

E X E C U T I V E S U M M A R Y

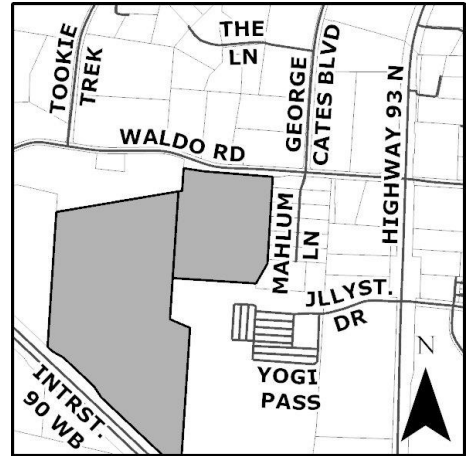
CASE PLANNER: Bailey Minnich

**REVIEWED AND
APPROVED BY:** Tim Worley

PUBLIC HEARING DATES: PB: January 5, 2021
BCC: January 28, 2021

AGENDA ITEM: **O'Keefe Ranch Estates
Rezoning**

**APPLICANT / FEE
OWNER:** OO Land Holding, LLC
19425 E Broadway Ave
Spokane Valley, WA 99016



REPRESENTATIVE: Ron Ewart, Professional Consultants Inc.

LOCATION: 10013 Waldo Road

LEGAL DESCRIPTION: Parcel 2 of COS 5603 less .65 acres MT ROW and Parcel 3 of COS 5603, S21, T14 N, R12 W, P.M.M.

LEGAL NOTICE: The legal ad was published in the *Missoulian* on December 6th and 13th, 2020. Five posters were placed along the property line on Waldo Road on November 23, 2020. Adjacent property owners within 300 feet of the site were notified by mail on December 2, 2020.

ZONING DESIGNATION: Current: Unzoned
Proposed: O'Keefe Ranch Special Zoning District

GROWTH POLICY: Neighborhood Residential, 2019 Missoula Area Land Use Element

RECOMMENDATION: **THAT** the zoning request be **approved, as conditioned.**

Surrounding Land Uses

North: Residential

South: Interstate/Commercial

East: Residential/RV Park

West: Residential/Agriculture

Surrounding Zoning

Unzoned

Unzoned

Unzoned

Unzoned

**MISSOULA CONSOLIDATED PLANNING BOARD
O'Keefe Ranch Estates Zoning
Unzoned to O'Keefe Ranch Special Zoning District
December 18, 2020**

I. RECOMMENDED MOTIONS

THAT the request for zoning the unzoned parcel to O'Keefe Ranch Special Zoning District be approved, based on the findings of fact contained in the staff report, public testimony, and written comment, and subject to the recommended condition of approval. The property subject to this approval is legally described as Parcel 2 of COS 5603 less .65 acres MT ROW and Parcel 3 of COS 5603, S21, T14 N, R12 W, P.M.M.

II. RECOMMENDED CONDITIONS OF APPROVAL

1. Under 'B. Space and Bulk Requirements' add a minimum required setback of 100-feet from the rear property line for lots along Interstate 90.

III. INTRODUCTION

OO Land Holdings, LLC and Viking Builders, LLC, represented by Ron Ewart with Professional Consultants Inc, proposes to establish zoning for 10013 Waldo Road, legally described as Parcel 2 of COS 5603 less .65 acres MT ROW and Parcel 3 of COS 5603, S21, T14 N, R12 W, P.M.M. The parcels are currently vacant and accessed from Waldo Road.

The applicant is proposing to zone the property O'Keefe Ranch Special Zoning District. The property is currently unzoned. The intent of the proposed zoning district is to provide for single-family residential development in an area served by adequate public services. Maximum residential density is proposed at 2.5 dwelling units per acre, which is the density of the approved O'Keefe Ranch Estates preliminary plat.

O'Keefe Ranch Estates is a 197-lot subdivision approved by the Board of County Commissioners on October 19, 2005. The applicant received a phasing plan amendment on August 6, 2020, extending the final plat deadline for Phase 1 until October 2022 and Phase 2 until October 2023. The applicant is working to connect to City of Missoula sewer; however, the property must be zoned to allow the connection. The new district is based on the Missoula County C-R1 Residential District, with modifications to the space and bulk requirements such as setbacks, minimum lot size and maximum residential density. The proposed new district will also modify the permitted and conditional uses allowed.

IV. REZONING REVIEW CRITERIA

Findings of Fact:

General Site Geography and Characteristics

1. The subject property is surrounded by uses that include residential, commercial, and farmland.
2. Waldo Road (S-574) occupies a 60-feet wide roadway easement along the north boundary of the subject property. Interstate 90 borders the subject property to the south.
3. The subject property is currently vacant.
4. Mahlum Meadows Subdivision and the Jellystone RV Park are located to the east of the subject property.
5. Residential and agricultural uses are located to the north and west of the subject property.
6. The subject property was approved for the O'Keefe Ranch Estates Subdivision in October 2005. The subdivision was for 197 residential lots, and subject to 19 conditions of approval.
7. The site is located within the Air Stagnation Zone.
8. The site is located within the Frenchtown Rural Fire District. The closest Frenchtown Rural Fire Station is located off Lady Slipper Lane, approximately 0.5 miles from the subject property.
9. The Community Wildfire Protection Plan (CWPP) map indicates that this property is within the Wildland Urban Interface (WUI) Intermix classification. The WUI intermix defines this area as a place where structures and wildland vegetation are interspersed.
10. The property is within the Urban Service Area. In order for the property to connect to City of Missoula services, the property must be zoned to allow for the proposed use.
11. The Missoula County Zoning Regulations do not include a district with a similar density to the approved subdivision. The closest County zoning district is the C-RR2 at 2 dwelling units per acres. However, the C-RR2 district allows two-family dwellings as a Special Exception which is incompatible with the approved subdivision.
12. The City of Missoula's Title 20 zoning regulations list multiple residential zones which could be compatible with the proposed use. The closest compatible zones according to Table 20.05-3 are the R20 zoning which has a slightly lower density and RT10 which has a slightly higher density but also allows two-family dwellings.
13. Zoning compliance review has requirements for safety, visibility, off-street parking, loading, driveways and access requirements, pedestrian movement, sidewalks and safety, lighting, landscaping, and grading and drainage plans. Any structure built on the property will be subject to zoning compliance review.
14. The site does not contain any mapped floodplain.
15. The Missoula County Sheriff's Department responds to calls in this area from the West Broadway location approximately 10 miles away.

Growth Policy

16. The applicable land use plan is the 2019 Missoula Area Land Use Element, an amendment to the 2016 Missoula County Growth Policy.

17. The Land Use Element designates this property as neighborhood residential and recommends predominately residential land uses with small-scale commercial uses as a secondary use.
18. The Land Use Element recommends a mix of residential building types, including single family, two-family and multi-family. Commercial buildings should be sited along arterial or collector roads providing clusters of limited commercial activity with a compatible intensity level, scale, and form to the adjacent neighborhood.
19. Residential density in the Neighborhood Residential designation is recommended at eight dwelling units per acre or greater, requiring connections to public sewer and water. However, the Land Use Element notes the ability to achieve higher densities may be limited by site considerations such as lot size, setbacks, floodplain, and slope.
20. The Land Use Element encourages a mix of land uses and access to nearby destinations and amenities via walking, biking or transit use.
21. The Growth Policy states that “zoning should reflect the pattern of development set forth on the Land Use Designation Map.” It further notes that zoning need not be a replica of the plan, however it should assist in carrying out the goals of the plan.

O’Keefe Ranch Special Zoning District

22. The Missoula County Zoning Regulations were adopted by the Board of County Commissioners on July 13, 1976 and most recently amended on April 11, 2017.
23. The purposes identified in the general provisions of the Zoning Regulations identify key issues such as health, safety, infrastructure, consistency and innovation through land development.
24. The purpose of Rural Zoning Districts, as identified in the County Zoning Regulations, is to create a district that stabilizes and protects the land uses while allowing latitude to promote residential harmony, conduct gainful business, and contribute to the development of a sound economic base for the rural areas of the County. The purpose of these districts is to coordinate growth with physiographical criteria to more efficiently and economically design, install, and maintain the size and capacity of physical and public service facilities to adequately and permanently meet needs resulting from a defined intensity of land use, and to provide for the health, safety, morals, prosperity, and well-being of the rural community at large.
25. The intent of the O’Keefe Ranch Special Zoning District is to provide for single-family residential development in an area served by adequate public services.
26. The property was approved for a single-family residential development in October 2005, at a density of 2.5 dwelling units per acre. This density can be achieved if connected to municipal or community sewer and water.
27. The site is currently unzoned.
28. The proposal would zone the site to O’Keefe Ranch Special Zoning District.
29. Permitted uses in the O’Keefe Ranch Special Zoning District include single-family dwelling, day care home, and accessory buildings and uses. Conditional uses include home occupation and community residential facility servicing eight (8) or fewer persons. No uses are listed as a Special Exception.
30. The proposed zoning will establish development standards for setbacks, building height, lot area and width, parking, signage, landscaping and other design aspects relative to the development proposal.

31. The proposed zoning establishes a front setback of 20-feet, side setback of 5-feet, and a rear setback of 10-feet.
32. The current Missoula County Zoning Regulations states the setback is measured from the property line.
33. The preliminary plat and conditions of approval for O’Keefe Ranch Estates established a 100-foot buffer for lots along Interstate 90.
34. Staff is recommending a condition to add a minimum required setback of 100-feet from the rear property lines for lots that border Interstate 90. This will reduce confusion between the setbacks in the proposed zoning and the 100-foot buffer on the proposed subdivision plat.

Agency and Neighborhood Comments

35. The Missoula City-County Environmental Health Department and the Missoula County Sheriff’s office stated they had no comments or concerns with the request. The Health Department did state that sanitation review is still required for the overall subdivision approval.
36. The Montana Department of Transportation did not have any specific highway related comments or concerns with the proposed zoning; however they are currently working with the consultant reviewing a Traffic Impact Study for the proposed development.
37. No comments from adjacent property owners have been received at this time.

Conclusions of Law:

- 1a. Whether the zoning is made in accordance with a growth policy;**
- 1b. Whether the use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;**
- 1c. Whether the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Resolution;**
- 1d. Whether the zoning is compatible with the zoning ordinances of nearby municipalities;**

- 1a. The proposed rezoning is compatible with the 2019 Missoula Area Land Use Element and the 2016 Missoula County Growth Policy, which designate this property as Neighborhood Residential.
- 1b. The uses permitted in O’Keefe Ranch Special Zoning District reflect the existing uses surrounding the property and allow for development and opportunities identified in the Land Use Element.
- 1c. The potential permitted uses in the O’Keefe Ranch Special Zoning District conform to the objectives of the Land Use Element and intent of the zoning regulations.
- 1d. The proposed zoning takes into consideration the context of the area, the adjacent land uses, and has created standards that are compatible with Missoula County Zoning Regulations and the City of Missoula Title 20 Zoning Regulations.

- 2a. Whether the zoning is designed to secure safety from fire and other dangers;**
- 2b. Whether the zoning is designed to promote public health, public safety and the general welfare;**
- 2c. Whether the zoning provides adequate light and air;**

2d. Whether the use will not adversely affect nearby properties or their occupants;

- 2a. The zoning will secure safety from fire and other dangers based on emergency response, zoning restrictions, and site infrastructure. The site is within a low fire danger area and therefore the location is comparatively safe from wildfire. Additionally, the site is outside of any FEMA mapped floodplain.
- 2b. The zoning is designed to promote the public health, public safety, and the general welfare of the neighborhood based on the ability to provide a level of predictability to the site and development standards based on the proposed zoning.
- 2c. The proposed rezoning will provide density, lot area, building height and setback restrictions that allow adequate light and air between buildings.
- 2d. The potential uses that are allowed in O'Keefe Ranch Special Zoning District will not adversely affect nearby properties or their occupants due to the surrounding zoning and uses.

3a. Whether the zoning considers the promotion of compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

3b. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

3c. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

3d. Whether the zoning considers the availability of public utilities and services;

- 3a. The zoning considers and promotes compatible urban growth with the proposed residential development. With the site being in the Urban Service Area the municipality has contemplated urban growth at this site.
- 3b. The proposed zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The property is accessed from Waldo Road off an existing approach and is located just north of the Interstate.
- 3c. The proposed zoning will have no adverse effect on the motorized or non-motorized transportation system.
- 3d. Public utilities and services are not negatively impacted by the proposed zoning. The site is proposing to connect to available public sewer.

4a. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

4b. Whether the zoning considers the location, character and natural features of the property and surrounding properties;

4c. Whether the zoning considers vegetation, topography, and natural drainage;

4d. Whether the use meets overall density, yard, height, and other requirements of the zone in which it is located;

- 4a. The proposed zoning can serve as a transition between the lower density residential uses and the higher density/commercial uses near Highway 93 North and Interstate 90.

- 4b. The proposed zoning considers the location, character and natural features of this and surrounding properties by proposing a zoning district that allows for only residential uses. Additionally, the proposed zoning includes setbacks to mitigate any potential impacts on surrounding properties.
- 4c. The O'Keefe Ranch Special Zoning District is well suited for the current topography, vegetation, and natural features on the property. The property has some rolling hills, however there are no areas of steep slopes. Vegetation and weed management will increase upon the subdivision receiving final plat and lots being sold for residential homes.
- 4d. Any new use proposed will be required to meet the overall density, yard, height, and other requirements of the zoning district at time of Zoning Compliance Permit submittal. The proposed zoning will be compatible with the approved preliminary plat for O'Keefe Ranch Estates.

5a. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

5b. Whether the zoning considers non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;

5c. Whether the zoning considers site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;

- 5a. The proposed zoning is expected to maintain the existing value of buildings and the surrounding area. The zoning proposes uses that are consistent with the lot sizes of the approved preliminary plat. The zoning promotes development as outlined in the Growth Policy and the Land Use Element.
- 5b. Zoning is required by the City of Missoula in order to connect the approved subdivision to city sewer. The property is currently unzoned, allowing for a full range of uses. The proposed zoning will allow predictable development through the implementation and platting of the approved 197-lot residential subdivision.
- 5c. Additional standards are being proposed to mitigate adverse neighborhood impacts. These include landscaping, lighting, screening, signage, and parking lot design standards located within Chapter 3 of the Missoula County Zoning Regulations.

6a. Whether the zoning considers expressed public opinion on the above consideration;

6b. Whether the zoning considers recommendations of the Zoning Officer.

- 6a. Noticing was sent to all property owners within 300 feet of the property and agencies potentially affected by the rezoning. The property was posted in five locations 45 days prior to the Planning Board hearing. No comments on the proposal have been received at this time.
- 6b. The Zoning Officer recommends conditional approval of the rezoning request.

V. AGENCY COMMENT

COUNTY PUBLIC WORKS DEPARTMENT:	No comments received
HEALTH DEPARTMENT:	"Environmental Health doesn't have any comments specific to the rezoning. Sanitation

	review under 76-4 or citation of applicable exemption is still required for the project overall.”
OFFICE OF EMERGENCY SERVICES:	No comments received
SHERIFF’S DEPARTMENT:	“The sheriff’s office has no objections or concerns at this time.”
COUNTY WEED DISTRICT:	No comments received
BOARD OF COUNTY COMMISSIONERS:	No comments received
MONTANA DEPARTMENT OF TRANSPORTATION:	“No specific highway related comments or concerns with the proposed rezoning application. However please note MDT is currently working with the owner/consultant through MDT’s System Impact Action Process reviewing a Traffic Impact Study for the proposed development.”
MONTANA FISH, WILDLIFE AND PARKS:	No comments received
MISSOULA COUNTY PARKS:	No comments received
MISSOULA COUNTY FLOODPLAIN:	No comments received
WATER QUALITY DISTRICT:	No comments received
CLERK AND RECORDER:	No comments received

VI. ATTACHMENTS:

- A. Applicant packet
- B. Agency comments