

Planning Board Summary

Rezoning of Tract 2 of Certificate of Survey 5850 in Section 20, Township 13 North, Range 18 West, P.M.M. from R20 Residential to R40 Residential.

Planning Board Recommendation:

On Tuesday, March 7, 2023, with 10 voting members present, the Missoula Consolidated Planning Board **unanimously approved the motion** to recommend City Council approve the adoption of an ordinance to rezone the subject property located one parcel east of 984 Deer Creek Road, legally described as Tract 2 of Certificate of Survey 5850 in Section 20, Township 13 North, Range 18 West, P.M.M. from R20 Residential to R40 Residential.

This Board's recommendation is in agreement with the Development Services staff recommendation for **approval** of the rezoning request.

Planning Board's Recommended Conditions of Approval:

None, conditioning of a standard Title 20 zoning district is not permitted by state law. MCA 76-2-302(2) requires that a class of zoning standards, such as the R40 Residential zoning district standards, be uniform in all locations where the standards apply.

Planning Board Discussion:

Planning Board discussion included the following:

- Applicant representative gave an overview of project timeline and the history of determining how agricultural use classifications were applied.
- Planning Board noted that a previous proposed project in this area, which resulted in the subject property being annexed, was less compatible with the context and that the current use is more appropriate.
- Planning Board discussed constraints on the property to more dense development and had a question regarding the viability of residential development with existing utility lines.
- Planning Board had a question about how the upcoming Code Reform project may impact these use types and this applicant specifically. It was suggested that more urban agricultural uses be permitted on large lots with Code Reform.
- Planning Board had a question about a 2021 state law regarding the consideration of agricultural lands and soils in land use review, but it is specifically in regards to subdivision, not rezoning applications.
- Planning Board stated that the rezoning is consistent with planning recommendations and the findings of fact in the staff report.
- No public comment was received during the Public Hearing.
- Overall, they voiced support for the rezoning and thought this use was appropriate in this area.

Please see the Planning Board Minutes for further Planning Board discussion.