



## Missoula Consolidated Planning Board Minutes

November 7, 2023, 6:00 PM

Council Chambers (in person) or TEAMS (virtually)

Attend in person: City Council Chambers, 140 W Pine, Missoula MT

Voting members present: Ellie Costello (City Appt), Dori Gilels (Mayor Appt), Rick Hall (County Appt), Dave Loomis (County Appt), Josh Schroeder (Conservation Dist), Shane Morrissey (City Appt), Tung Pham (City Appt), Peter Bensen (County Alt)

Regular member(s) absent: Micah Sewell (County Appt), Sean McCoy (County Appt), Derek Kanwischer (City Alt)

### 1. Call to Order

Mr. Morrissey called the meeting to order at 6:01 p.m.

### 2. Roll Call

Ms. Manning called the roll. A quorum was met. The city alternative, Mr. Peter Bensen, was promoted to voting member for the evening.

### 3. Approval of Minutes

#### 3.1 September 19, 2023

Ms. Gilels made a motion to approve the September 19, 2023, minutes. Mr. Loomis seconded. The motion passed unanimously. Ms. Costello abstained.

### 4. Public Comment

Regarding US 93 and 310 Law:

Bob Girdano, Director Missoula Institute for Sustainable Transportation (MIST), stated he had lived in Missoula for roughly 30 years and had seen a lot of growth. He said there needed to continue to be robust discussion and proactive results around traffic challenges. He stated he'd like to see Missoula remain livable and affordable. He encouraged the board to keep on top of the Hwy 93 study. He acknowledged the board's vital role and decision-making efforts in what the traffic infrastructure looked like, encouraging them to set it up. He stated he'd like to see 3 lane roads and single-lane roundabouts over what is currently in existence. He stated he tracked the crashes in Missoula and there are around 3,000/yr. He gave several examples of how the Corridor could be proactive and think outside of the box. He stated other places are implementing this infrastructure and the corridor could model after them.

### 5. Staff Announcements

There were no staff announcements.

### 6. Public Hearings

There were no public hearings.

## **7. Communications and Special Presentations**

### **7.1 US 93 Missoula to Florence Corridor Study Update**

Becca McLean, Big Sky Public Relations; Sarah Nicolai, Robert Pecha & Associates; and Mark Stuts, MT Dept of Transportation on the US 93 Missoula to Florence Corridor Study Update Fall 2023.

[See video presentation, linked here.](#) Presentation slides are attached to these minutes.

#### **BOARD QUESTIONS & COMMENTS**

Mr. Bensen asked if two other US 93 intersection connections or studies were still in the works or if the Corridor correlated with those projects. (one connection by Miller Creek Humane Society, the other near by downtown Lolo)

Ms. McLean stated the focus is on the existing US 93 alignment from Missoula to Florence there are no new connections that would bypass or join in with US 93. She stated there might be other ongoing efforts that she is unaware of.

Mr. Studt stated he was unaware of any other studies.

Ms. Gilels asked if there was existing data on rear end accidents involving cell phone use. She suggested using traffic signs to alert drivers when the traffic is stalled.

Ms. McLean stated there was a correlation with several noted contributing factors. She said she agreed with using signage. She stated it could help drivers be more alert and aware.

Ms. Gilels noted the effectiveness of wildlife using over and underpasses. She gave examples of effective vegetation in Highways. She raised concerns on concrete usage in Highways. She asked how funding would be evaluated and if there were any limitations.

Ms. Nicolai stated there was a meeting with FWP and US Fish & Wildlife Service agencies over wildlife conflicts. She stated safe accommodation discussions were occurring with those agencies. She said long term final recommendation options would be identified and solved for funding. She said there could be funding with federal government grant programs.

Mr. Pham asked if traffic flow or accident rate was affected seasonally or by tourism. He asked if there was opportunity to focus on solutions in different seasons.

Ms. Nicolai stated the focus was on daily commuting patterns. She stated seasonally weather and lighting patterns played the biggest role.

Mr. Schroeder stated he lives nearby and his whole family must commute and navigate the dangerous corridor daily. He referenced a recent fatal head on collision south of Lolo. He asked if there was any trend analysis crash data from 2020. He asked what was classified as a heavy truck. He asked how safe access can be provided onto and off Hwy 93 around Rowan Road.

Ms. Nicolai stated the feedback from outreach and getting a more rounded scope is very beneficial. She stated their office was aware of the tragic accident. She stated prevention

and utilizing median treatments in the future to prevent severe sometimes fatal crashes was being looked at. She said MDTs (Montana Department of Transportation) most available and recent crash data span from 2012-2021. She stated MDT is continuing to look at and compile data for all occurring crashes in the corridor. She stated semi-trucks were captured in commercial industrial while pickup trucks are in the passenger vehicle type data. She stated safe intersection access on and off Hwy 93 to improve the corridor was being discussed.

Mr. Schroeder asked if staff would forward the Board the presentation to think about proposed solutions and digest the study.

Ms. Nicolai stated yes. She stated all the information would also be shared again at the public meeting.

Mr. Morrissey asked how much control MDT had over access and intersections of the existing Hwy.

Ms. Nicolai stated MDT had jurisdiction on traffic control decisions and a permitting process for new accesses requests onto the Hwy.

Mr. Morrissey stated the developments coming to the Board were being weighed against Hwy safety concerns. He stated the Board's role was to provide a proactive planning strategy and effectively control the growth.

Ms. Gilels asked if the median traffic treatments could be done with the existing 4 lanes.

Ms. Nicolai stated that a closer review would need to occur, and they'd be better prepared to answer that question in the next stage of study. She said that stage would be looking at individual locations.

Ms. Gilels asked what the law enforcement for speeding would look like going forward.

Ms. Nicolai stated Hwy Patrol was stretched with limited staffing and a lot of ground to cover. She stated when her staff was gathering data and conducting the study, Hwy Patrol was observed regularly patrolling.

This concluded the presentation of the Florence Corridor Study Update Fall 2023.

## **7.2 310 Law**

Radley Watkins, Executive Director of the Missoula Conservation District on the 310 Law

[See video presentation, linked here.](#) Presentation slides are attached to these minutes.

### **BOARD QUESTIONS & COMMENTS**

Mr. Loomis asked if braided streams or moving channels would prevent people from using their dry land.

Mr. Watkins clarified, referring to Kelly Island.

Mr. Loomis stated more like the braided areas of Grant Creek upper.

Mr. Watkins stated there were rules under Montana Supreme court case law and jurisdiction of the Montana Natural Stream Bed Land Preservation Act. He said written

law assessed every project on its own merit for permitting. Then viewed on ecological goal, size, and location of the stream. These could range from 5, 10, 15, or even 50-foot buffers from the water's edge. He said their goal was to require a permit application within a 50-foot buffer zone.

Mr. Loomis asked how water was diverted for seasonal ephemeral streams that dry up in the summer for fish passage and migration.

Mr. Watkins stated the law applied mostly to perennial streams. He stated the law could be applicable to ephemeral streams if they had ecological impacts or human manipulation on perennial streams. He stated those manipulations weren't always obvious. He said he was confident with the savvy decisions the County ecologists and Conservation Districts (CD) Board were making. He said if needed the State did have funds for assessment.

Mr. Loomis asked if every large driveway or bridge required surveyed elevation or engineering.

Mr. Watkins clarified elevation was required but the law didn't require surveyed elevation. He stated elevation was up to the CD Boards discretion. He stated there has been staff recommendation given for an engineer during some previous site inspections. He stated staff impressed the public to take precautionary measures with stream permitting.

Mr. Loomis stated that is a consistent problem area and experience was of great benefit to everyone.

Mr. Watkins stated there was ongoing debate with the Fire Chief on ingress, egress, and bridge width. He said his vision would be to update and republish the stream crossing brochure. He said it was crucial to protect the resource while also keeping public permits accessible and easy to use. He reiterated the Board's law, oaths, and role in 310 permitting.

Ms. Costello asked how many permits were qualifying and reviewed monthly.

Mr. Watkins stated approximately 50 permits a year with some months being slower than others. He stated continued public education and outreach on the 310 law could bring more permits in.

Mr. Schroeder stated he struggled with different CDs either not using or broadly interpreting the 310 law. He stated it constituted as a violation if it's not enforced properly. He asked if the law only pertained to the Board's interpretation or each individual CD.

Mr. Watkins stated each CD had its own strict administrative codes. Those codes are built based on how the water is used. He said it was a hard law to implement most of it falling to the Board for law interpretation and implementation. He stressed continued public conversations with staff and CD Board members. He complimented Missoula County on updating the riparian zoning ordinance.

Mr. Schroeder echoed Mr. Watkins sentiments stating Missoula County had done an excellent job putting together the new zoning.

Mr. Watkins stated he appreciated the Planning Board for looking after Missoula's resources.

Mr. Morrissey stated he hadn't heard of the 310 law before being on the Board. He stated it was becoming a recurrent topic. He stated he is educating folks in his office. He said continued education, discussion, and outreach were important.

**8. Committee Reports**

There were no committee reports.

**9. Old Business**

There was no old business.

**10. New Business and Referrals**

There was no new business.

**11. Comments from MCPB Members**

Mr. Loomis stated there was an example of a partial restoration occurring with a narrow stream in the lower O'Brien Creek area around the Mesa.

Ms. Costello asked if there were any negative public comments for the Wye 2 TEDD.

Mr. Morrissey recalled there were two written negative comments from the public. One of which may not have had anything to do with the TEDD. He said those comments were received shortly before the PB meeting. He stated other than that it seemed everyone was in support.

Mr. Schroeder confirmed one comment had to do with workforce housing.

Mr. Morrissey recalled the other comment was about Missoula working on the growth policy from the City to the County. He briefly gave a summary on how the Missoula TEDD works.

Ms. Costello thanked the Board.

Mr. Loomis stated the county was proposing a self-contained community at the Wye. He said there needed to be access to water and sewer. He stated there are issues with the process and pace of growth, land use and zoning. He said Missoula County would be assisting DeSmet school district with planning.

Mr. Bensen stated he had concerns on road access, transportation, speed, merging, and mediating safe traffic on Hwy 93. He said the Board would like to keep track of the bigger issues. He stated being proactive instead of reactive and having in depth conversations would be beneficial to the Planning Board.

Mr. Schroeder stated the Planning Board's role with the Wye project was to consider whether the broad proposal conformed with zoning and the growth policy. He stated the Board was going to see more detail on infrastructure in the future.

Mr. Morrissey stated to create a TEDD it would come through the Planning Board jurisdiction and approval again. He stated the packet had contained early negative comments from the school districts. He stated those comments had spurred subsequent meetings to address concerns with the school districts.

**12. Adjournment**

Mr. Morrissey adjourned the meeting at 8:05 p.m.