't have no sidewalks or nothing and then when they get to this bus stop, they have to stand in the snow or a mud puddle just to catch the bus. There is no crosswalks on River Road for their safety. One other item that was brought up was the access to public transportation. To get to public transportation from that

development is a 0.7 miles and that's on Russell Street where the bus stop is at. And I would like everyone to try to walk that, one time, and just tell me how safe that is. River Road needs to be, it needs to have work. The planning board has even agreed that they've brought this to the City Council 20 years, and nothing has been done. I just leave with one, one scenario, which I hope never has to happen and I pray never has to happen, and I'd like you to think about this. How would you feel if somebody gets hit on River Road, they get seriously injured or even killed...How would you be able to sleep at night knowing that you have the ability to prevent that? I thank you for listening to me. I hope that you make your decision for the safety, safety and, and the for, for Missoula and I thank you for listening to me and sleep tight. Thank you.

President Jones Thank you for your comments Mr. Mellen. Shirley Kinsey, I see your hand is raised again. We usually only go once. I fear I might have cut you off and if I did cut you off, you did have a little bit of time left. So, was there something else that you wanted to add? There you go.

Shirley Kinsey Actually, I have my hand lowered. So, I, I don't know why it says it's raised. Sorry.

President Jones This is running virtual meetings. It's always exciting. Thank you. Okay, if anyone else, who has not spoken, wants to provide public comment, please raise your hand. Now is the time. I have Carrie. I don't have a last name but Carrie, let's pull you into the meeting and if you can please put your full name on the record. So that we can....

Carrie Shelton Shelton is my last name. S-H-E-L-T-O-N. And with me is Barbara Barmeyer, she's also a resident of Carter Court and I will let her go first, and then I'll take my minutes after she's done. If I may?

President Jones Oh, great. Thank you.

Barbara Barmeyer Okay you guys, can you hear me?

President Jones Yes.

Barbara Barmeyer I'm speaking for the entire population of Carter Court and several of the surrounding neighbors as well and I will try not to go over but I did time my speech and it's a titch over. So, I need to tell you that on Carter Court none of us are opposed to having this flat lot subdivided. The Planning Board did not hear us on this issue because perhaps we're inexperienced in this kind of dialogue and we didn't describe the problems and issues clearly enough, but we're not opposed to a subdivision on that lot. So, we're grateful that it addresses the City of Missoula's goal of increasing urban density while protecting the surrounding agricultural lands from residential development and suburban sprawl, and if it were designed appropriately River View Subdivision would be a lovely and affordable place for families to live, just as it is for us. We are, however, all of us greatly dismayed by and thoroughly opposed to the design and density of this proposed development with the attendant zoning change needed to accommodate it. Living as we do on Carter Court, with 13 units on a similar sized parcel to that of the proposed River View, we already know the first hand, we already know firsthand the issues and difficulties of what I call urban squeeze. Nineteen crowded two-story units looming over the surrounding neighborhoods of single-story houses will result in difficult and uncomfortable problems for our potential new neighbors, as well as for those of us who are already here. So, we are requesting a River View proposal of single story

dwelling that rests upon the present R10 zoning. I have a quick summary of the few of the issues based on the review criteria for re-zone requests and I won't go through all of them because you've listened long enough and we're grateful to be heard. Number two - Fire safety. A T turnaround in lieu of a cul-de-sac, which we have will adequately accommodate one fire truck we are told. With densely packed two-story framed buildings on a skinny street, what would happen with two or three fire trucks, ancillary emergency vehicles and perhaps a few residents flocking to flee? A postscript to this, the proposed allowed parking on the street, even on one side, in the River View proposal will effectively turn that street into one way and we can testify to that firsthand because when we have company or guests that actually park on the street here it's a one-way street, but we do have a cul-de-sac which kind of gives you a, a home free thing because you can at least turn around. Number five in the criteria - Light and air. Two-story townhouses rising to the west of Carter Court approximately 20 feet away total will significantly block afternoon sun, evening sun from our backyards and patios and destroy the privacy of these 11 foot wide cherished outdoor spaces for us. You can imagine having somebody in their second story beetling down while you're trying to sunbathe on your backyard patio. Single story units in River View would be a kinder choice for both neighborhoods, theirs and ours. Number six - Transportation. River Road with its lack of, this has been spoken of, I'm going to summarize. River Road with its lack of continuous sidewalks, its skinny, muddy verges, patched pavement and potholes and with no bike lanes is already beyond capacity for safe travel, especially for bikes, pedestrians, and school children. To get my tricycle over to the trail, I have to ride in the center of the street frantically for two blocks just because there's no verge there. The River View proposal with its significantly increased potential traffic feels like putting the cart before the horse. And then number seven and eight - River View is too tall, too dense, and too crowded to be compatible with the character of the district. And number nine - Appropriate use of land. We agree that affordable, middle-income housing is compassionate and ethical use for this empty field in the urban area. Affordable however doesn't have to be synonymous with inconvenient, uncomfortable, profit oriented, urban squeeze. So, I'm grateful that you listened and warm regards to you all. Thank you for being on the Council and doing that work.

President Jones Thank you. And so that was Barbara Barmeyer. Did we.....Carrie Shelton, did you also want to provide public?

Carrie Shelton Yes, so I thank you, very much I do. I'll make it really, really quick because everybody's done a great job of kind of summarizing some of our highest needs and worries. I just want to highlight a couple of things. If you refer to the review criteria for rezone request, the things that we have mentioned hit almost all of them negatively. This isn't designed to be in the best interest of transportation or a number of other factors on this list and I, I just wanted to highlight that the number of cars added to that street is estimated at 152 trips daily. So, that's not that's not insignificant; that is a, a good number. And I noticed in one of the slides that Alex presented that it showed surrounding densities and none of them came anywhere near the density of the proposed eight that this subdivision would. Most of them were three, four, five and so this isn't in character with the existing density. So, I thank you very much for your

time and your consideration and how nicely you have worked with us. And I hope you will take into consideration all that you've heard. Thanks.

President Jones Thank you Ms. Shelton. Is there anyone else from the public that wants to provide public comment during this public hearing tonight? I'm not seeing any other raised hands, but I wanted to make sure that we had captured everyone. All right seeing no other raised hands, we will close the public hearing and take question....oh Ms. Shelton did you have anything else? We only go once. I think we were having issues with hands going up. All right, I think we're good. We're closing the public hearing and we will take questions from Council to the developers and staff. All right, and if anyone wants to raise their hand physically. Mr. Contos. So, turn on your mic, there you go.

Aldersperson Contos Thank you. Yes, I'd like to speak to this. I've been out there several times looking at this property and also having lived here for almost 30 years River Road has been the way it's been for quite a while. I just feel like it's inappropriate....

President Jones So, we're just doing questions right now.

Aldersperson Contos Oh.

President Jones We don't have a motion yet. Questions, questions to staff before we make a motion and then have comments from Council.

Aldersperson Contos Gwen thank you for pointing that out to me....never mind.

President Jones Okay. Questions for staff or developer? Ms. Anderson and then Ms. West.

Aldersperson Anderson Thanks so much. I think in the run through, the Mayor had indicated that he wanted us to raise our hand virtually. So, I, we're still figuring this all out, so thanks so much. My question is in regards to the no parking that is going to be required as a part of the fact that the variance for a thinner road. So, my sorry my computer screen is trying to tell me to unmute myself but.... And right now, it was unclear in the presentation from staff whether or not there was going to be a homeowner's association, CCR, filed with this development, which then my question is who is responsible for enforcing the no parking on the I think it's the west side of Road A. That was my first question madam chair.

President Jones Thank you. Alex, are you able to address that?

Alex Eidam Yes, thank you. I can get a visual here real quick, as well. So, and what you're talking about is the orange lines. that's the portion of the no parking that we will have. It's going to be a condition of final plot approval, that they need to have the parking signs figured out. And so, in terms of the, the HOA, I'm not sure. Maybe the developer can add more to that, but it will be public right of way that the, the 25, the 29.5 wide foot right of way. So, it will be the City Police Department that enforces the parking if they're there going the wrong way; it will be right of way.

Aldersperson Anderson Thanks so much. May I have a followup?

President Jones Go ahead.

Aldersperson Anderson Could you, Alex, address the Ms. Kinsey's question in regards to the easement, the prescriptive easement in regards to the irrigation and what is the long-term plan for that?

Alex Eidam The prescriptive easement that there is, that Ms. Kinsey was referring to is an off-site. It's not on the proposed subdivision; it is adjacent to it. It's actually on the LaFray Park parcel and so as part of the subdivision, it's not going to be crossing that at all. We did address the irrigation ditch to the south and so that prescriptive easement and I can pull up a visual if that's helpful. The prescriptive easement will just be again off site, on, adjacent to but not on the subject property. So, there is not any component of that we address with this subdivision.

Alderson Anderson If I may, madam Chair, that would lead one to believe then Alex that there is no changes as a part of this development or allowed as a part of a, and a gosh my words are escaping me right now a condition of variance?

Alex Eidam Correct, yeah. It's kind of separate from the variance process. They wouldn't need it since it isn't on the physical property and it should not be affected by the subdivision, given that it is offsite, there shouldn't be any additional requirements needed for that.

Alderson Anderson Great, thanks so much. I do other questions but I'm sure my fellow Council members as well. So, I will accede the floor.

President Jones Okay. Ms. West.

Alderson West I had the same question about the parking, so I'll pass.

President Jones All right. So next in line, we had Mike Nugent and then Kristen Jordan.

Alderson Mike Nugent Thank you President Jones. I have a couple questions, but I think they're all pretty easy. Alex, the developer mentioned that this requested zoning change matches or is in line with the Growth Plan. Is that staff's opinion as well?

Alex Eidam Yes, the residential, medium density, land use designation does have current relatable zoning districts and the RT5.4, what they're requesting is the current relatable.....So, it is compatible with the Growth Policy.

Alderson Mike Nugent Thank you Madam President, I have a few more, if that's OK?

President Jones Go ahead.

Alderson Mike Nugent Several public comments we received talked about building height, but in everything I've reviewed, the allowable building height would be the same in an RT10 and an RT5, or an R5.4. Is that accurate?

Alex Eidam Yes, that's correct. In the RT10 or RT5.4, the building height maximum is 30 feet for roof pitches, for a primary roof pitch of less than 8 and 12 and if the primary roof pitch is 8 and 12 or greater, you can go up to 35 feet but again that's for either zoning district.

Alderson Mike Nugent Thanks, and final question for me at the moment. Do you have a breakdown of, of where the majority of the zoning protests came from? Are the majority from Carter Court?

Alex Eidam Yes.

Alderson Mike Nugent Okay. Thank you.

President Jones Okay, Kristen Jordan.

Aldersperson Kristen Jordan Thank you Alex. That was an incredible presentation and I really appreciate all the time that you put into educating us on this proposal. It's great. This is in my Ward, and you know, I've received, when I was campaigning I received a lot of feedback about River Road and the need for improvements. I thought I heard you say Alex that the sidewalk on the frontage part of the property is still subject to approval, or did I mishear you? Has it, it's part of the development right? That they're going to be putting in sidewalks, invert boulevard or verges on the frontage part of River Road? Is that correct?

Alex Eidam They will be required to and there's two ways to go about it. They can do it they either need it before filing the final plot have those improvements installed or they can enter into an improvements agreement and post a security with the city. So, they basically get a contractor to get a bid on what the cost of the project would be, and they can take that and enter an improvements agreement with the City and whatever that agreement entails, you know, install those improvements at a later date.

Aldersperson Kristen Jordan Okay so that....

President Jones Ms. Jordan.....

Aldersperson Kristen Jordan Followup please. Thank you. Thanks. So, it sounds like there's still a possibility again... I just want to make sure I understand. There's still a possibility that that a sidewalk might not be put in on the frontage piece of River Road immediately...Am I still hearing you right or am I mixing up?

Alex Eidam That's correct.

Aldersperson Kristen Jordan Thank you. I do have another question madam chair, but I have forgotten it for the moment and I'm going to go back to it when I remember, I apologize.

President Jones You've got a couple other people in the queue. So, if you think of it, re-raise your hand. Next we have Ms. Sherrill and then Ms. Vasecka.

Aldersperson Sherrill Yeah, thanks. I think most of my questions are, are being asked already but I do have a question Alex if you would go back to I and I'm sorry I didn't write the slide number down but whatever slide number you had that was talking about the other development and the density in that area. Yeah there we go, I can see it, it's 11. Okay great hold on I got to get this out of. Okay, so, I, I'm curious.... So, this is okay now I'm looking at it again so of, of these this is the last one to be built out though correct? Of the ones that you're listing close by?

Alex Eidam Yes. The ones I listed were just to kind of with the questions about other kind of development off of River Road, just to kind of paint a visual picture of what there is and what the densities are. So, all of them the Riverstone, Luella Lane, Carter Court, and Skyla are all existing units. You know, they're all built out and so the River View is the only one that is being proposed now but all of the other ones are there. It was just to kind of help visualize what, what the neighborhood is in terms of density.

Aldersperson Sherrill Madam chair, may I kind of have a continuation.

President Jones Go ahead.

Aldersperson Sherrill What I was wondering about, and I don't know what is approved in this area. We haven't approved anything else really recently, but just as you're thinking about the schools and you know

I know there are some areas that are going to get built out in this I'm I was wondering about school capacity and if approved, if there are any other I guess subdivisions in that area that the school has looked at and weighed in on as well?

Alex Eidam No, not in terms of subdivision. For this one specifically, the applicant did reach out to the school districts and provide a documentation that there, there wouldn't be an issue in terms of impact to schools and capacity. I know that there was a rezoning, I'm going to switch slides here sorry, over in this area or maybe it's over here. It's off of River Road and it is a rezoning. That's the only other project and that was already approved but outside of that, there's been kind of a scoping meetings a very preliminary before even a pre-application for another subdivision off River Road, but kind of nothing active at this point.

Alderson Sherrill Okay. Thank you .

President Jones Great. Ms. Vasecka.

Alderson Vasecka Thanks. I had a similar question to Mike about the heights. I think before the slide that Amber just wanted was the comparison chart for the two different zonings. If you can put that up for me Alex, I would really appreciate it. Yeah, perfect, I just want to take a screenshot of that so I can study that but that's all my question. Thank you.

President Jones Okay, thank you. Is there's any other questions? Mr. Hess.

Alderson Hess Thank you President Jones. I was wondering Alex or Mary, if you could speak to the River Road infrastructure plan and whether or not that is incorporated in the Growth Policy as a neighborhood plan or, or how that factors in here?

Alex Eidam So the Long-Range Transportation Plan has identified River Road as a complete street. It's not really, it's very preliminary though at this time. It's only been identified and so really the next step, I mean, the plan itself it could be anywhere from eight to 15 years until it's actually an action and so to my knowledge though Mary might have more info. I don't think it's incorporated into the Growth Policy. I know the, the Long-Range Transportation Plan is a newer plan too. So, that's kind of the extent that I know in terms of when River Road would be built out.

Mary McRae And I, I don't have any.....this is Mary McRae. I don't have any additional information on that. I, I don't believe it's adopted into the Growth Policy. So, it is, you know an infrastructure plan that's out there and just as, as Alex said, it's wrench or when that will get adopted and actually installed.

Alderson Hess Okay thanks. And a followup, if I may?

President Jones Go ahead.

Alderson Hess Actually, it's a new, it's a new question but Ms. Anderson was talking about the prescriptive easement for the irrigation, or the, the irrigation ditch and I wonder if....could you show an exhibit of that? A map exhibit and discuss where those two easements are?

Alex Eidam Yes, one second. So, let me get it. Can you guys still see my screen? So okay perfect. So, Lot 4 here, this is the LaFray Park parcel. We have LaFray Lane over here and so, what you're not seeing on the exhibit is River Road adjacently or River View subdivision. So, the prescriptive easement is

this, so this is the same boundary line that is adjacent to, I'll show you visually, so it's right here. So, we're talking here's the 1923, the subdivision we're looking at. So, we're looking at this boundary line and that's where this easement is located. So, to go back it is a 10 foot irrigation...sorry it's over here, a 10 foot irrigation easement but it is entirely on the LaFray Park parcel; it's not on the subdivision. So that's the, the lateral line that goes through the, this prescriptive easement that we're referring to and then for the River Road, the irrigation ditch....it's a different angle that we're looking at now, but the irrigation ditch runs south of the property lines and so then here is that again it's turned now but it's at 10 foot easement on LaFray Park. So, that's how the, the kind of irrigation all ties together.

Alderperson Hess Okay thank you. And one more question, if I may?

President Jones Go ahead.

Alderperson Hess So while you have that slide up actually. There was some question in committee and, and tonight about access to the park not non-motorized access to the park and can you talk about access via the, the sidewalk network as well as the function of that? I mean I get the impression that that that non-motorized easement at the very south end of the parcel is really for future connectivity and doesn't serve a lot of function at this time but that there's, there's non-motorized access to and through the park via the, the sidewalk network. Is that fair and can, can you speak a little bit more about when that easement might come into play?

Alex Eidam Yes, I'm sorry I changed out of the screen, so I don't take you guys along for my click ride. So, I'll get there real quick, and I can provide a visual. So, here is kind of the end of the hammerhead and we do have the sidewalk connectivity you know on along River Road and then as it comes down into the hammerhead portion, it connects to LaFray Park. For the subdivision regulations, the subdivider is required to create the connectivity from the proposed subdivision to these open spaces and so another component of this is that the Parks Department did approve cash in lieu donation instead of actual parkland dedication, given that it's right next to LaFray Park. And so, the City's subdivision regulations for off-site improvements only really covers right-of-way improvements, so like what we were talking about adjacent to River Road. So, we couldn't you know require that they add additional infrastructure or trail connectivity from the subject property on LaFray Park freight park. What could happen is the Parks and Rec Department can take the money from the cash in lieu and decide to put it into LaFray Park, to continue that connectivity from the end of the sidewalk to the infrastructure on the park. So, that's kind of that component of it and then the other that, I think you're asking about, and I'll get to this slide. And so, the Carter Court, they do have when the subdivision was built out kind of identified from the end of the actual, the cul-de-sac in the 10-foot public non-motorized access easement that comes along the south side of the property and then it goes over towards the west in a 20-foot non-motorized access easement. And so, I try to align these together, so that you can get a visual. So, this now we're on the River View subdivision and it's a continuation but only a 10 foot public non-motorized access easement. So, there's no current trail system within these easements. The functionality of it could be that in the future, you know if Carter Court homes wanted to build a sidewalk trail that could go all the way, it could be a

secondary access to LaFray Park as opposed to going up to River Road. So, that could be one thing that happens there. They provided a 10-foot non-motorized easement. I know there's a 20 over on the Carter Court subdivision but at the time of the pre-application, Parks and Rec Department thought a 10-foot access was, was adequate enough given the size of, of the subdivisions and so then that we they were required to create that access given that there was already access on Carter Court and then for that future connection to LaFray Park.

Alderperson Hess Thank you, that's helpful.

President Jones Thanks. Next, we have Ms. Anderson.

Alderperson Anderson Thanks so much madam chair. Alex, I actually wanted to follow up on the question that Ms. Jordan asked in regards to the timing of the sidewalk installation on River Road because we've heard from quite a few people that River Road is in need of infrastructure and so as a part of this subdivision there will be sidewalks built out, but it does sound like there are two options available to the developer. I am curious on what the timeline for those of us who are not intimately involved with what an improvements agreement is with the City and all that that entails. If you could talk about kind of in a little bit more layman's terms if the developer decides to (a) just install it himself as a in before pulling a blank permit, what the time frame for that is versus what the time frame for if they decide to go the improvement agreement, agreement route to give the neighborhood some idea of when this actual you know infrastructure that is much needed will actually be in place?

Alex Eidam Thank you. And so, it does, so they have the River Road right-of-way improvements and so they can either like you said, they can install those improvements prior to filing the final plot. So, before these lots become legal lots of record, they could have those improvements installed or they could do it through the CS Improvements Agreement which is an interesting process but from my understanding through that improvements agreement there are various factors that are into play but there is a lot of I don't know flexibility is the right word of options though for the developer. And so, in terms of timing, I don't know if maybe even the applicants if IMEG has had conversations with the developer and knows when those potential right-of-way improvements might be installed. In terms of timing though, I'm not, not too sure.

Alderperson Anderson Followup?

President Jones Go ahead.

Alderperson Anderson But just basically, it cannot be indefinitely delayed I mean from a standpoint of at some point in time they can either do it as they're putting in the street and the sidewalks or an improvements agreement allows them a tiny bit more time, but it's not an indefinite delay of infrastructure pieces? And I do see Ms. McRae has her hand up and she might be able to enlighten us a bit.

President Jones Mary did you want to address that?

Mary McRae Yes, the improvements agreements are typically, there's a specific deadline, typically around a year and then as they install improvements they can renegotiate that to draw down their security to only the improvements that are installed. Typically, the roads, the drainage, the water and sewer

mains, the curb and gutter goes in first and often they install the sidewalk later and the boulevards after construction occurs. So, that they're not driving over it and destroying that infrastructure, but yeah there are deadlines. They have to either get approval for an expansion of that deadline with City Engineering. President Jones Thank you. Okay, any other questions from Council? I'm not seeing any hand raised. Mr. Hess, I believe it is your turn to make the motion.

Aldersperson Hess Thank you. I'd be happy to make the recommended motions so that we have motions on the floor to discuss. There are six of them and I'll make them all if that's okay? The first is a motion to approve the adoption of an ordinance to rezone the subject property located at 1923 River Road from RT10 Residential (two-unit/townhouse) to RT5.4 Residential (two-unit/townhouse) based on the findings of fact and conclusions of law in the staff report. This next one is to Approve the variance request to allow a 29.5-foot-wide right-of-way and 25.5-foot-wide street width with one 7-foot-wide parking lane, and two 20-foot-wide easements containing 7-foot-wide boulevards, 5-foot-wide sidewalks, and 8-foot wide utility easements. The next one is to approve Variance Request #1: Approve the variance request to allow a 29.5-foot-wide right-of-way and 25.5-foot-wide street width with one 7-foot-wide parking lane, and two 20-foot-wide easements containing 7-foot-wide boulevards, 5-foot-wide sidewalks, and 8-foot wide utility easements. Variance Request #2: Approve the variance request to allow for a turnaround street, Road A, further approving the variance from specific turnaround design standards including the requirements that turnarounds may not represent more than 15% of the total roadway miles in a subdivision, the right-of-way radius must be a minimum of 50 feet, and the pavement width must be a minimum of 45 feet. Variance Request #3: Approve the variance request to allow a block length at roughly 534 feet. Variance Request #4: Approve the variance request to allow the existing River Road 60-foot-wide right-of-way and proposed improvements. And finally, the Subdivision Motion: Approve the River View Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report as amended in memo No. 1 dated February 11, 2022. May I speak to the motions?

President Jones Go ahead Mr. Hess.

Aldersperson Hess Thanks. I want to start by saying that I'm going to support these motions and I, I say that recognizing that we have a number of people in the audience who have put a lot of time and effort and energy into contacting us. I want to say that I have heard you and while I'm not voting the way that that you want me to, I, I have heard you and I appreciate you engaging in the process and if we were all in the same room I'd look in the eyes and, and tell you that as well. And so, I want to start by thanking you for engaging in in local government. There's a number of reasons that I'm going to support this and I'll, I'll run through them, but I first wanted to acknowledge the public involvement. And, and to me, when we have these land use decisions, we have a, a framework that is that is fairly straightforward and that is, does it meet our Growth Policy, which is our, our north star if you will of, of how we make land use decisions. It is our guiding document that, that thousands of people poured hours and hours and hours into in, in 2015 to create and it's, it represents, it's a work product that represents a lot of, a lot of smart

people engaging on what they want our community to look like. And this area, the, the area, the River Road area is, is slated in the Growth Policy for medium density residential development which is three to eleven dwelling units per acre. And so, the and as, as our staff report outlines, this zoning proposal is compliant with the Growth Policy and it, it meets the objectives of the Growth Policy and I and I believe that to be true. I believe that to be an objectively true statement and so I, I'm going to support that motion. The variances to me are sort of to, to recognize that this is a long and narrow parcel and that there's some, there's some design considerations that that need to be made in order to, to fit housing in this. And that is recognizing also that, that narrower streets provide for safer, safe, narrower streets are safer streets. There's less traffic, lower traffic speeds and it's, it's appropriate for a dead end or cul-de-sac turn around street to, to promote those lower speeds and to have that, that narrower area. And, and similarly, the, the second variance on the turnarounds, tighter turn radii are slower and, and slower is safer for residential streets. So, I'm, I'm, I'm in support of those. I do want to talk about the density. This is a density that we see in a lot of areas of town in where I live on the west side and where our colleagues in Ward 1 live on the north side. And there are lovely neighborhoods that are at this medium density. In fact, I was looking at the, the property information system and most of the most of the odd-numbered houses on the, on the, the west side of Carter Court 1615 to 1631 Carter Court have parcel sizes of approximately 4,600 square feet. And this this development has parcel sizes that are right in that range, ranging from 4,350 to about 4,700. And so, they're, they're going to be almost identical parcel sizes to, to what's immediately adjacent to them and, and that to me feels like continuity of neighborhood character. And so that that feels to me like, like it's going to be like it's going to fit in. And I, I went up and down Carter Court a few times and, and over to LaFray Park and just to, to look at the area and, and get a sense of the area. And Carter Court is a lovely street and I think this has the, the opportunity to be to be the same with, with similar parcel sizes as that west side of Carter Court. And I appreciate that the in fact the, the backyard setbacks are 20 feet, and the Carter Court setbacks are 11 feet and so I, I think it will create, just because of those setbacks, it'll create a little more space and, and I think it'll fit. I also want to recognize that there's an infrastructure deficit in this part of town. There is a lack of water infrastructure which was incredibly frustrating as we were as we were acquiring the water system. That the previous owner of the water system neglected to install adequate water infrastructure in this area. That is being corrected over time and development in this area will help correct that infrastructure deficit. It'll help create more investment in in our water and wastewater systems and it'll ultimately drive investment in our transportation system. River Road needs to be improved. Full stop, it needs to be improved and I will support projects that will, that will do that when the time comes. So, again I, I am grateful for people participating. I'll, I'll be supporting this, and I'll be looking forward to, to seeing this becoming part of the fabric of this neighborhood. Thanks.

President Jones Thank you Mr. Hess. Next, I had Mike Nugent.

Alderperson Mike Nugent Thank you President Jones. I, I kind of want to echo Jordan's comments. The, the significant amount of public comment has been, it has been reviewed, we've heard it and read it, and I

appreciate everybody for participating in the in the broader community conversation. You know, prior to being on Council, I was one of many people who were involved in the Growth Plan process and one of the big messages then was you know Missoula is growing and we have to face some of these realities, and you know infill and, and density were, were goals that have been identified throughout that Growth Plan. And I think that that's something that we need to keep in mind when we make these decisions because as we all know it it's going to be hard every time we look at them. And the reality is that if we aren't going to make tough decisions for density and infill type projects we're going to have more sprawl because we do need housing. We don't look at any projects compared to any others it's not an either or, but that's part of the conversation and I think it'd be a bad precedent to not follow the Growth Plan that our community just invested a significant amount of time and resources into, into putting in place and kind of saying this is what we believe. That being said, I think that the comments about River Road are very, very relevant and that's that kind of infrastructure plan is one that I would hope that we'd have the opportunity to discuss a little bit more in Council and maybe in committee and maybe have an update on, on the process and what, what the future of that holds because I do think that you know if our state of growth as a community our state goal as a community is, is more density, there are going to be areas where it's going to have an impact on streets that can't just fall to one developer realistically. So, I think that that's something that we would need to look at and I just thank everybody for their comments.

President Jones Thank you. Ms. Jordan. Ms. Jordan, I have next.

Alderperson Kristen Jordan Thank you. I will not be voting to approve this project. I feel like we're putting the cart in front of the horse. This project is stuck in the middle of good policies and policies that really need to be updated. And I think that putting a bunch of new homes on a road that can't handle the traffic is a concern and I think it's something that we should consider before we approve high density housing projects. We've heard from residents that children walk in the middle of the road when they get off the bus and there's snow on either side. This is a road, I'm not quite sure how long it is and it's probably, but regardless, it doesn't have any stop signs, any roundabouts, any traffic signs. It is turning into a shortcut between Reserve and Russell Street, and when we, when we consider a rezone that doubles the density of a project on a road that can't handle the infrastructure, I think that we are putting citizens in danger. And I think that we need to make sure that the ways in and the ways out of these subdivisions are safe for the people who are going to be living there. I think that the residents of Carter Court and the other residents on River Road who've offered comment have been so gracious. I think that they've made some really good points and I think that as a citizen and a parent, I wouldn't want to live on River Road right now because of the future density and, and growth that's going to happen on that road without any plans in place to update River Road. I think that we're actually creating a dangerous situation for residents. I do agree that we don't want to look at urban sprawl and I think River Road is one of those particular roads in Missoula that has gone unaddressed, and we are going to pretend like it doesn't have any potential problems when we when we approve these subdivisions, but these subdivisions are going to cause harm to our citizens if we don't improve the infrastructure first. I also am concerned with the density of this

project. I think that the existing zoning of this particular parcel is, is adequate. I, I am frustrated that we don't know whether or not we're going to have a sidewalk straight away. I think that's been the biggest, one of the bigger concerns that folks have had is that there's not a safe place for people to walk. I see this project as one where we have a developer who is trying to make as absolute much money as possible on a piece of land and I don't think that that's the type of Missoula that we all want to live in. I think we want to live in a Missoula that is, is considerate of density and safety for our citizens, and I won't be proving this. I won't vote yes for this project because I think that the density versus the safety of River Road is something that we should be pretty concerned with before we start approving big projects. So, thank you for letting me have a have a say.

President Jones Thank you. Next in line, I have Mr. Contos.

Alderpersion Contos Thank you for allowing me and I want to apologize for my enthusiasm and wanting to vote for this thing though right away. I have been out there quite a few times and I feel that I think the original plan was 10 units and it went up to 19, and that just seems like a real squeeze. I also hear the word Growth Policy quite a bit too and even though that might be something that's legal, I think, I think it might be short-sighted to go down that road without thinking what's his place going to look like 20, 30, 40 years from now with squeezing in as much as we can in all these spaces. I don't think we'll be able to build our way out of all the people moving into Missoula, but I do think we need to think carefully how we are building, and I think this project is an example of squeezing too much in too small of an area. Thank you.

President Jones Thank you. Ms. Becerra.

Alderpersion Becerra Confusing....Thank you. I have several scattered comments, but I would like to just give a little bit of background too, as I....Well first and foremost, I just want to say thank you to everyone who participated. I read all your emails, I read all your letters and if you saw a car passing by several times in your neighborhood, that was me. I did drive and I agree, River Road needs significant improvement and I have to say that I agree with my colleague, Mr. Hess, that sometimes the added density is what triggers reinvestment or investment in infrastructure and my hope is that that will happen here as well. I just want to point out that the River Road/Emma Dickinson Infrastructure Plan was brought up and I am familiar with the plan. It was adopted in 2003 and developed in 2002, so that is 20 years ago and back then we were under Title 19, so, the previous zoning code which was replaced by Title 20 in 2016. So, clearly things have changed. What has changed the most is our need for additional housing, and I think it's not just to accommodate those who are coming from out of town but it's to accommodate our City Firefighters, City Police Department, teachers, families, and so while change is incredibly hard to accept and I think there's a certain sentiment that we want to retain our community the way it is, we have a significant deficit in housing, not just for those who are coming from outside of town but for our own people, for our own city staff, for our own families and teachers and I don't want us to become one of those communities that cannot provide housing for our own. These are not going to be affordable homes that's, that's for sure but I do believe that it will increase at least the possibility of

someone being able to be a homeowner and continue to live in Missoula. Going back to a little bit of the history of the area because I, I think for me it's really important to see how an area is changing and what's driving that change. So, several, five of the developments that Alex showed us on that map with different densities, they range from 5.4 dwelling units per acre, 6.1, 5.8. I'm not sure when those were developed but if they were developed under the previous zoning regulations that would have been under the RLD4, that means real low density four per acre, and back then, if you, if you do the math, a lot of these developments are higher density than what that zoning is which means they probably used a density bonus which in that area were allowed up to six I think to additional dwelling units per acre. So, there's a history in the area of increasing density beyond what's allowed per zoning. This is nothing new in this area and I think it's important to, to keep that in mind. That we, it's an area that, it's constantly changing and what we need to do now is focus on providing the infrastructure to accommodate that change and mitigate the impact. So, I too will be supporting this request and any other future development of infrastructure that's gonna make it easier and safer for the neighborhood. Thanks.

President Jones Thank you. We have several more comments and then, but I have had a request to have a brief recess to hit the restrooms. So, I will, gosh what's the phrase? We're going to take a break and we will be back. We stand adjourned but we will be back in 10 minutes. Sound good? All right, if you just want to make your screens go dark and we will and shut your mic up, and we'll be back in 10 minutes so stay tuned everyone. We've just gotta take a breather. Okay, I will call us back into order. Thank you for a brief recess. We are continuing Council comments on the River Roads subdivision matter and next in line was Ms. Vasecka.

Alderperson Vasecka Thank you. First, I would like to say to everyone who did reach out via emails or letters or I'm coming to all the Council meetings, I really appreciate all that the public comment and everyone being involved in the public process. I did read all of the emails, all of the Engage Missoula comments, all the public comments, and, and I can understand the frustrations with having this this much change right, right next door, especially those next door in Carter Court but I, I will be supporting this motion tonight. I not only is this my Ward, it is my neighborhood. So, I go to LaFray Park almost daily. I walk Curtis Street and I avoid River Road because everyone does, does have a good point. It is very dangerous. There are hardly any sidewalks and with kids and like walking your dog, walking your kid, you need to have a sidewalk. So, one of the reasons why I'm supporting this is because the developer, I hope that the developer will put the sidewalk at the top of his priority list and get that done as soon as possible because while it's not nearly even close to how much we actually do need on River Road it is a good step in in the right direction to, to get those sidewalks. I also, with Missoula, we're growing where a lot of people are coming here, and a lot of kids are growing up and getting their own houses and we do need the supply, supply and demand. We just don't have enough supply and that's why house prices are sky high and while this won't make it a big dent in it at all, it will give at least 19 other families a home. And so that's another reason why I'm going to support it. And then the I guess the final reason why we'll be supporting this tonight is because I've never been a big fan of government regulations telling you what

you can and cannot do on your own property. So, I think that this is the property owner's right to build this, with the two moving it from our R10 to an RR or RT10 to RT5.4, at first I was concerned about the, the height difference, but it looks like it's going to be the same. So, I guess that's, that's another reason why we'll be supporting this tonight, but I really do appreciate everyone reaching out and letting us know your concerns. It made it into a very robust discussion and so I just want to thank everyone for being involved but I will be in support of it tonight.

President Jones Thank you. Ms. West.

Alderperson West Lower my virtual hand. All right, so I, I also echo what many of my colleagues have said ahead of me. I also received lots of emails, lots of calls, and really heard all of those and I think one frustration that's been voiced is that it appears that....I'm not sure how to phrase it. I guess you know that that this development is a done deal in some ways, and I just want to point out that city staff would not bring us a project that doesn't meet our own statutory requirements or the statutory requirements of state law. That is one reason that this is not going to get sent back to committee tonight, is because we have a deadline to meet that is set by state law and we have to vote on it tonight. In addition to that, the proposed zoning of RT5.4 is considered medium density, which means it is in compliance with the Growth Policy, which is what is the guiding document that our decisions are based on. And in addition to that, this is a very centrally located property. It's close to services. It is a good location for infill projects and like infill projects across our community, whether that's in Ward 1 or Ward 2 or places in Ward 6 or 5, we have a disparity of existing infrastructure and there are no great mechanisms for us to I guess preemptively build out infrastructure in expectation for coming development. This is right outside of URD 2, which is one of the few, you know, TIF financing is one of the few mechanisms we have for improving infrastructure and it doesn't apply here. And so, we are you know constrained to more of a piecemeal approach to filling the infrastructure which is what we see in other places like Ward 1 and Ward 2, especially. And one of the ways that this is done is that with each projects, there are things like impact fees collected which then can be reinvested in the community. That doesn't say that you know I think we're all super aware of the shortcomings of River Road and having more people in this area will also you know increase the priority of which that can be addressed. So, with that, I'll, I'll support this project or the six motions that are before us. And yeah, that's it.

President Jones Thank you. Ms. Savage.

Alderperson Jennifer Savage Thank you madam chair. I will be brief, but I did want to also say that I appreciated and did read all of the comments that came my way via email, handwritten letters, calls. I also appreciated the photos that folks sent our way as well. Oop, there we go....Okay. And I do also appreciate all the comments about River Road needing to be addressed. I live in Ward 1. I live on the north side in a very dense neighborhood, as well. I completely understand the constraints of parking, streets that need to be repaired, my own street is half gravel and there are no curbs. Yet, we still see project after project that is being built and I do have to say that I feel like that our greater need here is housing. So, I will be supporting this this evening. Thank you.

President Jones Thank you. I don't see any other hands raised. I do have a few comments. I'll try not to repeat what other people have said. I agree with a lot of what was said, and I will just say that I do support this item that's in front of us. I know it is a big change going from an empty field to 19 houses, but we desperately need housing in Missoula, and I think although this is a step up in density. It by having it be a step up.....sorry my computer screen is a little unusual. Okay, there we go. Sorry, I'll just start over a little bit here. I support this project in that I think this is compliant with our Growth Policy and it is a big change for that neighborhood, from having an empty field but it is a step up in density, which is a good approach I think because we desperately need more housing in this community, and this is not going nearly as dense as some of the rezones that we see frankly. So, I, I think it will work in the neighborhood. It will be a big change but in the long run, when it is in the long run.....sorry my computer is telling me to do different things and it's a little confusing, but we're back on track here. All right, anyway the point I wanted to make was there has been a lot of discussion about River Road and I also agree River Road definitely needs a build out. It needs a lot of infrastructure put in sidewalks, curbs, to make it a truly safe welcoming road to have pedestrians and bikes. And in the perspective of looking at the entire city though and our revenue sources and our capacity, we have a lot of River Roads that need work. So, it's not I we have many and we're only able to do a few every year. So, we do the best we can to prioritize them where we'll have the most impact and at some point River Road will get done. I don't know how many years down the road, hopefully sooner than later. It is absolutely true that as parts of it are built out that helps ease the project and as more people use it, it will rise in priority. So, I know it's frustrating to not have that infrastructure in place first but unless we have something like the Build Grant which is millions of federal dollars that we are using out in the Mullan Road area. If we don't have a tool like that or MRA tax increment money to use, we simply have very limited capacity. We did have the gas tax for, I think, a year or so that was passed by this community to put more monies towards roads and that was taken away by the legislature. So, anytime someone wants to come with me to Helena to testify in front of the Legislature for more tax reform, so that we have a better functioning system and more revenue in order to better address the needs of our community, you're welcome to come because that's, that's the bottom line in terms of how quickly we'll be able to get to River Road. So, as a City, we'll keep working on that because I do think that's a huge issue but in terms of this subdivision I think, I think it will be a good addition and there will be some good homes that people are going to be able to get into and be housed. So, I'm in support of it. I don't see any other hands raised or any other comments and we've had a public hearing on this item. So, Marty we will go to, we will go to a roll call vote on all of the different items.

8.1 River View Subdivision and Rezoning, 1923 River Road. Ms. Alex Eidam, Senior Planner, City of Missoula

Rezoning Motion: Approve the adoption of an ordinance to rezone the subject property located at 1923 River Road from RT10 Residential (two-unit/townhouse) to RT5.4

Residential (two-unit/townhouse) based on the findings of fact and conclusions of law in the staff report.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Contos, and Kristen Jordan

Vote result: Approved (10 to 2)

Variance Request #1: Approve the variance request to allow a 29.5-foot-wide right-of-way and 25.5-foot-wide street width with one 7-foot-wide parking lane, and two 20-foot-wide easements containing 7-foot-wide boulevards, 5-foot-wide sidewalks, and 8-foot wide utility easements.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (1): Kristen Jordan

Vote result: Approved (11 to 1)

Variance Request #2: Approve the variance request to allow for a turnaround street, Road A, further approving the variance from specific turnaround design standards including the requirements that turnarounds may not represent more than 15% of the total roadway miles in a subdivision, the right-of-way radius must be a minimum of 50 feet, and the pavement width must be a minimum of 45 feet.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Contos, and Kristen Jordan

Vote result: Approved (10 to 2)

Variance Request #3: Approve the variance request to allow a block length at roughly 534 feet.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Contos, and Kristen Jordan

Vote result: Approved (10 to 2)

Variance Request #4: Approve the variance request to allow the existing River Road 60-foot-wide right-of-way and proposed improvements.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Contos, and Kristen Jordan

Vote result: Approved (10 to 2)

Subdivision Motion: Approve the River View Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report as amended in memo No. 1 dated February 11, 2022.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Hess, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Contos, and Kristen Jordan

Vote result: Approved (10 to 2)

President Jones Did we complete all of the motions?

Marty Rehbein I think so.

President Jones Okay thank you. I just wanted....there were a lot. Thank you. My computer reflects that in seven minutes plus, it's going to shut down and restart for applications and software updates. So, I'm just going to go forward and if my computer shuts down then...I don't know if it's everyone's on the IT computer exactly. So, we might have to finish early.

9. FINAL CONSIDERATION - None.

10. COMMUNICATIONS FROM THE MAYOR

President Jones So I, did have a quick comment, as I'm sitting in for the Mayor. I just wanted to point out that in the Saturday front page of the *Missoulian* there was a wonderful story about a woman who had been homeless for four years and then was able to get housing through the PATH Program in a 55 plus housing apartment on South 9th Street. That was a rezone that we approved about three years ago and it was a very difficult challenging rezone, and it is nice to see these things come to fruition and see that people are housed, especially someone who had been in her situation. So, I guess I'm just saying this to acknowledge that all of Missoula is changing. We have people moving here. We have people moving home. We are a growing community that needs housing and that's why we have these difficult discussions on the record and try and make it work as best we can for existing neighborhoods and people who already live here as well as for an expanding city where we need more capacity. So, I would

recommend you read the story because for someone who'd been in her position to get housing is just a really good win in my in my opinion. So, I'm very happy about that.

11. GENERAL COMMENTS OF CITY COUNCIL

President Jones So, we will start with Council comments, and I will start with Ms. Vasecka.

Aldersperson Vasecka I'll pass tonight. Thanks.

President Jones Mr. Contos.

Aldersperson Contos I'll pass. Thank you.

President Jones Ms. Anderson.

Aldersperson Anderson I'll speak very quickly. This is our first meeting since the unfortunate news broke about the Mayor and so I know that many of us are holding him in our prayers or however you wish to send him good wishes and I want to thank all the community members who are continuing to do so and we wish him good speed and, and health and all that. I want to give a shout out to the Missoula Robotics Club. I got a chance to go hang out with these super cool kids represent all three of the Missoula high schools at the robotics competition or the robotics robot reveal this Saturday and super cool program that is housed at Sentinel High School but there are participants from all three of the area high schools. We are the only community that has a robotics team in the state, and I think it's just a super great way when a lot of our society is so focused on sports, which is also great but that there are other avenues for other kids to get involved and do really cool things and learn leadership skills and business skills and presentation skills and fundraising skills. So, I want to give a shout out to all mentors, the adults that wrap around that program and to especially to the kids who are the ones who are going to be you know hopefully someday making my Rosie the robot who will you know like the Jetsons have. So, thanks to all that and then finally just super thanks to the staff at the IT department for working through us and getting back into a hybrid situation. It spits and starts, and they make this all seem seamless but it's not, it's a lot of hard work, and I thank them for that.

President Jones Ms. Sherrill.

Aldersperson Sherrill Pass.

President Jones Mr. Carlino.

Aldersperson Carlino Pass.

President Jones Ms. Becerra.

Aldersperson Becerra Pass.

President Jones Mr. Hess.

Aldersperson Hess Pass.

President Jones Ms. Savage.

Aldersperson Savage Pass.

President Jones Ms. West.

Aldersperson West I just wanted to congratulate the Missoula County 4-H for putting on the 75th annual drama....[end of audio file - further audio obtained from YouTube]....there we go, go through my

computer audio anyway. So, it is a 75-year tradition that went national and now is back to only being in Missoula County and the three 4-H clubs that participated were the Blue Mountain Bowling Trail and Potomac Valley, and it was lots of fun and very impressive to see what groups of kids pulled together over the course of a month. So, yeah congratulations.

President Jones Great thank you. We have no committee reports. Do I need to be online also? Oh, I'm sorry our virtual people, Kristen Jordan.

Aldersperson Kristen Jordan Thank you for remembering me but I'll pass tonight.

President Jones We can't hear you though.

Aldersperson Kristen Jordan Can you hear me now?

President Jones Yes.

Aldersperson Kristen Jordan Thanks for remembering me but I'll pass tonight.

President Jones Mike Nugent.

Aldersperson Mike Nugent I'll, I'll go quick and thanks for remembering me. I just wanted to put out into the world if you are somebody who lives in a condo and owns a condo unit, you need to pay attention to updated regulations. Freddie and Fannie, who are the federal loan backers updated condo maintenance regulations in response to the tragedy that occurred in Florida last year with the collapse of the large tower or condo, but it has increased the requirements for homeowner's associations and condos to have proper maintenance funds and if those don't exist they can't lend on those units. So, it's very important that people who are in condos take that seriously.

President Jones All right, I have 1 minute left on my City computer before it reboots itself. So, we're going to wrap this up.

12. COMMITTEE REPORTS - None.

12.1 Administration and Finance committee (AF) report

12.2 Committee of the Whole (COW) committee report

12.3 Land Use and Planning (LUP) committee report

12.3.1 Minutes from the March 9, 2022 Meeting

12.4 Parks and Conservation (PC) committee report

12.4.1 Minutes from the March 9, 2022 Meeting

12.5 Public Safety and Health (PSH) committee report

12.6 Public Works (PW) committee report

12.6.1 Minutes from the March 9, 2022 Meeting

13. NEW BUSINESS - None.

14. ITEMS TO BE REFERRED - None.

14.1 Administration and Finance committee referrals

14.2 Committee of the Whole referrals

14.2.1 Operation Shelter Update

14.2.2 Scope of Work for Justice, Equity, Diversity and Inclusion (JEDI)

Development Training by Consilience Group, LLC

14.3 Land Use and Planning committee referrals

14.4 Parks and Conservation committee referrals

14.4.1 Community Greenhouse Gas Inventory Report

14.5 Public Safety and Health committee referrals

14.6 Public Works committee referrals

14.6.1 Second Amendment to the Mullan BUILD – Interlocal Agreement between the City of Missoula and Missoula County

14.6.2 A Resolution Establishing the Mullan BUILD Water and Sewer Development Fees

14.6.3 A Resolution to Order the 2021 curb and sidewalk associated improvements adjacent to miscellaneous parcels

14.6.4 Presentation on the Higgins Avenue Corridor (Brooks to Broadway) Project

15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None.

15.1 Administratively approved agreement report

16. ADJOURNMENT

President Jones Thank you everyone for your patience, as we made our way through a first hybrid meeting, and we will stand adjourned.

The meeting adjourned at 8:35 p.m.

Martha L. Rehbein, CMC, Legislative
Service Director/City Clerk

John Engen, Mayor