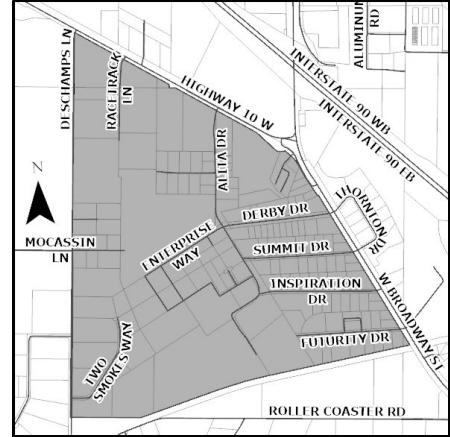


## E X E C U T I V E   S U M M A R Y

**CASE PLANNER:** Lindsey Romaniello (CAPS)  
Janet Cornish (Community Development Services of Montana -CDS)  
Lanette Windemaker, AICP (CDS)

**PUBLIC HEARING** MCPB:           October 6, 2020  
**DATES:**           BCC:           October 22, 2020  
November 12, 2020

**AGENDA ITEM:**   1. Conformance of the WYE TEDD Comprehensive Development Plan and accordance of the zoning of the WYE TEDD area with the **Missoula County Growth Policy adopted July 13, 2016, Amended June 6, 2019.**



A. Adopt a Missoula Consolidated Planning Board resolution of recommendation as to the conformance of the WYE TEDD Comprehensive Development Plan and accordance of the zoning of the WYE TEDD area with the **Missoula County Growth Policy adopted July 13, 2016, Amended June 6, 2019.**

**APPLICANT:**           Missoula County Board of County Commissioners

**LOCATION OF REQUEST:**   The area of the WYE TEDD Comprehensive Development Plan is southwest the intersection of US Highway 93N, US Highway 10W and North Broadway Street, east of Deschamps Lane and north of the Northern Pacific Railroad right-of-way, all located in Section 28, Township 14 North, Range 20 West, PMM, Missoula County, Montana. It is approximately 474 acres in size. See map above and in the attached WYE TEDD Comprehensive Development Plan (**Exhibit 1**).

**BOUNDARY DESCRIPTION:**   Beginning at the intersection of Deschamps Lane and US Highway 10W, Thence clockwise east southeasterly along US Highway 10W to the intersection with US Highway 93N/North Broadway Street, Thence south southeasterly along U.S. Highway 93N/10W/North Broadway Street to the intersection with the Northern Pacific Railroad right-of-way, Thence west southwesterly along the Northern Pacific Railroad right-of-way to the southern boundary of Section 28, Township 14 North, Range 20 West, Thence westerly along the southern boundary of Section 28, Township 14 North, Range 20 West to Deschamps Lane, Thence northerly along Deschamps Lane to the intersection of US Highway 10W and the point of beginning; including all adjacent rights-of-ways; all located in Section 28, Township 14 North, Range 20 West, PMM; Missoula County; consisting of 474.2 acres.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the Missoulian on September 20<sup>th</sup> and 27<sup>th</sup>, 2020.

**ZONING:**

The property is zoned CI-1 (Light Industry) and CC-2 (General Commercial).

**GROWTH POLICY:**

Applicable growth policy is the **Missoula County Growth Policy** adopted July 13, 2016 by Resolution 2016-098 and amended June 6, 2019 by Resolution 2019-090. Growth Policy Land Use Designations include Industrial Center and Commercial Center.

**SURROUNDING LANDS:**

Direction	Land Use	Growth Policy Land Use Designation	Zoning
North	Light industrial, commercial, Westfield Center Subdivision, I-90 on-ramp	Industrial Center, Commercial Center	Un-zoned, CI-1, CC-2
South	Rural residential, vacant, Roller Coaster Road	Residential, Industrial Center	CI-1, CA-3
East	Light industrial, commercial, Meadowlands Subdivision	Industrial Center, Commercial Center	CC-2, CI-1
West	Vacant, residential, Grass Valley Tracts Subdivision	Planned Neighborhood, Industrial Center, Residential	Un-zoned, CA-3

**STAFF RECOMMENDATION:**

That the Missoula County Planning Board, based on its review, recommends to the Missoula County Board of County Commissioners that the WYE TEDD Comprehensive Development Plan is in conformance with and that the area of the WYE TEDD is zoned in accordance with the **Missoula County Growth Policy** adopted July 13, 2016 by Resolution 2016-098 and amended June 6, 2019 by Resolution 2019-090 per 7-15-4213 and 7-15-4206, 4208, and 4209 of the Montana Code Annotated (MCA).

**EXHIBITS:**

1. WYE Targeted Economic Development District Comprehensive Development Plan.

## **MISSOULA CONSOLIDATED PLANNING BOARD**

October 6, 2020  
Regular Meeting  
Agenda Item 1

### **RECOMMENDED MOTION**

1. **THAT** the WYE TEDD Comprehensive Development **Plan is in conformance** with and that the area of the WYE TEDD **is zoned in accordance** with the **Missoula County Growth Policy** adopted July 13, 2016, by Resolution 2016-098 and amended June 6, 2019, by Resolution 2019-090 per 7-15-4213 and 7-15-4206, 4208, and 4209 of the Montana Code Annotated (MCA), based on the findings of fact and conclusions of law in the staff report.

### **INTRODUCTION**

#### **Background**

The WYE TEDD Comprehensive Development Plan is a result of the Missoula County Board of County Commissioners' commitment to rectifying infrastructure deficiencies and fostering the development of secondary, value adding industries in order to sustain and grow its economy over time. Missoula County Board of County Commissioners' intends to establish a Targeted Economic Development District (TEDD) southwest of the WYE. In order to further this project, Missoula County hired Community Development Services (CDS) of Montana, to complete the required comprehensive development plan and facilitate all related needs. The WYE TEDD Comprehensive Development Plan is attached as **Exhibit 1**.

In accordance with 7-15-4213, MCA, a proposed comprehensive development plan must be submitted to the local government's planning board for review and recommendation as to the plan's conformity with the growth policy. Furthermore, pursuant to 7-15-4206, 4208, and 4209, MCA, the area proposed for a TEDD must be reviewed by the local government's planning board to make a recommendation as to whether the zoning is in accordance with the local government's growth policy.

To facilitate the MCPB's review and recommendation on the conformance of the WYE TEDD Comprehensive Development Plan and accordance of the zoning with the Missoula County Growth Policy, the WYE TEDD Comprehensive Development Plan has been provided to the MCPB, which is found in **Exhibit 1**.

#### **Agency and Public Comments**

On August 7, 2020, County staff reached out to the West Valley Community Council in its role as liaison to the County Commissioners in assisting with issues related to orderly growth and development of the West Valley area.

County staff, as well as CDS, have had numerous discussions with property owners, representatives, and potential developers in the area.

On July 22<sup>nd</sup>, 2020, the County and CDS staff held a remote informational meeting to present information about the proposed TEDD with the following representatives of the jurisdictions that levy taxes within the proposed TEDD area:

- Chris Newman, Fire District Chief, Missoula Rural Fire District
- Joe Calnan, Fire Chief, Frenchtown Rural Fire District
- Les Meyer, Superintendent, Frenchtown School District
- Matt Driessen, Principal, DeSmet School District

A request for public and agency comment was sent on September 17, 2020. Comments received from this comment period include seven comments total, all of which demonstrate general support and positivity toward the plan. Comments received to date are included as **Appendix A of Exhibit 1** in the **Draft Wye TEDD Comprehensive Development Plan**.

### **Review Criteria**

There are no specific review criteria for a MCPB recommendation regarding the conformance of the WYE TEDD Comprehensive Development Plan and accordance of the zoning with the Missoula County Growth Policy. Staff has provided an analysis of conformance and accordance below.

## **WYE TEDD COMPREHENSIVE DEVELOPMENT PLAN REVIEW**

### **FINDINGS OF FACT**

#### **CONFORMANCE OF THE *WYE TEDD COMPREHENSIVE DEVELOPMENT PLAN* AND ACCORDANCE OF THE ZONING WITH THE GROWTH POLICY.**

##### **Findings of Fact:**

1. The Growth Policy provides a set of general, community-wide policies and guidelines to assist the general public, local government, and developers in making informed land use decisions. It also includes the land use designation map which provides a vision for future development of the jurisdiction.
2. The establishment of specific zoning classifications and the assignment of those zoning classifications to parcels of land within Missoula County are performed through the purpose and intent of the Missoula County Zoning Resolution and must meet the criteria and guidelines pursuant to 76-2-201, et. seq, MCA, including consistency with the growth policy.
3. Missoula County is proposing to establish a Targeted Economic Development District (TEDD) in support of economic development southwest of the WYE. The area of the WYE TEDD is located southwest of the intersection of US Highway 93N, US Highway 10W and North Broadway Street, east of Deschamps Lane and north of the Northern Pacific Railroad right-of-way. It is approximately 474 acres in size.
4. Missoula County has prepared the WYE TEDD Comprehensive Development Plan at the request of the Board of County Commissioners in order to use Tax Increment Financing to rectify infrastructure deficiencies in support of secondary value adding industry.

5. In accordance with 7-15-4213, MCA, a comprehensive development plan must be submitted to the local government's planning board for review and recommendation as to the plan's conformity with the growth policy.
6. Furthermore, pursuant to 7-15-4206, 4208, and 4209, MCA, the area proposed for a TEDD must be reviewed by the local government's planning board and a recommendation made that the zoning is in accordance with the local government's growth policy.
7. The applicable growth policy is the **Missoula County Growth Policy adopted July 13, 2016, by Resolution 2016-098 and amended June 6, 2019, by Resolution 2019-090.**
8. Applicable goals and policies from the growth policy and relevant amendments and evaluation of consistency of the proposal against those goals and policies are outlined below.

## **OVERALL PRINCIPLES AND GOALS**

### Growth Policy Guiding Principles:

- *Sustainability: Local government should strive to make decisions that are environmentally sound, fiscally responsible, and supportive of healthy communities over the long term.*
- *Economic development: Economic measures should focus on long term economic development that is fiscally responsible and does not unduly compromise quality of life or the natural environment.*
- *Public health and safety: Missoula County will strive to protect public health, safety, and welfare in a fiscally responsible manner.*
- *Balancing interests and minimizing regulation: The public interests of promoting economic development, conserving natural resources, maintaining community character, protecting public health and safety, and supporting private property rights should be weighed and balanced in decision-making. The use of regulatory and voluntary measures will be evaluated with an effort to employ the minimum amount of regulation necessary to protect public interests.*
- *Partnerships: Efforts by non-governmental groups, private individuals, tribal government, and state and federal agencies to achieve community goals are as vital to community development as local governmental actions. Partnerships among these groups, individuals and local government are essential.*
- *Infrastructure: Investing in infrastructure, as part of implementing planning, is one of the most effective ways to build enduring communities.*

### Growth Policy Goals and Objectives:

- Goal #5 - Promote economic development that creates opportunities throughout Missoula County including people living and working in rural communities and across wage levels*
- Objective 5.3 Facilitate well-designed commercial and industrial development that is located appropriately, served by necessary infrastructure, conducive to public health and the environment, and reduces buyer and developer financial and legal risks.*
- Objective 5.4 Facilitate the re-use of former industrial sites and previously developed, under-utilized parcels of land to revitalize blighted and infrastructure deficient areas and spur private investment.*

*Goal #6 - Embrace emerging economic trends and new technologies that will prepare Missoula County for the economy that will exist in 20 years*

*Objective 6.1 Support initiatives to expand digital communications and develop clean technologies throughout the county.*

*Goal #7 - Sustain and promote the land- and resource-based industries of agriculture, timber, restoration, and recreation that are part of the local economy and heritage*

*Objective 7.2 Support local agriculture and businesses involved with wood products and encourage value-added operations.*

*Goal #9 - As part of planning, support the provision of infrastructure and services to and within rural communities*

*Objective 9.1 Support increased infrastructure capacity, services and amenities in and around existing communities where appropriate.*

#### **EVALUATION OF THE WYE TEDD COMPREHENSIVE DEVELOPMENT PLAN FOR CONFORMANCE WITH OVERALL MISSOULA COUNTY GROWTH POLICY PRINCIPLES AND GOALS:**

- The WYE TEDD Comprehensive Development Plan seeks to provide long term economic stability and to use planning and the development of public infrastructure as tools for well managed growth.
- The goals of the WYE TEDD as stated in the Comprehensive Development Plan are:  
*GOAL 1. Promote Economic Development in Support of the Retention, Expansion and Recruitment of Secondary Value-adding Industry*  
*GOAL 2. Enhance Transportation Access*  
*GOAL 3. Invest in Efficient Delivery of Public Infrastructure*

#### **LAND USE POLICIES**

##### *Missoula Area Land Use Element:*

- 1. Contains the Missoula County Land Use Designation Map, a long-range planning tool, guiding growth over a 20-year horizon.*
- 2. It is a visual and written description of the desired future character of land use in the community.*
- 3. Contains a list of actions such as zoning amendments and infrastructure improvements as recommended implementation.*

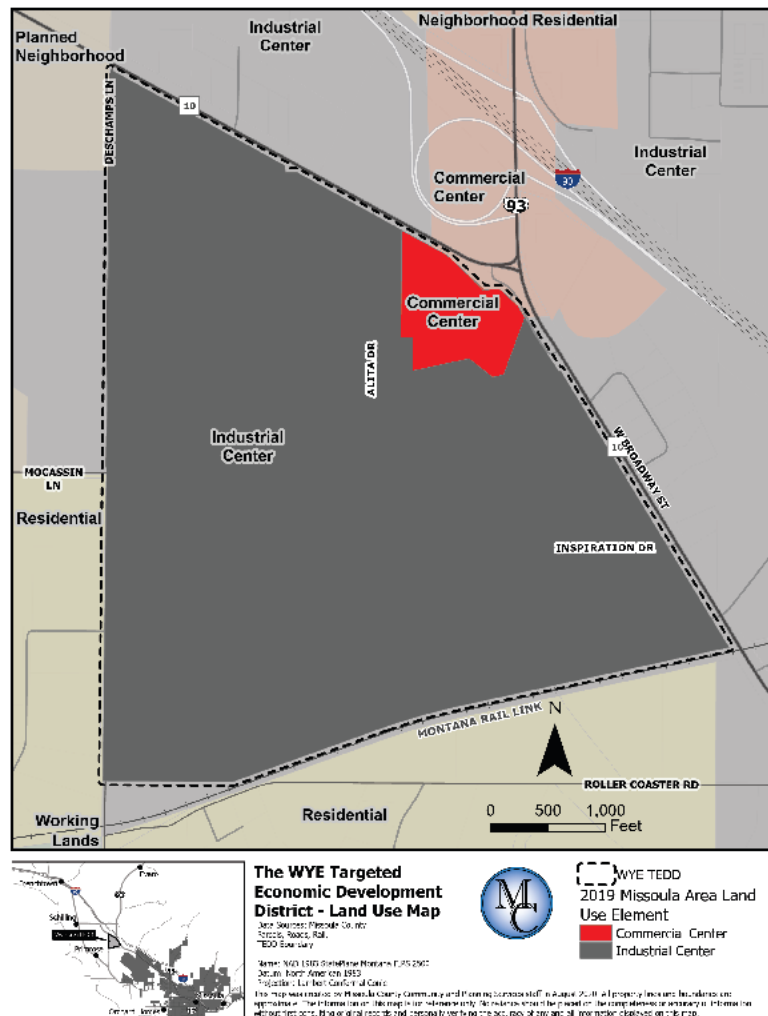
##### *Wye Area Land Use Designations:*

- 1. Industrial Center goal contributes to the county's economic base by providing places where people work, create, build, store, and distribute goods and services. Planned land use is a mix of office, research, studios, manufacturing, warehousing, and distribution.*
- 2. Commercial Center goals are to provide opportunities for retail, service, and employment, and provides for a mix of primarily commercial and higher intensity residential choices in a well-connected, walkable pattern. Planned land uses primarily consist of auto-oriented retail, lodging, offices, food service, and automobile service.*

- Both land use designations outline necessary infrastructure requirements such as roads, non-motorized facilities, and sewer and water systems. However, many of these infrastructure elements are absent from the area located within the Wye TEDD.

### Land Use Implementation Policies

- Plan for the Physical Framework Needed to Facilitate Unique Neighborhoods
- Planning and Building infrastructure to proactively guide where and how growth occurs.
  - The expansion or development of water service to the WYE
  - Improvements to the existing road network south of the WYE
- Potential infrastructure funding sources include the creation of districts that allow the use of Tax Increment Financing (TIF) to maximize opportunities for industrial areas.



**Missoula County Land Use Designations for WYE TEDD Area**

**EVALUATION OF THE WYE TEDD COMPREHENSIVE DEVELOPMENT PLAN FOR CONFORMANCE WITH THE LAND USE POLICIES IN THE *MISSOULA AREA LAND USE ELEMENT*:**

- The WYE TEDD Comprehensive Development Plan seeks to address infrastructure deficiencies that constitute a serious impediment to the promotion of secondary, value adding industrial activities. These infrastructure deficiencies are also identified in the *Missoula Area Land Use Element* as critical components for “Industrial Center” and “Commercial Center” land use designations.
- The WYE TEDD Comprehensive Development Plan provides a plan for redevelopment of an existing “Industrial Center” and “Commercial Center” designated area to grow the economic base and attract new secondary value-adding industry.
- The Missoula Area Land Use Element specifically identifies the Wye area as an optimal location for a targeted economic development district.
- The WYE TEDD Comprehensive Development Plan does not suggest any revision to the *Missoula Area Land Use Element* or the existing land use designations, and instead will help implement the *Element*.

**MISSOULA COUNTY ZONING RESOLUTION**

**GENERAL PROVISIONS and PURPOSE**

1. *Promote the public health, safety, morals, and general welfare;*
2. *Secure safety from fire, panic, and other dangers;*
3. *Prevent overcrowding of land and undue concentrations of population;*
4. *Prevent waste and inefficiency in land use;*
5. *Encourage innovations in residential development and renewal so that the needs of the community for housing may be met by greater variety, type, and design of dwellings;*
6. *Provide open space for travel, light, air, and recreation;*
7. *Provide adequate land and space for the development of residential, commercial, and industrial uses, and encourage such development in locations calculated to benefit the area at large with reasonable consideration to the character of the area and its peculiar suitability for particular uses;*
8. *Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public services;*
9. *Stabilize and conserve the value of buildings and land;*
10. *Avoid excessive expenditure of public funds for public services; and,*
11. *Promote and guide development consistent with the goals and objectives of the Comprehensive Plan of Missoula County and of the laws of the State of Montana.*

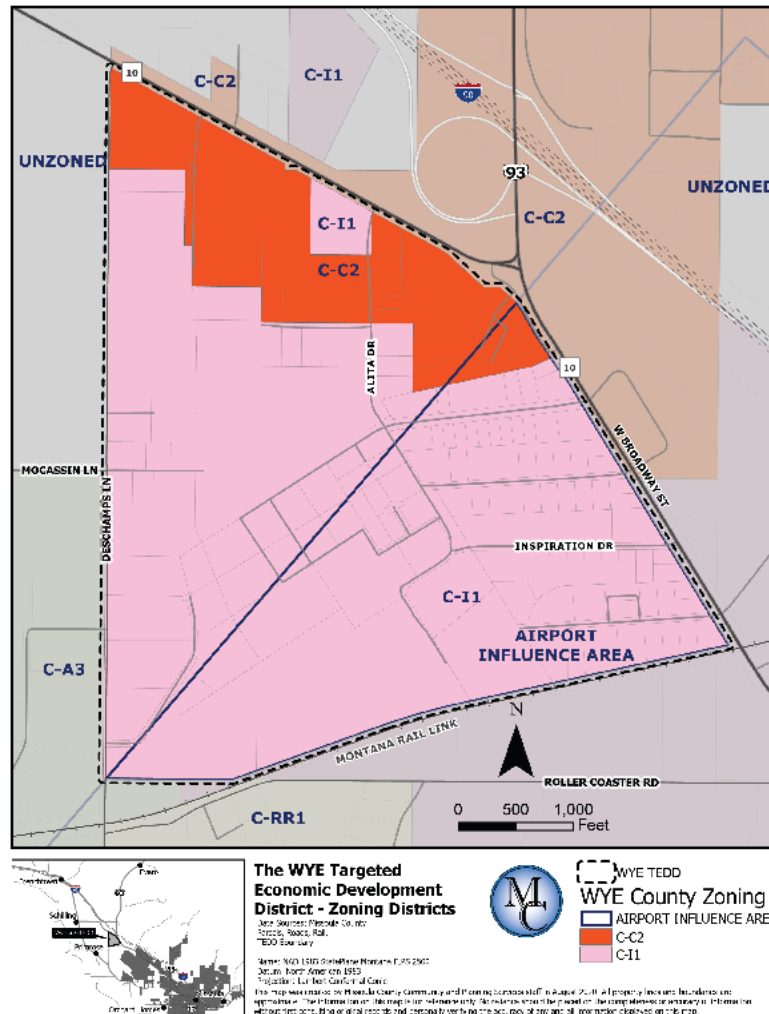
**ZONING and DEFINITIONS**

**SECTION 2.18 C-II LIGHT INDUSTRY.** *Intent: This zone accommodates light manufacturing, processing, fabrication, repairing, and assembly of products or materials, warehousing and storage, transportation facilities, and commercial uses with large land requirements.*



**SECTION 2.16 C-C2 GENERAL COMMERCIAL.** *Intent: This district provides for the conduct of retail trades and services that are inherently automotive and highway oriented and for commercial uses of low intensity which may require large areas of land.*

**SECTION 1.05 DEFINITIONS.** *Industry - The manufacture, storage, extraction, fabrication, processing reduction, destruction, conversion, or wholesaling of any article, substance or commodity or any treatment thereof in such a manner as to change the form, character, or appearance thereof.*



- The WYE TEDD Comprehensive Development Plan supports “industry” as defined by the Zoning Resolution.
- The area of the WYE TEDD Comprehensive Development Plan is zoned CI-1, Light Industry, and CC-2, General Commercial, and has Growth Policy land use designations of “Industrial Center” and “Commercial Center”.
- The WYE TEDD Comprehensive Development Plan does not suggest any revision to the existing land use designations nor to the zoning classifications.

**Conclusions of Law:**

1. The *WYE TEDD Comprehensive Development Plan* has been evaluated against the relevant goals, policies and objectives of the Missoula County Growth Policy adopted July 13, 2016, by Resolution 2016-098 and amended June 6, 2019, by Resolution 2019-090, and the *WYE TEDD Comprehensive Development Plan* is in conformance with the document.
2. The zoning in the area of the *WYE TEDD Comprehensive Development Plan* has been evaluated against the Growth Policy, and is in accordance with the Growth Policy.