

## **Missoula City Council Land Use and Planning Committee Minutes**

**February 10, 2021**

**12:30 pm**

**ZOOM Webinar**

**Members present:** Stacie Anderson, Mirtha Becerra, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

**Members absent:** John P. Contos, Heather Harp, Jesse Ramos

### **1. ADMINISTRATIVE BUSINESS**

#### **1.1 Roll Call**

The meeting was called to order at 12:32 p.m.

#### **1.2 Approval of the Minutes**

Mirtha Becerra joined the meeting at 12:35 p.m.

##### **1.2.1 Approval of the Minutes from January 13, 2021**

The minutes for January 13, 2021 were approved as submitted.

##### **1.2.2 Approval of the Minutes from January 20, 2021**

The minutes for January 20, 2021 were approved as submitted.

### **2. PUBLIC COMMENT**

There was no public comment.

### **3. COMMITTEE BUSINESS**

#### **3.1 Amendment to Subdivision Regulation Art 3, Sec 080.7 clarifying methodologies for determining value**

Grant Carlton, Open Space Program Manager, and Neil Miner, Development and Parks and Trails Manager with the Parks and Recreation Department, provided a staff report on the amendments to Subdivision Regulations Article 3, Section 080.7, which fall in the park and recreation requirements, more specifically the cash in lieu of parkland dedication. Mr. Carlton expressed that the proposed amendments are still under review and no new regulations are being added. The purpose of the presentation was to provide an update on the regulations while also attempting to provide clarity and predictability and expediency. The outline of his presentation is available on eScribe.

The city's subdivision process currently requires applicants to provide open space as part of development or have open space somewhere within a half mile from the subdivision's development. This also aligns with the Missoula Urban Area Open Space Plan which was

updated in 2019. The open space opportunities help contribute to the environmental and social value of communities. Since Missoula is growing rapidly, an increase in subdivision applications have been submitted. In cases where a subdivision is requested with a cash in lieu to meet the parkland dedication requirement, the developer would need to provide a cash donation that would go towards parkland or open space within that half mile and is spent to create or update existing parkland in the area. The cash donation must be equal to the fair market value of the unsubdivided and unimproved property being developed, which is done with an appraisal of the land being submitted. This allows the city to keep up with the raising costs of land that is needed to be purchased for the open spaces where applicable. The calculations is roughly 11% for the cash-in-lieu based on the appraisal evaluation. These amendments are an attempt to resolve ambiguity in the language and provide clarity and direction into the actual methodology to the appraisal process.

Grant Carlton, Open Space Program Manager, stated additional background, and added that language information will be provided at a later date. Since the process is ongoing, the anticipated timeline is to go before the Planning Board on March 2, 2021, and placement before City Council near the end of March 2021, with Final Consideration in early April 2021.

It was clarified that this item will return to the Land Use and Planning Committee on March 24, 2021. The committee expressed a desire for these amendments to help prevent frustrations that have come up in the past. Discussion ensued on how funds from cash-in-lieu is spent. The committee also asked for additional details on the appraisal process and the unpredictability of inflation of land value, with the understanding that it can take years before parkland is actually purchased. Dave DeGrandpre, Planning Supervisor with Community Planning, Development and Innovation, clarified the Montana State Law that provides details on how cash-in-lieu funds can be spent.

Bryan Von Lossberg joined the meeting at 1:26 p.m.

There was additional conversation on the appraisal process that conflict with the value of the land pre and post development. The committee also expressed concern over the permanent impact of these developments and want to ensure the process is fair and equitable for future plans.

### **3.2 Referral and Staff Report – Parcel 1-A COS 6689 – Miramonte Annexation**

Alex Eidam, associate planner with Community Planning, Development and Innovation reviewed an annexation petition described as Parcel 1 within a Certificate of Service 6689. The subject property is located north of Flynn Lane east of Mary Jane Boulevard and south of Highway 10/West Broadway. Ms. Eidam provided a visual of the property being proposed for annexation and reflected that the surrounding properties are within the city's boundaries. Additionally, she shared a visual of the Annexation Policy Map which showed the property as located in the Annexation Area 'A' which largely meets the Annexation Policy. She also gave an overview of the Annexation Policy. The purpose of the policy is to provide orderly development and must comply with the Growth Policy and provide public improvements and services. Another area map was displayed with regards to the Our Missoula: City Growth Policy 2035 and reflected that the subject property is located in a Regional Commercial and Services zone along with the land use designation of neighborhood mixed use. The current zoning map displayed showed the property

being located in C-C2 and C-A3 which consist of commercial land as well as agricultural and residential land. The surrounding areas are primarily zoned as commercial and industrial. The subject property is also located in the Airport Influence Area Overlay. The request is seeking the property to be zoned as C2-2 for Community Commercial and to be more consistent with the surrounding zoning.

Ms. Eidam continued by defining Title 20, Section 20.85.040(1)(2) and how the subject property meets the request for annexation. She also covered the recommended conditions of approval. The Condition of Approvals covered included;

- Public access and utility easements
- Half-Street Improvements
- Traffic Impact Study
- Easements for a future roundabout
- Boulevard Landscaping
- Water and Sewer Facilities
- Fire Hydrant plan and installation plan
- Storm water drainage plan
- Petition into the Missoula Urban Transportation District
- Obtain an avigation easement from the Airport Authority

Jason Rice, with Territorial-Landworks, INC and developer representative, wanted to provide clarification and additional information that got missed in the staff report. Mr. Rice highlighted the property showing a map with a blue outlined area that has already been annexed into the city and is a portion of the project. He also discussed the existing and proposed fire hydrant placement. He requested the condition of approval pertaining to the fire hydrant installation be amended. The amendment would still ask the petitioner to provide a fire hydrant plan approved by the City Fire and add that the petitioner shall provide documentation that hydrants are installed within 250 feet of any building initiating combustible construction.

Mr. Rice also added that no sewer services are needed to be installed due to existing services. Additionally, he requested an additional condition of approval that states: "13.) Except for the Fire Hydrants as required above, the petitioner may guarantee installation of any improvements required by this agreement along with financial security in the amount of 125% of the engineer's estimate which includes engineering and testing services as provided by City Engineering if they are not completed prior to the deadline provided."

Mr. Rice also requested an extension to the March 31, 2021, deadline to get the easements filed. The client seeking annexation has not yet purchased the property. Since the determination of the annexation will take place on March 1, 2021, the applicant is seeking an additional 30 days to complete the conditions pertaining to easement requests.

The Committee wanted to ensure proposed requests were approved prior to the public hearing to ensure any issues are resolved. They also wanted to ensure no extra time would be required from the engineering division for the 13th condition of approval. Additional conversation ensued regarding the development in the surrounding area. The committee would like to ensure projects are not being rushed prior to being properly

reviewed. Another topic discussed was one-off requests and the hope to minimize them to keep the process consistent.

A public hearing for this item will be held during the City Council meeting on Monday, February 22, 2021.

### **3.3 Review items held in City Council committee**

Review the following items held in committee to determine if they require a new sponsor and/or whether or not they will continue to be held in committee.

#### **3.3.1 Our Missoula Development Guide - Looking Forward**

The committee decided this item is no longer needed and can be removed from the holding queue.

#### **3.3.2 MCPB update to the LUP committee**

Jordan Hess stated updates on this item should continue to be held as it builds on the relationship with Planning Board and Land Use and Planning committee. The committee agreed.

### **3.4 Appointments to the Historic Preservation Commission**

#### Interview Schedule

1:45-2:00 – John Conrad Schiess Interview

2:00-2:05 – Discussion

2:05-2:20 – Jackson Hill Interview

2:20-2:30 – Discussion

Jordan Hess conducted the interview for each applicant. Applications and resumes are available on eScribe. Each applicant was asked the same questions to assist with the appointment process. The first interview was with John Conrad Schiess, followed by the second and final interview was with Jackson Hill. The committee discussed what positions are vacant and the qualifications of each applicant to assist with the determination of how the vacancies should be filled on the Historic Preservation Commission.

**Moved by:** Amber Sherrill

appoint John Conrad Schiess for the At-Large member and Jackson Hill for the Alternate 2 position to the Historic Preservation Committee for the terms beginning immediately and ending on December 31, 2023.

AYES: (8): Mirtha Becerra, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (4): Stacie Anderson, John Contos, Heather Harp, and Jesse Ramos

**Vote results: Approved (8 to 0)**

## **4. ADJOURNMENT**

The meeting was adjourned at 2:26 p.m.