

## Missoula City Council Land Use and Planning Committee Minutes

September 23, 2020

2:00 pm

ZOOM Webinar

**Members present:** Mirtha Becerra, John P. Contos, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

**Members absent:** Stacie Anderson, Heather Harp, Jesse Ramos

### 1. ADMINISTRATIVE BUSINESS

The meeting was called to order at 2:01 pm.

#### 1.1 Roll Call

#### 1.2 Approval of the Minutes from Sept 16, 2020

The minutes were approved as submitted.

### 2. PUBLIC COMMENT

There was no public comment.

### 3. COMMITTEE BUSINESS

#### 3.1 Subdivision and Townhome Exemption Development (TED) Regulation Review Project

Laval Means, Development Services, presented on the City Subdivision and Townhome Exemption Development (TED) Regulation Review project. The City has been working with Design Workshop on an evaluation of current city subdivision and TED regulations, and looking at process, case studies, and analysis.

Jessica Garrow with Design Workshop was present to talk about their initial findings as they move into the recommendation report. Their focus has been on best practices and learning from other communities in Montana and the United States.

Ms. Garrow reviewed the progress update, which included community engagement on the Engage Missoula platform, where all the project information and documents can be viewed. There has been interviews, a city radio interview, a community questionnaire, and they're in the process of completing an environmental focus group via an online questionnaire.

Best practice findings, four case studies, state law analysis, existing code analysis, and meetings will all inform the next steps in the recommendations report. The draft recommendation report will be ready in early October with the completed report due in November.

Best practices thematic principles include:

- public comment,
- streamlined process,
- housing opportunities,
- policy alignment.

Ms. Garrow reviewed the best practice for public comment by reviewing what cities like Bozeman and several Colorado cities do. The potential applications for Missoula include informational mailers for public notification, adjusting the timing of the neighborhood meeting to after the application submittal, and administrative review.

Ms. Means added that this will enable the City to find the right balance for intentional opportunities to shape and engage in projects, while still giving feedback to the developing project.

The committee voiced concerns about the timing of public engagement, stating that sometimes it's too late in the process for the developer to fully take into consideration any public concerns, and dispel any misconceptions that might arise. In light of some of the more controversial and complicated developments happening in Missoula, the committee stated that there is an increase need for public participation, which also bolsters a sense of community.

Ms. Garrow clarified that what she is presenting are not recommendations but rather opportunities to voice concerns and provide feedback.

There was some concern about what format the neighborhood meetings would take and who would be involved, as well as the reason behind certain notifications. While for some projects, the neighbors won't always have the ability to shape an outcome, they do have a right to know. So clarity on the types of projects and the required notification and role of public involvement is important. This would also influence when the neighborhood meetings might take place.

Additional discussion followed regarding the decision space, and being intentional about what that decision space is and its impact. The reality isn't always going to match up to expectations because of external constraints, which can lead to frustration if not communicated properly.

Ms. Garrow stated that their team has been in touch with the Neighborhoods Department, as well as Eran Pehan, Director of Housing and Community Development. In addition, she stated that there may be an opportunity to place more focus on the conversation around the next growth policy update and follow that with zoning amendments to fully implement the growth policy through zoning. That's one area where this project and zoning could coincide.

Furthermore, Mr. Garrow stated that there are a number of communities in Colorado that focus on the long range planning documents as a place to talk about where density should occur. There's a saying: "zone it like you mean it," which could help communities be more accepting of future because the city has aligned their zoning districts with the long range plan. There are other communities that focus on neighborhoods having the opportunity to have direct communication with the applicant, and where the applicant has to prove that they made a good faith effort to solicit community involvement.

Next, Ms. Garrow reviewed the best practice for a streamlined process, which included a clear fee-in-lieu of parkland policy, as well as a Unified Development Ordinance (UDO), which would create hierarchies in requirements. Additionally, she reviewed a process that would include handouts and checklists that show a clear flow chart, outline the process and the timeline expectations. A development process manual would help the city and its citizens understand why there are regulations, why they say what they say, and what the process is.

Ms. Garrow then reviewed the housing opportunities, in particular, density and parking best practices. The potential application in Missoula includes removing density reductions for floodplain/hillside considerations (while continuing to limit development in those areas), expanding areas with reduced parking requirements, and increasing the allowed density on infill lots or in Cluster Subdivisions.

The next best practice reviewed was the policy alignment, including code hierarchy, infill incentives, and agricultural lands. The potential application in Missoula might be to move toward a UDO, establish a hierarchy in regulations, consider flexibility in requirements to encourage affordable housing, and incorporate agriculture.

The committee discussed the need for a code hierarchy and the need for clear communication with developers and the community about how the city's zoning works, and how all the various plans interact. It goes back to the neighborhood meetings: if people better understand how these tools interact, the feedback received would be more constructive.

Ms. Garrow then provided examples of how other communities have considered flexibility to encourage affordable housing. Some examples included smaller streets or different designs to encourage more development within a subdivision. A cottage housing program was another example which could create opportunities for additional housing within a parcel.

In response to concerns about permanently affordable housing, Ms. Garrow reminded the committee that these best practices have focused on ways to have more housing, which could permanently decrease the cost of housing.

A committee member reminded the committee that in considering flexibility and whatever requirements go along with that to get affordable housing, it ought to be intentional and defined to prevent infrastructure problems in the future, like a lack of parks.

Ms. Means added that the city needs to be thinking long term, and what the results of code amendments might look like and what that feels like on the ground.

Ms. Garrow then reviewed case studies her team did on four Missoula projects. They spoke with developers and the city. The summary documents of the studies are available online. She reviewed some of the common lessons learned, many of which relate to the process. She followed this by talking about opportunities and recommendations that were revealed when looking at state law. Some of the opportunities for Missoula include clarity in regulation hierarchy, pre-application documents, code vesting (requires state law change), administrative review, and parks dedication updates. Right now, Missoula only requires .02 acres of parkland dedication per unit, whereas state law allows up to .03 acres.

In answer to a question about the impact of the TED regulations, Ms. Garrow explained that TEDs are a way to encourage additional housing and a different type of housing. There's some confusion about what the regulations say from a public perspective and how they're different from a subdivision. Her recommendation is to work through handouts, flowcharts, and figuring out what the triggers are for being a TED versus requiring a subdivision. Right now, the development community is really interested in the TED process because it's shorter than the subdivision process, therefore TEDs offer the opportunity to deliver housing more quickly.

In closing, Ms. Garrow talked about the next steps, including a draft recommendation report slated for October, with a final in November.

There were no public comments.

N.A.

#### **4. ADJOURNMENT**

The meeting was adjourned at 3:26 pm.