



Missoula Consolidated Planning Board Minutes

August 18, 2020, 6:00 PM
City Council Chambers
140 W. Pine Street, Missoula, MT

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

Voting members absent: Andy Mefford (County Appt)

1. Call to Order

Mr. Caristo called the meeting to order at 6:00 p.m.

2. Roll Call

Ms. McCammon called the roll.

3. Approval of Minutes from the August 4, 2020 and August 11, 2020 Missoula Consolidated Planning Board Meetings

A motion was made by Mr. Bensen, seconded by Ms. Potts, to approve the August 4, 2020 and August 11, 2020 Missoula Consolidated Planning Board minutes as submitted. With a voice vote of all ayes the minutes were approved.

4. Public Comment

There were no public comments on items not on the agenda.

5. Staff Announcements - Revised Summer/Fall Planning Board Schedule

Revised summer/fall Planning Board schedule was presented.

6. Public Hearings

6.1 Heron's Landing Subdivision and Rezone (City - Dave DeGrandpre)

https://www.youtube.com/watch?v=YXsTbjru6_w or

<https://pub-missoula.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=af1e4f19-2541-459f-8a51-629c1340653e>

Mr. DeGrandpre, City Development Services, stated that Development Services received an application from Ryan Salisbury of WGM Group, Inc. representing Mullan Road Partners, LLC to annex the two parcels of land totaling 72.11 acres into the city limits and apply an initial zoning of RT5.4 Residential with a Heron's Landing Neighborhood

Character Overlay. Property is located north of Mullan Road, south of 44 Ranch Subdivision, and along both sides of Chuck Wagon Drive and George Elmer Drive in the BUILD Grant area. Establishment of this district and rezoning of the property is proposed to happen concurrently with preliminary approval of the Heron's Landing Phased Subdivision Plat and Application. This is a 347-lot major subdivision planned to be constructed in 10 phases, over a period of up to 10 years. The subdivision proposes a 4.07-acre park, as well as numerous common areas interspersed throughout the development, for a total of 7.88 acres of common area. Parks would be owned, managed, and maintained by the homeowner's association. There are "connectors/trails/green spaces" between some of the blocks and common areas at the entrances to the subdivision. Two of these common areas could contain excess runoff. Parkland is proposed to be dedicated with each phase.

A circulation plan was presented; in addition to the extension of two collector roads, Chuck Wagon Drive and George Elmer Drive, the development is proposed with several interconnecting local streets. Five-foot sidewalks are proposed along all street frontages except for those indicated, which are proposed to have a ten-foot-wide concrete commuter trail. The developer is proposing a meandering path with extra easements along George Elmer Drive.

All new homes are planned to connect to city water and sewer. Phases are divided into east and west phases, depending on their location to George Elmer Drive. The Flynn Lowney Irrigation Ditch crosses the property. The property owner has no rights to the irrigation water in the ditch, nor would any future homeowners. Lots indicated as part of phase "W7" on the proposed plat map are encumbered by the irrigation ditch and undevelopable at this time.

The property contains three soil types listed as Desmet loam, Grantsdale loam and Moiese gravelly loam. Part of the property is rated as "Prime Farmland if Irrigated" and a section on the southeast corner is classified as "Farmland of Local Importance" per the Natural Resources Conservation Service (NRCS) Soil Survey. The applicant states the land has been used in the past for raising livestock, although not within the past three years. The existence of County residential zoning on the tracts anticipates their use for residential rather than agricultural purposes, and this is also how the land is designated in the *Our Missoula City Growth Policy*.

Mr. DeGrandpre explained steps and in the review process and the role of the Planning Board. The property is not currently within the city limits and has a county zoning designation of CRR1, which has minimum lot size of one acre. Annexation and initial zoning were requested by the applicant in October 2019. The standard RT5.4 Residential district provides a minimum lot size of 5,400 square feet and limits residential development to single- and two-unit houses and townhouses. The proposed Heron's Landing Neighborhood Character Overlay would allow for lot sizes as small as 1,500 square feet with up to six attached townhouse units in certain areas of the development. The proposed lot sizes range from 1,679 to 16,100 square feet. The *2035 Our Missoula City Growth Policy Future Land Use Map* provides a land use designation in this area of Residential Medium – 3 to 11 dwelling units per acre. The proposed density of the subdivision is 4.8 dwelling units per acre.

The Heron's Landing Neighborhood Character Overlay to Title 20 was detailed:

- Smaller lot sizes and set backs
- Lots fronting on a common area and have alley access to be oriented toward the common area
- Main entry of a home must face a street
- Up to six-unit townhomes in certain locations
- Attached garages that are accessed from an alley as close as six feet from the alley instead of 20 feet

A map detailed three different areas in the zoning proposal:

1. Area D: Minimum lot size of 8,500 square feet
2. Area E: 3-6-unit townhomes allowed and minimum lot size 1,500 square feet
3. Area F: Minimum lot size of 2,000 square feet

Zoning review criteria presented and explained:

1. Characteristics that would create an identifiable setting, character, and association
2. At least five acres
3. Growth policy compliance
4. Secure safety from fire and other dangers
5. Promote public health, safety, and welfare
6. Provide adequate infrastructure & public requirements
7. Adequate light and air
8. Impact on motorized and non-motorized transportation
9. Promote compatible urban growth
10. Character and suitability of the district
11. Conserve value of buildings and promote most appropriate use of the land
12. Correct an inconsistency or address a changing condition
13. In the best interest of the city as whole

The fire department has reviewed the proposal and fire hydrants are planned at 250' radii. Twenty hydrants are indicated, which the fire marshal approved.

Mr. DeGrandpre presented statutory criteria: 1) impacts to agriculture and agriculture user facilities, 2) natural environment, wildlife, and wildlife habitats, and 3) public health and safety. He stated that the developer hired a hydrologic consultant to evaluate stormwater impacts and containment. Much of Missoula has sumps, and the bottom of the sumps and where ground water might be was evaluated and the conclusion of the analysis was that surface water and storm water from the development would not impact groundwater to a measurable degree. This area is within the airport influence area, and this disclaimer will appear on the plat and in the covenants.

Local services were explained. Streets and alleys provide legal and physical access from George Elmer Drive, Chuck Wagon Drive and a new internal street network built by the subdivider and dedicated to the public. Sidewalks detail was given earlier in the presentation. All lots will be served by city water and sewer, solid waste disposal will be provided by Republic Services, City Police and Fire will provide emergency services, park

land was discussed previously, and the application states an anticipated 65-174 students will attend school.

The applicant requests eight variances. Three of the variances are for reduced right-of-way widths for roads in the subdivision. Four of the variances deals with block lengths that are greater than 480 feet and, in each instance, a different mitigation is proposed, which is why the variances are listed separately. There is a variance request to allow the multi-user trail where sidewalks would normally be. Finally, there is a roadway variance for low density urban residential local streets to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance. Staff recommends approval of all eight variances and preliminary approval of the phased subdivision subject to conditions. Mr. DeGrandpre presented the recommended conditions of subdivision approval subject to 24 conditions, as outlined in the staff report.

Mr. Nick Kaufman, Senior Land Use Planner, WGM Group, described the two-year planning process for this project, which started in November 2018. He thanked project staff contributors: Dustin Hover, Ryan Salisbury, and Kate Dinsmore of WGM Group

The developer is Teton Land Development, which now has a Montana office, as well as their Wyoming base. They have done development in Idaho, created master planned communities and residential housing in the mountain states. MMW Architects assisted with the subdivision design, housing types, and placement of those housing types within the development.

He explained the purposeful and thoughtful planning process, sensitive to the adjoining property owners and the growth policies. In advance of annexation comes capital facilities planning; over the last 20 years, water and sewer have been extended to the Mullan Road area and a transportation grid has been developed. Mr. Kaufman recounted past WGM projects: Prospect, Hellgate Meadows, 44 Ranch, North Reserve Scott Street Master Plan, BUILD grant application, and Hellgate Village.

Mr. Kaufman presented the vision for the project:

- 72 acres
- 347 homes
- 4.8 dwelling units/acre. The Growth Policy adopted in 2015 calls for up to 11 dwelling units per acre. Mr. Kaufman feels the neighborhood will support approximately five dwelling units per acre, with a mix and variety of housing types.
- Owner occupied. This is not planned as a rental project.
- Create an identifiable place
- Curvilinear layout - modified grid system
- Connectivity and integration with the surroundings
- Park and trail network

Vicinity and site layout maps were provided. The largest lots in the subdivision are to the west; they are approximately 8,500 square feet and create a buffer between the larger one-acre tracts and this subdivision. These homes front a road called Roundup Drive. Mr. Kaufman explained that Roundup Drive would have been a collector street,

serving 44 Ranch Estates, which has one-acre tracts, but in deference to those properties, the collector street was moved from Roundup Drive to Chuck Wagon Drive. Roundup Drive will become a local street. He stated that the collector streets of George Elmer Drive and Chuck Wagon Drive run north-south are much like Russell Street. Although these are not great places for residences, this is neither a great place for commercial applications. Large multi-family structures would be appropriate for this area, but they are instead proposing owner-occupied townhomes and single-family dwellings, and 2-unit townhomes, and townhomes with up to six dwelling units along both sides of George Elmer Drive and on only one side of Chuck Wagon Drive, to provide a buffer between existing homes to the west. George Elmer Drive will be designed as a boulevard tree-lined collector street, with wider boulevards, and meandering trails on both sides. Parking is planned for both sides George Elmer Drive.

Mr. Kaufman explained that the subdivision design considers the purpose while maintaining the viability of the north-south collector streets, while providing buffers for people to live with a little higher density. It takes into consideration a buffer for the neighbors to the north of the subdivision by the placement of large single-family lots. Housing types were described:

1. Single Family
 - single family with detached alley - loaded garage approx. 160' x 55'
 - patio home with front-loaded garage approx. 70' x 90'
 - single family alley loaded with attached garage approx. 38' x 90'
 - single family with detached alley-loaded garage approx. 50' x 130'
2. Cottage Court - single family courtyard housing with alley-loaded garage approx. 36' x 100'
3. Duplex - with alley-loaded garage approx. 32' x 70'
4. Row House - with alley-loaded garage approx. 24' x 90'

Common areas will provide large park, community garden, outdoor activity, trail connectivity, entry statement, small common areas, and variances, which Mr. DeGrandpre discussed previously. In closing, Mr. Kaufman presented slides of the area from 2002, 2007 and 2016. He provided information on grid system roads in the 2018 BUILD grant, the extension plans for George Elmer Drive, and upcoming signalization projects. The Mullan Area Master Plan conceives of approximately 6,000 planned residential units. Mr. Kaufman identified neighborhood concerns and provided responses:

- Traffic. Mr. Kaufman stated that traffic had been exacerbated by the 33% of the workforce that comes to Missoula from the Bitterroot Valley. Instead of coming from US-93 to Reserve Street, travelers are turning off at Blue Mountain Road, traveling to Kona Bridge Road, making right hand turns down Mullan Road; adding to the congestion on Mullan Road, and the inability of residents to get onto Mullan Road. Not being able to supply affordable housing to the workforce in Missoula manifests itself in many ways expensive to the community.
- Lot size. Mr. Kaufman replied that housing is moving away from lawns and landscaping and towards quality, well-designed neighborhoods with trail systems and

common areas. He agreed that lot sizes would be smaller due to infrastructure costs, but good design is key. Common areas and trail systems allow interaction between neighbors.

- Snow plowing.
- Parking. Parking on George Elmer is a concern, and how it will affect the carrying capacity of that street. Mr. Kaufman stated that there would not be an impact and provided a cross section of the design.
- Irrigation ditch. Irrigation ditches flow from the bases of Mt. Sentinel and Mt. Jumbo, up the Rattlesnake Valley, down through the valleys, up into Grant Creek and out into the Mullan Road Area. They have designed around the irrigation ditch system to ensure a viable agriculture entity thriving. They planned for higher banks on the irrigation ditch and taking care of run-off should the ditch overflow. They have also planned for homes to take the location of the ditch, should it no longer be needed in the future.
- Bus stops. In consultation with Mountain Line, once the project is annexed into the urban transportation district bus stops will be provided.
- Roundabout. A roundabout is planned for Cattle Drive, part of 44 Ranch and George Elmer Drive. It will likely happen in the future with BUILD grant funding, and George Elmer Drive will connect with a controlled intersection at Broadway.
- Home Owners' Association (HOA) coordination. 44 Ranch has a single HOA. 44 Ranch Estates has a single HOA. This development will have a single HOA. Flynn Ranch, to the northeast, has multiple HOAs, which has caused confusion. The HOA will be responsible for the common areas.
- Recreation equipment. The developer will do the initial improvement to those common areas and dedicate that property as common area. It will then be turned over to the Home Owners' Association at the appropriate time and they will decide what appropriate playground/park equipment they need to serve their population.
- Large multi-family buildings. Mr. Kaufman emphasized that NO large multi-family buildings are being proposed in this subdivision, and they are not allowed by the RT5.4 Residential, nor by the current CRR1, nor are they allowed by the Heron's Landing Neighborhood Character Overlay.

Diverse dwelling types were displayed. Alleys will not be brought onto George Elmer Drive nor Chuck Wagon Drive to preserve the function of the collector streets. Mr. Kaufman provided an illustration of the intersection of Heron's Landing Drive and George Elmer Drive demonstrating parking, traffic flow, and the trail system. A cross section of George Elmer Drive provided the viewer with the following information:

- Two 10' driving lanes
- Two 6' bike lanes
- Two 8' parking lanes
- At least two 7' or wider landscape boulevards for trees
- 5' sidewalks on both sides, which could also be widened

- An additional 20' of easement to accommodate the meandering walkway

All these factors contribute to integrating a collector street into the character of the neighborhood. Mr. Kaufman thanked the Planning Board Members and the public for their time and would be available throughout the meeting to answer questions.

PUBLIC COMMENT [7:10 p.m.]

Mary Maynard, homeowner in 44 Ranch Estates, west of the proposed Heron's Landing Subdivision. She noted that City Development staff failed to note 44 Ranch Estates in the presentation, and the differences between 44 Ranch and 44 Ranch Estates. Ms. Maynard stated that there was lack of notice by the developer and WGM Group. Two small signs were posted on Chuck Wagon Drive; but both had fallen over, and although she attempted to right them on numerous occasions, they were smaller than the typical political sign. Ms. Maynard feels that the lack of notice was the reason there were only a limited number of callers/participants at this meeting and only 15 submitted written comments prior to the meeting. She personally visited with her neighbors in 44 Ranch Estates to inform them of this meeting; and only one neighbor was aware of the meeting and request for public comment. Ms. Maynard stated that 44 Ranch Estates has one acre lots; and for over a decade Mr. Kaufman promised that all land surrounding 44 Ranch Estates would be half-acre lots. 44 Ranch, which is behind 44 Ranch Estates, is not half-acre lots. Mr. Kaufman's word, and the City's guarantee that they would be half-acre lots was a lie. She stated that this is happening again on the Roundup Drive portion of Heron's Landing; these are grossly under half-acre lots. She would like Mr. Kaufman to address this. What is going to happen with the entrance to 44 Ranch Estates? As a subdivision, they have electricity and upgraded their sign. How are people going to know their subdivision exists? The character between 44 Ranch Estates and Heron's Landing is quite different. She does not believe the estimate on the impacts to Hellgate Elementary School is appropriate with this number of proposed dwelling units. She asked planning board members to not approve the rezoning request. She takes issue with the name "Heron's Landing" as there are no longer herons at this location due to development.

Suzanne Elfstrom, lives in 44 Ranch and agrees with Ms. Maynard. As a runner, she runs thru Flynn, 44 Ranch, and 44 Ranch Estates and noted that only two signs had been posted. She stated that Mr. Kaufman had mentioned that the lots along the irrigation ditch south of 44 Ranch would have larger lots sizes. Ms. Elfstrom said that this was not completely accurate; there are approximately seven to eight houses on George Elmer proper that would abut the row houses. She would like this addressed as she does see that it is an accurate statement, nor fair to the homeowners on George Elmer Drive. She has lived at her 44 Ranch home for 12 years and there has been talk about traffic lights and/or roundabouts "in the future". Ms. Elfstrom asked if there was an actual date or time frame in which to anticipate this, and if it would be a roundabout or a signal. Robust wildlife habitat exists in the area; she noted a fox den 18 months ago, good bird numbers, although the herons have been gone for several months, and she feels there has been a negative impact to wildlife habitat already. A lot of raptors reside in the area, and their habitat will be destroyed by the development.

Richard Dombrowski, homeowner in 44 Ranch Estates, after hearing the presentation he would like to make a condition of approval contingent upon the Planning Board adhering to the agreement with his subdivision that was undertaken at the time of the approval of the 44 Ranch subdivision, which was 1/2 acre lots surrounding his subdivision, to fulfill the character and nature of the open tracts as well as to maintain the property values. Specifically, he asked for consideration that the minimum lot size be increased to 17,000 square feet, which is contiguous with similar lot size to the north and west of 44 Ranch, where homes are being built at this point on those lots.

Jared and Jennifer Barnard, Lariat Loop, 44 Ranch Estates, voiced concerns about the amount of trash and refuse transported by the ditch, which has notably increased over the 8-9 years, which coincides with the increase in density. Refuse includes alcohol bottles, garbage, and hypodermic needles. She is concerned about the ditch being an avenue for trash, and the potential for ever increasing hazards. They agree with the previous comments about impacts to wildlife and have witnessed it first hand for the past 18-24 months. There were multiple fox dens site in the proposed Heron's Landing development area, but they have not seen activity for the last two seasons. They have also lost the heron habitat. Owl and raptor numbers have decreased with development and density changes. She noted that she had difficulty seeing the meeting ID number on her device when viewing the meeting in eScribe, as a Banner with "Planning Board" and the date was covering that information. This made it difficult to phone into the meeting and participate. She has huge concerns about traffic flow and that the number of estimated children is not accurate and there will be impacts to the school.

Michelle Field, lives in the Cottonwood Condos at Grant Creek and is concerned about traffic in this area. She states that traffic is already backed up, all the time, at the traffic light all the way up to the entrance of the Cottonwood Condos. More development means more traffic impacts. She stated she is concerned for wildlife habitat and agrees with the comments made by residents in 44 Ranch and 44 Ranch Estates about the poor meeting noticing. She would like to see more notice and another meeting to be scheduled.

Alan Maynard, resident and property owner in 44 Ranch Estates, asked if WGM Group had submitted the final plans for the access to Mullan Road from Chuck Wagon Drive to the State of Montana. Mr. Maynard stated that as of last week the State of Montana had not received any plans. He has been asking for this for the last two years because it is a safety issue if the subdivision plans continue. There must be an access to Mullan Road that is not consistent with what is currently there.

PUBLIC COMMENTS [ended 7:36 PM]

PLANNING BOARD QUESTIONS/COMMENTS

Mr. Morrissey recused himself from voting as he is employed by a firm involved with early planning on this project.

Mr. Bensen noted that the Mullan Area Master Plan and Zoning regulations was on the Planning Board schedule for September 29, 2020. He asked if this hearing was "jumping the gun" and if there were matters that should be considered regarding the master plan before the continuation of this hearing. Mr. DeGrandpre stated that the city granted a letter back in June 2019 that city water and sewer services would be provided; this

project has been in the works for some time. The city and the county did not put a moratorium on development when they started work on the Mullan Area Master Plan. Under Montana law a subdivider can apply, and once the application has been deemed sufficient, they are vested and operating under the rules in place at the time of the application. This project was deemed sufficient a few months ago. Ms. Hughes, Missoula County Community and Planning Services, added that Mr. DeGrandpre was correct. It has been known throughout the Mullan Area Master Planning process that applications were in the works. The team working on the master plan have been meeting with those with subdivisions in the works and with those earlier in the development process.

Mr. McCoy asked Mr. Kaufman and city planning staff if the owners at 44 Ranch Estates were told that they would be surrounded by 1/2 acre lots. Was that an accurate statement? Mr. DeGrandpre could not verify what those residents were told in the past. Mr. DeGrandpre wished to clarify the public notice issues that were brought up multiple times. Several signs were placed on the property, in accordance with the rules. Legal notices were published for two weeks and landowners within 150 feet of the subdivision property were notified. The level of notice was appropriate, and it is the city's responsibility to provide notice. Mr. DeGrandpre stated that the developer had to hold a neighborhood meeting, which they did, and they provided notice. Mr. Caristo asked about the issue of an agreement between the landowners and the city at the time of the approval of 44 Ranch. Mr. DeGrandpre stated that the growth policy indicates that this area is poised for residential development, he asked Mr. Kaufman to elaborate about the 1/2-acre lot issue. Mr. Kaufman stated that WGM Group represented the developer for 44 Ranch. 44 Ranch and 44 Ranch Estates were done by the Mytty family. When 44 Ranch was proposed, the neighbors wanted larger buffer lots adjacent to them, and in consideration of that the developer put some larger lots in that area. The final plat was filed at 17,000 square feet, which Mr. Kaufman stated, is evidence that conditions of subdivision approval, and what was represented in the preliminary plat, were manifested by the filing of that final plat. Relative to 44 Ranch, that was the concession that was made, and that sized lot was provided along two sides of 44 Ranch. Mr. Kaufman reminded board members that the growth policy for the city of Missoula was adopted and updated in 2015; there were several growth policies in advance of that. Mr. Kaufman disavowed the comments that allege he told owners that all land around 44 Estates would forever be 1/2-acre tracts. That was not the case, the records do not show it, and the evidence does not show it. Mr. McCoy asked Mr. Kaufman why he thought the residents would feel they were entitled to a 1/2-acre lot buffer area. Mr. Kaufman stated that there is a verbatim record of every meeting with 44 Ranch residents; this record is clear that larger tracts were offered along the west and north side of 44 Ranch as part of the design and development of 44 Ranch Estates. Mr. Kaufman was not representing his current client, Mr. Flynn or Teton Land Development, on this property at that time.

Mr. Loomis asked about city streets, sewer, and water, yet the parkland would not be a city park. He asked why the homeowners would be exclusively responsible for provisioning the park. Mr. DeGrandpre stated that this was the preference of the city parks department. There is a city regional park in 44 Ranch Estates, north of this development. Mr. Kaufman stated that Mr. DeGrandpre was correct; there is a large regional park in 44 Ranch. Because Parks and Recreation have the regional park in 44 Ranch and maintain it; this new park is a design feature for the new subdivision but is not

for exclusive use of the homeowners. Mr. DeGrandpre reported that an email from Parks and Rec dated February 11, 2020 to Ann Vickers, WGM Group: "... this subdivision is in the service area (1/2 mile) of 44 Ranch Park, which is maintained by the City. As this park is duplicative in this service area, the maintenance responsibility will be the developer or HOA..."

Ms. Potts asked Mr. DeGrandpre asked about wildlife and wildlife habitat in the subdivision application and staff report. It appeared to her that the city staff report is a summary of what WGM had used, which appears based off reporting from the Montana Natural Heritage Program. She asked what sources the city uses to assess impacts to wildlife. Mr. DeGrandpre stated that it depends on the project location, ecosystems therein and available environmental research on the area. A field evaluation is done first and from there Fish Wildlife and Parks could be contacted. Other than in irrigation ditch, this site does not demonstrate high groundwater nor significant vegetation. Historically this area has provided wildlife habitat, but currently it does not have the necessary support features as it is surrounded by developments. Ms. Potts asked Mr. Kaufman if WGM Group has someone on their environmental staff capable of interpreting the reports from Montana Natural Heritage. Mr. Kaufman stated that they always consult with Montana Fish Wildlife and Parks (FWP) - mostly Sharon Rose and Mike Thompson; then Emily Clark, one of five environmental scientists at WGM Group. FWP has never hesitated to support critical wildlife habitat, migratory corridors, or other associated wildlife aspects. Ms. Potts asked about specifics contained in the application; she has experience with this land area and has observed owls, raptors, including the ferruginous hawk, and myotis. She states that for these species fields are used for foraging. Although this is not riparian area nor nesting area, was the need for foraging and food spaces considered in this report or was the focus on living and nesting spots. Mr. Kaufman stated he lives near this area and has for 30 years. He bikes near the area and has seen the airport acquire additional property and is pleased that the Mullan Area Master Plan there are large areas along Grant Creek proposed for reclamation and re-vegetation. Mr. Kaufman stated that the community need for housing needed to also be considered. Also, even when highways get widened it is a significant impact to wildlife.

Ms. Hassanein asked how much the developers have engaged with the Mullan Area Plan to what extent does this proposal overlap with the Mullan Area Plan. Mr. Kaufman reminded the board the Mullan Area Master Plan is an illustrative plan, which follows very closely, but varies in two ways: 1) the proposed subdivision has a large central park where the Mullan Area Master Plan does not, and 2) Mullan Area Master Plan has a trail system along the irrigation ditch. He does not feel that trails along irrigation ditches is ideal due to water level and safety concerns. Mr. Kaufman has been in communication with city and county staff and Dover Kohl regarding the Master Plan process. Ms. Hassanein voiced her appreciation of the Mullan Area Master Plan and what she anticipates it will be. She understands that this project started before that; however, she asked if possibly the value of this project could be enhanced if it fully complied with that plan. To what extent does the proposed subdivision realize the potential density proposed in the Mullan Area Master Plan? Ms. Hassanein stated that she feels conflicted and would like a clear explanation regarding proposed density of this plan and how it is mitigating for agricultural impacts. Mr. Kaufman stated for WGM's part, he does not think a neighborhood plan can be isolated from the larger community plan. The 3-11

residential category land use designations of "Our Missoula Growth Policy" that this land falls under matches identically with the RT5.4, discussed earlier by Mr. DeGrandpre. The added neighborhood character overlay will increase density in appropriate locations along the collector roads. The collector roads will be re-designed to integrate into the system. He noted that the same comment arose a year ago when they were doing Hellgate Village; they will be lucky to have homes ready in that project in the Spring of 2021; and that project began in 2018. Multifamily projects are springing up throughout the community with no review relative to the review provided by Mr. DeGrandpre on this project. Mr. DeGrandpre stated he had not studied the Draft Mullan Area Master Plan in detail, and he appreciates it as a point of discussion. He advised the board to not use the draft master plan in making the decision regarding this project. The Planning Board is to decide if the proposal does or does not meet the criteria. Ms. Hassanein noted that the Planning Board is being asked to review many criteria, including loss of agricultural land, and much of this is prime agricultural soil. She is willing to embrace the idea of developing this area and losing the prime agricultural soil in exchange for a greater density than what is being proposed. She felt that it was unfortunate that this proposal would not mesh fully with the plan that will be coming forward soon.

Mr. Bensen asked if this was a case of trying to get an exception approved prior to adoption of the Mullan Area Master Plan. Conversely, he feels that the proposal is good, and the BUILD grant will help address transportation issues; however, he is also concerned about the loss of agricultural lands to neighborhoods of lesser density. Mr. Bensen stated that he will support the proposal but felt strongly that the Mullan Area Master Plan hearing should have preceded this hearing.

Ms. Potts stated that one of the subdivision review criteria was impact to agricultural land. This has been historically used as a farm field, although it has not been grazed for the last three years. She asked why nothing in the proposal mitigated the loss of agriculture. There is no promise that the 5-acre Community Supported Agriculture (CSA) farm in the proposal will come to fruition. Mr. DeGrandpre appreciated her concern; however, Missoula does not have a mitigation program. There had been a discussion of a "land bank", impact fee, and/or mitigation fee at some level in the past; however, the city does not have that. On a regional scale there are important soils at this location, but this is also an area most efficient in terms of growth compared to communities like Ronan or Hamilton, MT. This is also an improvement over having commuters, and 5-acre housing lots. He stated that impacts to agriculture and agriculture water usage are criteria, and in this case, there are impacts, but ultimately there are trade-offs. This is an area planned for growth and offers a much more efficient growth pattern than if 2-acre lots were developed in Frenchtown. There are many scenarios, and Mr. DeGrandpre stated although he appreciated looking at it at a fine-grained scale, the entire region must also be considered. There is a significant demand for housing, and the community has stated that some of it should occur here; there are trade-offs as well as impacts.

Mr. Caristo asked for further details on variance No. 8; the one-foot sidewalk maintenance request. Mr. DeGrandpre stated that in some cases only 1/2 foot is available on the outside edge of the sidewalk. This is not enough for maintenance; however, the city engineer felt that one foot would be sufficient.

Mr. Schroeder asked for clarification of the variance explanation for longer lots. Mr. Kaufman directed the board to the east property line, which is line of 1/2 - 1-acre

tracts. No roads penetrate that line of lots, so if a street were installed, it would dead-end right at the back of the lot line, behind the houses. Instead they created open space for possible connection through the neighborhood in the future, should they want that. Trail systems from the common areas break up other long blocks.

PLANNING BOARD COMMENTS/DISCUSSIONS ON THE MOTIONS

Motion 2: Mr. Bensen thought the commuter trail system was well thought out and appreciated the effort. Mr. Caristo concurred and will support it as well.

Motion 3: Ms. Potts stated that the responsibility of the board is to look at this piece of land and the subdivision review criteria. Specifically, she was concerned that she did not feel the subdivision application did not adequately address the impacts to wildlife and wildlife habitat, as well as the impacts to agricultural land. There is a limited amount of agricultural land in Missoula County; over 80% has been lost to development since the 1970s. She did not feel it was acceptable to take a regional view of things while those resources are lost. Ms. Potts stated that she lives on an irrigation ditch and has personally seen mink, beaver, water thrush, and Cooper's hawk all in her back yard. She stressed that small and unseen places like fields and irrigation ditches are critical habitat. New nesting areas do not need to be created if the hunting spaces are preserved for the animals that are already there. Mr. Schroeder sympathized with losing good agricultural soils and farmland to development. He stated that in the United States three acres of farmland is lost every minute to development. However, he stated that this is within an area designated for urban scale residential development. Mr. Schroeder will not be supporting the motion to not recommend approval. Mr. Caristo asked about implications and creative development. Ms. Potts did not feel it was sufficiently addressed in the application. Mr. Loomis was disappointed about the findings regarding agriculture, but felt that overall, the staff report was well balanced in design given the location and existing zoning. He feels that residential development at this location would be appropriate and the addition of the overlay district, when approved, has specific beneficial standards. He will not be supporting the motion to deny. Ms. Hassanein stated that this decision was difficult because this development has been in the works for a long time and predates the Mullan Area Master Plan. She would like to see it offer greater density and was greatly disappointed by that. There are also no assurances that by allowing development and losing agricultural land at this location, development will not occur further out in the valley. Ms. Lauer agreed with much of the previous comments. She felt conflicted with wanting housing to be as dense as possible, while reckoning that how this property has been zoned and identified on the land use map has been the result of a very robust planning process. This is how the community decided what was appropriate, not the Planning Board alone. Ms. Lauer agreed that while agricultural land and wildlife are vital, there most certainly would always be trade-offs. Due to the scale of the housing crisis and knowing how hard it is to find housing in Missoula, she felt that this responds to that need in an appropriate way. Ms. Lauer stated she would vote against the motion to deny approval.

Motion 4: Ms. Hassanein wished that this project did not predate the Mullan Area Master Plan. She would support it although overall she was disappointed in the proposed density. Mr. Bensen stated that the board should consider this subdivision request as a gentler increase/transition to high density housing, yet to come to the Mullan Area. Ms. Hassanein would like to see the community move forward with the Mullan Area Plan and

was disappointed that the developer was not seizing the density potential. Mr. Schroeder stated that two major differences between this proposal and the overall draft Mullan Area Master Plan is that the Mullan Area Master Plan has a trail along the irrigation ditch and not as much parkland in the center of the development. He felt that both were improvements in the plan versus what was conceptualized at the June presentation of the draft Mullan Area Master Plan. Mr. Caristo felt the curvilinear streets were also beneficial. Mr. McCoy is a farmer and found this to be an extremely difficult decision. An acre or 1.5-acre farm within the 4-acre park would make an incredible amount of sense and would like to see at least a little of this prime agricultural soil kept in production for the local community. Parkland is essentially a waste of water; Mr. McCoy would have preferred to see a designated farm as part of the proposal. He encouraged the developers to not get rid of the ditch and the benefits of maintaining that. He will vote for the motion, as the community needs the housing. Ms. Potts added that as thousands more people will be moving to Missoula, they need place to live, but they also need to eat. Local food and local food producers are becoming more critical. Mr. Loomis suggested that when the city works on the Home Owners Association (HOA) and eventually approves the covenants that they determine a good location for a CSA type arrangement, plots for residents to farm. He stated that there is a limited opportunity for the city and the developer to take this forward. Ms. Hassanein stated that these features will be incorporated in the Mullan Area Master Plan as a whole.

Motion 5 (Rezoning): Mr. Loomis will support the motion because the neighborhood character overlay gives him more comfort than the general RT5.4 zoning. Mr. Schroeder appreciated the diversity of product type in this plan and will support the motion. Mr. Caristo will support the motion; he would have liked to have seen commercial zoning within the plan.

Mr. Kaufman thanked the staff and Planning Board members for their careful deliberation, and the members of the public for participating in the meeting.

MOTION 1:

Moved by: Peter Bensen (County Appt)

Seconded by: Caroline Lauer

APPROVAL of the variance request from Section 3-020 Table .2A, allowing George Elmer Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

APPROVAL of the variance request from Section 3-020 Table .2A, allowing Chuck Wagon Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

APPROVAL of the variance request from Section 3-030.2.A.(2), allowing Blocks A, B, C, D, E, F, G, H, I and J to be longer than 480 feet.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

MOTION 2:

Moved by: Peter Bensen (County Appt)

Seconded by: Caroline Lauer

APPROVAL of the variance request from Section 3-020.15.D.1, allowing a 10-foot wide Secondary Commuter Trail along street rights-of-way within an additional 6 ½-24-foot easement.

APPROVAL of the variance request from Section 3-020 Table .2A allowing Heron's Landing Drive, Nesting Lane, and Audubon Trail (Loop) to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

MOTION 3:

Moved by: Stephanie Potts (County Appt)

Seconded by: Neva Hassanein

Deny the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

AYES: (1): Stephanie Potts (County Appt)

NAYS: (7): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Failed (1 to 7)

MOTION 4:

Moved by: Peter Bensen (County Appt)

Seconded by: Josh Schroeder

Approve the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

AYES: (7): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, and Vince Caristo

NAYS: (1): Stephanie Potts (County Appt)

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (7 to 1)

MOTION 5:

Moved by: Peter Bensen (County Appt)

Seconded by: Sean McCoy

APPROVE the adoption of an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone Tracts 1 and 2 of COS No. 5963 in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential 2 with a Heron's Landing Neighborhood Character Overlay District based on the findings of fact in the staff report.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

7. Communications and Special Presentations

No communications nor special presentations.

8. Committee Reports

Mr. Bensen reported that Jennifer Wieland, of Nelson Nygaard, presented the Transportation Policy Coordinating Committee (TPCC) with a look at the process behind long range transportation planning. Commissioner Strohmaier advised the group that on September 17, 2020 there will be the Montana Passenger Rail Organization summit. Info at <https://www.railpassengers.org/happening-now/events/montana-passenger-rail-summit/#:~:text=Montana%20Passenger%20Rail%20Virtual%20Summit,-Date&text=On%20Thursday%2C%20September%2017%2C%20virtually,the%20Montana%20Passenger%20Rail%20Summit>.

The Urban Growth Commission (UGC) has not met.

9. Old Business

No old business.

10. New Business and Referrals

No new business nor referrals.

11. Comments from MCPB Members

Mr. Caristo appreciated the level of discussion the board has been having. Ms. Hassanein recalled that when the Planning Board passed the county's land use element map for the peri-urban area one of the major comments was from FWP about how wildlife moves from the North Hills to the Clark Fork River and Bitterroot region, and western Missoula is a major area in this movement. As she looked at this in relation to the Mullan Area Master Plan and the recent Grant Creek neighborhood discussion and feels there is an opportunity to think strategically about wildlife movement. A graduate student in her program at the University is interested in studying this further. Mr. Caristo agreed. Ms. Potts noted that many scientific surveys are already available and reminded the board that migration corridors are even more important, as noted in Missoula's climate change resiliency plan.

12. Adjournment

Mr. Caristo adjourned the meeting at 9:41 p.m.