

## Missoula City Council Land Use and Planning Committee Minutes

November 18, 2020

1:30 pm

ZOOM Webinar

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

### 1. ADMINISTRATIVE BUSINESS

#### 1.1 Roll Call

The meeting was called to order at 1:40 pm.

#### 1.2 Approval of the Minutes from November 4, 2020

The minutes were approved as submitted.

### 2. PUBLIC COMMENT

### 3. COMMITTEE BUSINESS

#### 3.1 Referral – 601 W Broadway Riverfront Trail Development Agreement

Kaitlin McCafferty, associate planner with Community Planning, Development, and Innovations Department, presented on the 601 West Broadway Riverfront Trail Development Agreement. The City of Missoula and WGM group who represent the applicant, Wise Family Trust. She explained how the recent approval to rezone the property from Riverfront Triangle, Sub-district D to CBD-4 Central Business District requires the proposed agreement. The parcel is located West Broadway and the fork of Front Street. The development agreement addresses the construction and maintenance of the easement for the Riverfront Trail and would go into effect January 12, 2021. Ms. McCafferty also shared the different city departments involved in the agreement along with WGM Group representing the property owners. She provided a map showing the proposed easement for the western and eastern side of the parcel which both consist of a twenty foot wide trail easement for non-motorized public access and recommended approval and authorization for the Mayor to sign the 601 W Broadway Riverfront Trail Development Agreement.

**Moved by:** Amber Sherrill

Recommended Motion: Approve and authorize the Mayor to sign the 601 W Broadway Riverfront Trail Development Agreement

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

### **3.2 Trinity Mullan 2 Lot Minor Subdivision**

Cassie Tripard, associate planner with Community Planning, Development, and Innovations Department presented on the Trinity Mullan 2 Lot Minor Subdivision and gave a brief overview of the proposed plan filed by Jamie Erbacher with WGM Group on behalf of Missoula County. The deadline for the proposal is December 2, 2020. Ms. Tripard shared a map of the site which is located on Mullan Road and West Broadway. She displayed the preliminary plot, which would split a 22.39 acre parcel into two lots, a 17.11 acre lot and a 5.28 acre lot. Ms. Tripard also explained the development on each lot. Lot 2 is the proposed 17.11 acre lot which would consist of the Missoula County Detention Center, Pre-Release Center, and evidence warehouse. Lot 1 is the proposed 5.28 acre lot and would consist of 30 permanent supportive housing units to assist those experiencing serious and chronic homelessness, 100 workforce housing units for people earning between \$9.00 to \$15.00 per hour. In addition, a Navigation Center would provide services to residents in the broader community.

Cassie Tripard also provided the subdivision review criteria which includes Zoning and Growth Policy, Agriculture, Agricultural Water User Facilities, Local Services, Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety. The subject property is zoned M1R-2 Limited Industrial-Residential which permits a wide range of commercial, industrial, and residential uses. Ms. Tripard explained how the subdivision would be in compliance with current zoning requirements and explained the background in association with Title 20. The proposed project does comply with the Missoula City Growth Policy and won't impact agriculture. Lot 2 will require a 20 foot wide irrigation ditch easement and Lot 1 has requested an expansion of the irrigation ditch easement to 35 feet. She further explained the rights and uses of the irrigation ditch along with recommended conditions of approval for the installation of a ditch crossing connecting Lot 1 to Mullan Road. Local services won't be impacted by the subdivision with one exception: the fire department requested a new fire hydrant be installed where Maple Street meets Lot 1 with conditions of approval for installation of the hydrant. Cassie Tripard covered the School and Public Transit bus stops and the transportation layout of Mullan Road and Maple Street, including variance requests and recommended conditions of approval based on current and future plans of the property. On-site trails for Lot 1 would include a connector trail to West Broadway and a neighborhood connector trail along Mullan Road to Maple Street subject to a variance request. There is no anticipated impact on the natural environment, wildlife and wildlife habitat or Public health and Safety. Ms. Tripard went over the amended conditions of approval regarding landscaping and maintenance. Staff recommended approval on all variance requests and the Trinity Mullan 2 Lot Minor Subdivision.

**Moved by:** Mirtha Becerra

**Approval** of the variance request to allow a 66-footwide public access easement, 5-foot-wide sidewalks, and no boulevards for Mullan Road adjacent to the subject property.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

**Moved by:** Mirtha Becerra

**Approval** of the variance request to allow 47.5 feet of right-of-way, 29.5-foot paved street width, curb and gutter, curbside sidewalk and parking lane on the south side of the street, 5-foot wide sidewalk and landscaped boulevard on the north side of Maple Street between West Broadway and the subject property, subject to the conditions of approval.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

**Moved by:** Mirtha Becerra

**Approval** of the variance request to allow a 5-foot-wide sidewalk and no bike lane on the southwest side of West Broadway adjacent to the subject property.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

**Moved by:** Mirtha Becerra

**Approval** of the variance request to allow a 6-foot-wide public access easement and 5-foot-wide improved surface for the pedestrian trail between Maple Street and Mullan Road.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

**Moved by:** Mirtha Becerra

**Approval** of the Trinity Mullan 2 Lot Minor Subdivision, based on the findings of fact and subject to the conditions of approval in the staff report, as amended by Land Use and Planning Committee on November 18, 2020.

AYES: (10): Stacie Anderson, Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSTAIN: (1): Julie Merritt

ABSENT: (1): Jesse Ramos

**Vote results: Approved (10 to 0)**

### **3.3 City Subdivision and Townhouse Exemption Development (TED) Regulation Review Project – Update; Laval Means and Jessica Garrow (with consultant firm Design Workshop)**

A weblink for this material and additional background is <https://www.engagemissoula.com/missoula-subdivision-regulations-review>

Laval Means, Planning manager with City of Missoula, presented an update on the City Subdivision and Townhouse Exemption Development (TED) Regulation Review Project update. Development Services is working with consultants, Design Workshop, to conduct a process of identifying issues and potential opportunities, and provide a recommended approach to revising City Subdivision Regulations along with potential changes to Missoula City Zoning related to the subdivision exemption process for TED.

Jessica Garrow with Design Workshop provided a walk-through of the recommendation report. She has been working since May to understand current regulations and provide a road map for future changes.

Ms. Garrow reviewed the project goals, which were identified very early in the process. The goals include:

- Engagement with key stakeholders,
- focus on outcomes,
- consider possible new ideas,
- solutions tailored for Missoula,
- charts the course for prioritized,
- comprehensive development regulation changes,
- aligns with State law and Missoula policy documents,
- leads to a land use review process that is easy to administer and understand.

Work has been divided into three different phases: stakeholder involvement, research and analysis, and a best practices report. All of these have influenced where the report is at today. Ms. Garrow reviewed the working group, which included a diverse group from throughout Missoula.

The third phase of their work has fallen into three categories: administrative, programs and policy, and code and state law recommendations. These categories will be reviewed today with feedback requested.

These recommendations are intended to address projects that are on an individual site scale as well as larger subdivisions.

The implementation time frame and the estimated implementation costs for each of the recommendations was reviewed.

Ms. Garrow reviewed the seven administrative recommendations and the implementation recommendations, including understanding staffing needs and support learning/hiring, and consistency in process and staff.

A committee member asked about the increase in staff capacity and how that might be financed. Ms. Garrow explained that the report did not delve into it from a cost perspective, but they outlined a short, medium, and long term implementation step for this recommendation. Short term includes an evaluation of current staff to understand what gaps there might be in training. Medium term includes doing a more comprehensive review of job descriptions and making sure they align with work that's being done. Then, when funding is available, that can go toward funding new positions.

In response to a question about combining two of the recommendations, Ms. Garrow explained that the recommendation to update checklists and flow charts is about creating handouts and a set of checklists that people can use. There won't be any process change to do this step. Whereas, recommendation A4 (implementing a formal documentation process) is more of a process change.

Ms. Garrow explained the project champion as an experienced staff member or a more senior level staff member who has some kind of decision making authority to work with the project team. As an example, if an applicant received seemingly contradictory information, they can go to the champion to ask for clarification.

Heather McMilin, a member of the working group, suggested looking at examples of past projects and breaking them apart to see what worked and what didn't in the process.

In response to a question about the realignment currently taking place in the Development Services division, Ms. Garrow said that the reorganization is an opportunity to look at how the departments and review staff can work together. The project champion, as an example of someone who sticks with this project from start to finish, works well with the new focus on functional teams and making sure there's cross communication and collaboration between the different entities involved in the development review process.

Laval Means added that the recommendations emphasize operations more than organization.

Dale Bickel, Chief Administrative Office with the City of Missoula, added that two aspects of functional teams are that they're going to be formal, and that the project champion is going to be granted authority related to that team. The champion will not only be the point of contact, but they will also hold the other members of functional work team to timelines and review criteria.

A committee member asked about what agencies are included in the key agencies referred to in recommendation A5 (requiring key agencies to be present at scoping or pre-application meetings). Ms. Garrow stated that the recommendation is focused on city

agencies and other governmental agencies reviewing the project, but the applicant could be added to that recommendation as well.

Heather McMilin added that not every aspect of a project is a city agency, and noted that Northwest Energy is an example.

Ms. Garrow reviewed the code and state law recommendations and recommended implementations which include establishing a regular update cycle, and an expedited review for small projects.

In regard to an inquiry about recommendation C3, adjusting neighborhood meetings, Ms. Garrow stated that the recommendation focused on having the neighborhood meeting as early in the process as possible so neighbors can have a meaningful impact on a project. Perhaps prior to the pre-application meeting. Ideally, an applicant would be going to a neighborhood council, having a conversation about their expectations, concerns, and comments, and then the development team could incorporate that feedback or explain why they couldn't, before going to the review process with the City. Another recommendation, assuming the current process is continued, would be to focus on best practices around meetings, which might include additional record keeping.

A committee member questioned who is included when referring to the neighborhood. Ms. Garrow explained that they've identified some different ways to hold the neighborhood meetings or to provide opportunities for neighborhood feedback, including notifying adjacent property owners or using the Engage Missoula website.

A committee member suggested making sure the developer is ready to have the conversation with the neighborhoods before the notice goes out, and making sure that staff and the developer are coordinated on that messaging.

Heather McMilin noted that education ought to be included in the neighborhood engagement to allow neighborhoods to understand when they have a say and when they don't. This will help to build trust among both parties.

A committee member brought up two issues to be aware of with neighborhood and public participation: participation doesn't always equal the desired outcome and that the message has to be tailored to the audience. It should be explained that participation doesn't necessarily mean you're going to get your way, and that education and outreach must be delivered in a way that can be best received by specific members of the community, like the elderly. The City ought to work with the neighborhoods office to best deliver that information in a format that's accessible to all.

A committee member recommended moving toward more transparency, that transparency in the process builds trust in the process.

Ms. Garrow continued reviewing the code and state law recommendations.

The committee discussed recommendation C7, updating the code to allow or encourage ADUs and Cottage Homes, as well as the recommended implementation of determining thresholds for code flexibility. Ms. Garrow stated that there's a fine balance between allowing innovation and flexibility and predictability within the regulation. She suggested identifying things in our development parameters that are so important that they should never be flexible, as well as identifying things that have been flexible in the past and have worked really well.

In regards to TED development, Ms. Garrow suggested the city coordinate with the City Attorney's office as these relate to state law.

Citizen Mike Morgan spoke to the implementation of recommendation C8, the removal of minimum lot sizes. He stated that the removal of minimum lot sizes would help with small infill development at the most affordable possibility.

A committee member suggested that neighborhoods might be ready to have discussions regarding recommendation C9, an update to the code to allow parking reductions in certain areas. Some neighborhood corner commercial lots are undeveloped due to current parking regulations. This should be a part of the communication and education process with neighborhoods.

In response to an inquiry regarding the recommendation C13, adopting a Unified Development Code (UDO), Ms. Garrow explained that for such a process, the City would want to have all key agencies as a part of the project team, and suggested hiring a consultant to assist with the significant undertaking. She provided an example of a city who has adopted a UDO. She stated that the development process in Bozeman takes less time and money than in Missoula, but that they also have very strict requirements.

Ms. Garrow stated that the UDO document tends to be more visual, incorporating flow charts that walk one through a process, in addition to describing it in a more accessible way than legalese.

Further recommendations for programs and policies include mapping constrained lands. The committee asked about an additional layer of legal constraints to which Ms. Garrow answered that that level of detail would involve a deeper dive into individual parcels, and could potentially be time and cost intensive and prohibitive.

The committee expressed a desire to have several other community-wide goals incorporated in some way into the code, including clean electricity and zero waste. Ms. Garrow explained that while aspirational policy documents are important, until they're in some kind of code, they're not as likely to be implemented. You see their implementation in building, land use, and municipal codes in general.

Laval Means stated that they have been thinking about incentives and using an incentive-based approach to elevate certain new green infrastructure ideas.

The committee further suggested weaving in some of the City's policies and documents as a good way to achieve broader goals, specifically related to transportation and complete street resolutions.

Ms. Garrow reviewed the high priority recommendations, including short or long term implementations and the cost associated with each of those.

The next steps in this process include finalizing the report, work program alignment, and the city beginning Phase 2 of the regulation and process updates.

The committee expressed their appreciation for the work that has gone into this project.

#### **4. ADJOURNMENT**

The meeting was adjourned at 4:51 pm.