



## Missoula Consolidated Planning Board Minutes

February 2, 2021, 6:00 PM

ZOOM Webinar

Voting members present: Neva Hassanein (Mayor appointee), Tung Pham (Mayor appointee), Josh Schroeder (Conservation Dist Appt), Andy Mefford (County Appt), Sean McCoy (County Appt), Dave Loomis (County appt), Micah Sewell (County Appt), Caroline Lauer, Vice Chair (City Appt), Vince Caristo, Chair (City Appt)

Alternate(s) present: Jim Bachand, Shane Morrissey

### 1. Call to Order

YouTube video: <https://www.youtube.com/watch?v=gLmpgdrJUkE>

City of Missoula eScribe Video: <https://pub-missoula.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=ab3a3e01-8cbe-423c-88dd-91abedef6da0>

Mr. Caristo called the meeting to order at 6:00 p.m.

### 2. Roll Call

Ms. McCammon called the roll.

### 3. Approval of Minutes

Ms. Lauer moved; and Mr. Sewell seconded the approval of the January 19, 2021 Missoula Consolidated Planning Board (MCPB) minutes as submitted. With a voice vote of all ayes the minutes were approved.

### 4. Public Comment

Caller noted that Spectrum Television Channel 190 does not broadcast the Planning Board meeting live, but instead replays the previous City Council meeting. Caller was advised to join via Zoom at <https://apps.missoulacounty.us/go/planningboard> or to watch via YouTube or <http://www.ci.missoula.mt.us/1149/AgendasWebcastsMinutes> and join via telephone during the public comment section of the hearing. It was noted that there is an audio delay when joining the meeting via telephone.

### 5. Staff Announcements

#### 5.1 New Planning Board Member Training coming in February 2021

An orientation training session has been scheduled for February 9, 2021 for new Missoula Consolidated Planning Board (MCPB) members or any members desiring a refresher.

**6. Communications and Special Presentations [approx. 20-30 minutes]**

**6.1 Missoula County Growth Policy Review. Lindsey Romaniello, Missoula County, Community and Planning Services (CAPS)**

Lindsey Romaniello, Planner II, Missoula County Community and Planning Services (CAPS) advised the board that the growth policy review is a quinquennial event, and is done every five years, as a precursor to the growth policy update. It is part of state statute and is called for in the growth policy guidelines. The purpose is to evaluate and assess the growth policy in terms of how it is working and if and what needs to be updated.

Six review factors:

1. Change in legal framework

2. Change to conditions and projected trends:

Environmental conditions (climate change related)

Wildfire Protection Plan and the Wildlife Urban Interface (WUI) updates

Population and Economic projections: Updated Housing Data, 2020 Census, COVID-10 economic changes

Data Review - minor changes to data that was used in maps and figures

3. Degree to which goals and objectives have been met

Land use strategy

Update land use designations (expand to whole county)

Evaluate and update area plans

Update and possibly expand zoning code map

4. Deviation from implementation timetable

No major deviation; but timetable somewhat vague

Recommend reorganization and reprioritization of actions and objectives

5. Public and stakeholder input suggests changes

Incorporate information from recent outreach efforts

6. Improve growth policy usefulness

Prioritize values and objectives

Area plans: rethink functionality and establish a strategy for the development, implementation, and maintenance of area plans

Expand land use map, and land use designations, to the whole county

Summary of review suggestions:

1. Updated projections and trends based on recent environmental data, such as climate change projections and wildfire risk assessment.
2. Update the growth policy based on the population, economic and growth trend changes.
3. Revisit progress land use strategy.
4. Clarify implementation timeline to better convey action priorities.
5. Update the goals, objectives, and actions to reflect more recent planning efforts, public input gathered through a variety of planning processes and available expertise.
6. Prioritize values and objectives.
7. Rethink area plan functionality and establish a strategy for the development, implementation, and maintenance of area plans.
8. Complete the update to the future land use map, or the land use designation map, to cover rural areas of the county.

Next Steps:

- Create scope of work
- Research and data collection
- Growth policy update

Ms. Hassanein encouraged staff at the county level to focus on the land use strategy element. Mr. Caristo asked about the timeline. Ms. Romaniello stated that revising and updating the county zoning code is a priority and the growth policy review will happen in the summer/fall period.

## **7. Public Hearings**

### **7.1 Mcnett Flats Major Subdivision - Dave DeGrandpre and Emily Gluckin- City of Missoula, Community Planning, Development & Innovation**

<https://www.youtube.com/watch?v=gLmpgdrJUkE> [29:17]

Emily Gluckin, Associate Planner, and Dave DeGrandpre, Planning Supervisor, City of Missoula Community Planning, Development & Innovation, Development Services Division, provided a map detailing the subject property location. The subject property is adjacent to Missoula city limits on the southern and western boundaries. Upon annexation, the subject property would become part of City Council Ward 2 and the Captain John Mullan Neighborhood Council. Mcnett Flats Subdivision is a 7-lot major subdivision of a 20.21-acre parcel. The lots range in size from 1.15 acres to 3.12 acres. The property is zoned C-RR1 Residential in the county and is proposed to be zoned B2-2 Community Business upon annexation. The Our Missoula 2035 City Growth Policy recommends a land use designation of Neighborhood Mixed-Use. The density permitted in the B2-2 Community Business zoning is up to 43 dwelling units per acre, in compliance with the Growth Policy.

Access to the subdivision would be provided from George Elmer Drive and Old Ranch Road, both of which are planned to be extended to the northern boundary of the subdivision. Access is also planned from Winchester Drive and Remington Drive, which are to be extended from the Remington Flats Subdivision to the west. The proposed George Elmer Drive right-of-way width is 80 feet with 5 additional feet on both sides as public access and utility easements. George Elmer Drive is a Mullan BUILD Project street and the subdivider will be required to participate in a cost-sharing agreement for improvements. The proposed Old Ranch Road right-of-way is requested to be 64 feet wide. Pius Way, which exists at the southern boundary of the subdivision, has an existing 54-foot right-of-way, and is proposed to be improved to include a multi-use path on the north side within Lot 4 and Lot 5 of the subdivision. Abby Lane, Briar Way, Winchester Drive, and Remington Drive are new internal streets proposed within the subdivision to have 64-foot rights-of-way. The applicant requests six variances. Variances, annexation and subdivision conditions of approval, findings of fact and conclusions, and attachments can be found at: <https://pub-missoula.escribemeetings.com/Meeting.aspx?Id=ab3a3e01-8cbe-423c-88dd-91abade6da0&Agenda=Agenda&lang=English&Item=15&Tab=attachments>

Review process notes were provided to the board:

- Annexation and zoning upon annexation to B2-2 [City Council only]. City Council first adopts a resolution of intent to annex the property and to zone it. City Council did this on January 25, 2021. Planning Board does not have a role in the annexation nor the initial zoning.
- Subdivision review [Planning Board & Council]. Planning Board has a hearing, adopts findings of facts, and makes recommendations on subdivisions.
- Application deemed sufficient prior to adoption of Sxwtpqyen Master Plan and form-based Code so it is reviewed under the existing subdivision and zoning rules [76-3-604(9)(a),MCA]

Mr. DeGrandpre expressed the importance of understanding the third bullet point: There is a "grandfather" clause in the way Montana law is laid out for subdivision. There are multiple steps in the application process, and before it comes to Planning Board it must first go through a pre-application stage, an element review stage, then a review for sufficiency. Once the application is deemed sufficient, then the rules that are in effect at that time are the rules that apply. The application for the Mcnett subdivision was deemed sufficient prior to the Sxwtpqyen Plan/Mullan Area Master Plan being adopted and going into effect. The standard Missoula Title 20 and subdivision regulations are in effect for this project, not the Sxwtpqyen Plan.

An existing conditions map was displayed with contour lines and existing conditions. Mr. DeGrandpre stated that the topography as mild; a branch where Grant Creek once flowed in the 1950s was evident from the contour lines. Along the west and south boundary there is an existing 60-foot private road and public utility easement. This historically provided access to properties to the north. Up the center of the property is an 80-foot dedicated right-of-way (ROW) for George Elmer Drive. Along the eastern property boundary is an existing irrigation ditch, which has historically provided water to this property and properties to the north.

The preliminary plat with lot and roadway details was displayed and connectivity explained. The subdivision consists of seven lots ranging in size from 1.15 to 3.12 acres. All streets within the subdivision were designed with landscaped boulevards, sidewalks, and pedestrian facilities that would tie in with existing development. The developer has offered an additional 5-foot of access and utility ROW on both sides of George Elmer Drive for future demands.

Under Montana subdivision law, and under local regulations, there are specific criteria with which to evaluate subdivision proposals. Mr. DeGrandpre presented the main criteria, which were all detailed in the staff report:

1. Growth policy and zoning
2. Agriculture and irrigation facilities
3. Local services
4. Natural environment wildlife and wildlife habitat
5. Public health and safety

Our Missoula Growth Policy Future Land Use map was displayed; this provides guidance on how the city intends to grow and develop over time. A residential medium designation is to the south of the property. This will provide for development between three and eleven dwelling units per acre (du/acre). These could be single family residential homes up to smaller multi-family attached structures of three or four units. The subject property and the property to the north are designated for neighborhood mixed use. Within this property and the one to the north is a designated "node" development. Under the growth policy neighborhood mixed use is intended to:

- Provide a distinct focal point for neighborhoods
- Commercial uses include retail, offices, entertainment, professional services, eating and drinking, and shopfront retail
- High-density residential development is encouraged

The Node development overlay:

- Concentrated mixed-used pedestrian friendly development
- Focal point for community gathering and transit
- Integration of office, retail, and residential uses
- Potential for transit oriented development and multi-modal transportation activities

Nodes are located along major transportation corridors. The node designation was included on this and the adjacent property because it is adjacent to George Elmer Drive.

Growth policies also contain policy statements. Mr. DeGrandpre invited board members to revisit the livability and housing chapters. The livability chapter seeks to balance the amount of public open/green spaces with green spaces with development to provide adequate access, preserve vistas, and provide recreational opportunities. The housing chapter strongly supports different types of housing, placing more dense housing near

multi-modal transportation networks, developing sidewalks, bike lanes and transit. When the growth policy was adopted in 2015 the housing chapter states that there must be a sufficient supply of housing with a variety of housing types. He stated that the housing chapter also includes a statement aimed at elected officials and planning board members: "cultivate leadership support to support rezoning of land to allow for multi-dwelling residential units in appropriate areas."

Missoula housing policy, "A Place to Call Home" considers housing equity:

- Most of the growth is supported by a small number of neighborhoods that are zoned for higher density
- Equity in land use -- every neighborhood should participate in addressing Missoula's housing issues
- Housing affordability is deeply tied to achieving more compact development patterns than single-family zones allow.

The Missoula County Land Use Element, an addendum to the growth policy, had planned for community mixed use for this area. This designation is similar to the city's designation: to provide for a mix of residential, commercial, and civic activity; provide opportunities for retail, service, and employment; and accommodate higher intensity residential choices that contribute to housing diversity. The designation was deemed appropriate in only a few areas and was displayed on a map. Mr. DeGrandpre stated that the city and county were aligned regarding what land use would be most beneficial in this area. The zoning on the property today is county rural residential 1 (C-RR1), which is a transitional district. It anticipates that land uses will change over time and provides for a density of 1 du/acre and the text of the zoning calls it a transitional area. Immediately to the west is Remington Flats, which was annexed into the city recently; this subdivision now has city density of RT5.4 with a neighborhood character overlay. Immediately to the south is 44 Ranch and Flynn Ranch, with districts created especially for those development. The zoning under consideration by city council for this property is B2-2. A resolution of intent was adopted on January 25, 2021 for this.

B2-2 is neighborhood commercial type district. It provides for many uses:

- residential uses ranging from single-family type structures up to multi-dwelling structures
- it is a more intensive district than those developments to the south or west
- commercial development
- building heights up to 50-feet would be allowed. Maximum height in the districts to the south is 35-feet.

The staff report contains full details of the impact assessment, and Mr. DeGrandpre covered the following in the meeting:

- Agriculture & Agriculture Water User Facilities: Prime soils if irrigated; planned and zoned for urban development; irrigation ditch easement, no existing water rights

- Natural Environment, Wildlife & Wildlife Habitat: No public lands or critical wildlife habitat nearby; impacts of storm runoff evaluated; not significant impacts anticipated
- Public Health & Safety: Adequate circulation systems, city water and sewer, fire, and police, nearby medical services; not natural hazards; airport influence area

Local Services and Access:

- Access via George Elmer Drive, Old Ranch Road, Winchester Drive, Remington Drive, Briar Way Abby Lane
- Internal street network built by the subdivider and dedicated to the public
- Located with the Mullan BUILD project area, George Elmer Drive included in improvements
- Non-motorized transportation/transit: petition into Missoula Urban Transportation District; boulevard sidewalks, Tipperary Way Trail

George Elmer Drive is a Mullan BUILD project street, so improvements are being funded in part by grant monies. There are also mechanisms the city is considering, i.e., impact fees, to help build out the project. George Elmer Drive intersects with Mullan Road to the south and traffic congestion is already an issue and will worsen if improvements are not made. Improvements to the intersection are planned to start construction this year in the form of a large roundabout. Connection to the north would tie into England Boulevard, which is hoped to be completed over the next few years, contingent upon funding. 90% of the engineering has been completed on that project. To the south of the subdivision, in the 44 Ranch and Flynn Ranch neighborhoods, is a proposed/intended roundabout. That project is also expected to start this year or next year. The city is looking for an engineer to do final design.

The Mullan BUILD grant has a trail called Tipperary Way Trail that is intended to come from Mullan Road, up north, through the existing subdivisions on George Elmer Drive, and at the southern boundary of this property the trail goes to the east. The developer has agreed to provide a segment of that trail along the southern boundary. This will be a ten-foot wide paved trail within a significant easement to be used by the public. Emergency services will be provided by city police and fire departments. There is a potential to have as many as 650 residential multi-family units. Mr. DeGrandpre stated that residential homes tend to generate several vehicle trips; a single detached dwelling is estimated to generate 9.5 to 10 vehicle trips per day. This is high number by design. The application states that between 250 to 300 school-age students are anticipated; they did not hear back from school district representatives regarding this, which is not unusual.

The Tipperary Way Trail is along the southern boundary of the proposed subdivision, on lots five and four. An existing city street called Pius Way is located to the south and the developer would build a ten-foot wide asphalt trail; closer to the street there would a seven-foot boulevard landscaped with street trees. The developer has proposed the easement that has been requested by city officials. The developer has proposed two different options to meet the parkland dedication requirement:

- Cash-in-lieu of 2.92 acres of parkland and dedication of 0.15 acres of multi-use trail easement; or
- Cash-in-lieu of 1.46 acres of parkland, 1.46 acres of common area to be platted to the east of George Elmer Drive, and dedication of 0.15 acres of multi-use trail easement. This option is preferred by the city.

They are not recommending parkland on the west side of George Elmer Drive as that area is within the service area of the 44 Ranch Park.

Six variances have been requested:

1. Article 3-020 Table .2A. Variance 1. 80-foot right of way for an Urban Collector with Parking instead of 90 feet (George Elmer Drive). This was done in Heron's Landing Subdivision, on the same stretch of road, less than .25 miles to the south. Graphic was provided at the hearing. Developer is proposing to dedicate additional five-foot easements on both sides of the road in case improvements or additional width is needed in the future.
2. Article 3-020 Table .2A. Variance 2 and 3. 64-foot rights-of-way for an Urban Local Streets instead of 80 feet (Old Ranch Road, Winchester Drive, Briar Way, Remington Drive, and Abby Lane). This provides consistency with adjacent subdivisions.
3. Variance 4 and 5. Block lengths exceeding 480 feet on Lot 1 and Lot 6. This matches development to the west. The developer has proposed ten-foot pedestrian easements to the north and to the south. The southern pedestrian easement could connect to an alley in 44 Ranch, the northern pedestrian easement will connect to the currently undeveloped property to the north.
4. Article 3-020.3-H(2). Variance 6. Existing street to the south is Pius Way, which was approved in Flynn Ranch for a 54-foot right of way, the developer is not proposing to increase the right of way, but is proposing to improve the street with additional space for parking, drainage, landscape buffers, and the separated ten-foot wide pathway along the north side.

There are 26 Conditions of approval, listed in detail in the staff report. Public comments received to date have been directed at:

- Development compatibility, expectations for continued single-dwelling development
- Traffic impacts and timing of transportation improvements
- Connectivity with Old Ranch Road
- Snow storage and removal
- Soil suitability
- Wildlife displacement

Mr. DeGrandpre provided board members with recommended motions.

Presentation from developer's representatives: [<https://www.youtube.com/watch?v=gLmpgdrJUkE> Time 1:03]

Woith Engineering: Kody Swartz, Matt Hammerstein, and Spencer Woith

Abelin Traffic Services: Bob Abelin

Mr. Woith provided subdivision location. There will be roundabouts at George Elmer Drive and Mullan and another at the intersection of George Elmer and England Boulevard. They have been working with the city, and the city's consultant to ensure compatibility of their design. Tollefson Properties, LLC, is a locally based builder in the Missoula Valley. Text from the City of Missoula Growth Policy 2035 and a future land use designation map, as amended on February 13, 2017 was displayed and the proposed subdivision was shown in detail on the map. The node for mixed uses, for higher density residential development, was called out on the map. This project is under the zoning code in the growth policy, not the subsequent form-based code.

Mr. Hammerstein provided details of the proposed layout of the subdivision, along with associated infrastructure planning. The subdivision includes seven lots, is zoned B2-2 community business, and is bisected by George Elmer Drive, which runs north to south. Design and construction of public right-of-ways (ROWs), streets, sidewalks, bike paths, landscaping, boulevards, and utilities. The average lot size is 2.19 acres and a median lot size of 2.67 acres, which total 15.35 acres of developable lots. The maximum allowable density, based on the area of those lots would be 33 du/acre, but this depends on the future land uses that could be built in the subdivision. B2-2 zoning allows for a variety of potential future land uses and maintains flexibility for the developer to allow the projects to maintain the flexibility to meet market needs of the future. Road layout was detailed. George Elmer Drive is an urban collector road with an 80' existing ROW across the property. They are proposing additional five-foot access easements on each side of the ROW. George Elmer Drive will have two travel lanes with parallel parking on both sides, landscaped boulevards, and bike paths on both sides, in addition to the sidewalks. Bike lanes will be separated from vehicular traffic, outside of the curb line. There is an existing ROW for George Elmer Drive, but the developer is proposing an additional five-foot width on each side of the ROW as a public access and utility easement for maintenance of the sidewalks and bike lanes and for any additional utilities the city may determine may be needed in the future. Local streets, every street except George Elmer Drive, will have a 64-foot ROW to match the development of Remington Flats to the west. All intersections in the project will have curb bulb-outs, where the parking lane is tapered off at the intersection. Curb bulb-outs serve two purposes: 1) stormwater element, and 2) traffic calming, which will add a layer of safety for pedestrians and cyclists. The developer will widen Pius Way to bring it up to the current city standards.

A traffic impact study was completed by Abelin Traffic Services. From that study it was determined that the maximum daily trips from this subdivision would be 3,590 trips. This is determined using the maximum units that could be permitted based on the area of the lots. This will provide a true maximum impact when the exact uses are not known. The primary access is by George Elmer Drive, which is included in the Mullan BUILD Grant improvements. Roundabouts, as in the previous presentation, were detailed again. George Elmer Drive and Cattle Drive is the main entrance used by 44 Ranch and Flynn Ranch and an upgrade to that intersection with a roundabout is also in design as a city project. There are plans for George Elmer Drive to connect to West Broadway, near the airport. This is included in the BUILD grand but funding for that portion north of

England Boulevard has not been secured. Mountain Line supports the planning for future transit along George Elmer Drive, but the population is not sufficient to support it yet.

Mr. Hammerstein presented a Mullan BUILD Grant map and timeline showing projects coming on line as well as those projects without secured funding.

Mr. Swartz provided details of the Mcnett Flats timeline:

- Winter 2021 - Planning Board and City Council review for annexation and subdivision. Final design and permitting of public roadway and utility improvements.
- March 2021 - Approval of Mcnett Flats annexation and subdivision. Construction of public roadways and utilities in Mcnett Flatts to commence.
- Spring 2021 - Site design and permitting process to begin for initial development in Mcnett Flatts. Each lot designed and permitted individually. Construction of George Elmer Drive and Mcnett Flatts roadways to continue. First BUILD grant projects move to construction
- 2021 - Construction of first private developments in Mcnett flats begins
- 2022 - Potential initial occupancy of Mcnett flats private developments. Anticipate the completion of construction for prioritized BUILD grant projects.
- 2023+ - Final occupancy of Mcnett Flats determined by pace of design, permitting and construction of private developments on each lot.

Includes installation of utilities:

- Public water and sanitary sewer supply, capacity based on maximum allowable density
- Infiltration of storm water runoff - NewFields, Inc. preformed hydrogeologic evaluation
- Minimal impact on groundwater evaluations and nitrate concentrations beneath the site
- Addition bioretention for removal of sediment and nutrients from storm water runoff prior to infiltration

The developer prefers a cash in lieu donation to support existing parklands, that value is estimated at \$257,000. The proposed subdivision is within the 44 Ranch park service area and the collector road, George Elmer Drive, is sometimes treated as a barrier to parks. Traffic calming and the addition of a reflective trail crossing at the Pius Way intersection will allow residents on the east end of Mcnett Flats to safely cross George Elmer Drive and use the well-established city park at 44 Ranch, which is only .4 miles away. A nearby conservation easement to the southeast adjoins the Flynn Ranch subdivision.

**PUBLIC COMMENT OPEN [7:23 p.m.]**

[<https://www.youtube.com/watch?v=gLmpgdrJUkE> Time 1:26:26]

Brent Sperry was concerned about the proposal, which is adjacent to his property. Although these will be three to four story apartment buildings overlooking this back yard, his biggest concern was the impacts to traffic. The Remington Flats, Mcnett Flats, and Heron's Landing subdivisions will be adding 6,000 to 7,000 vehicle trips per day, with the BUILD grant will be directing out either England Boulevard or Mullan Road; all additional traffic will be directed through residential neighborhoods. He asked if a study had been done on Mullan Road to see if it could handle the increased demands. It also concerns him that a major collector street will run through the middle of an apartment complex.

John Hancock lives on Granary Road, in Flynn Ranch, about a block from the southeast boundary of the Mcnett subdivision. He is a past member of the Capt. John Mullan council and has taken the time to understand the details of various subdivisions. Mr. Hancock stated that Mcnett Flats presents challenges in the "grab bag" of mixed used. Remington Flats to the west and Heron's Landing to the south did not seek to build apartments. He asked if board members if they had not traveled the length of George Elmer Drive, he would advise them to do so. Flynn Ranch and 44 Ranch have a single apartment within them. A tour of the area should be conclusive that there are different housing forms: cottages with significant differences in both size and affordability, a trend which Heron's Landing intends to follow. Mr. Hancock stated that he does not oppose growth; however, the developer's representative has refused to affirm nor deny that this zoning is for the purpose of building an estimated 650 apartments in three-story apartment buildings. It is the high-rise apartments that will significantly upset the beauty and character of the neighborhood. He learned of this project last fall and brought up a potential snow removal issue on a private road in Flynn Ranch leading into the new subdivision. Ward two council members visited Flynn Ranch, surveyed the impacts to the area and may have interacted in some manner with Mr. DeGrandpre. Calls and emails regarding the snow and occurred on numerous occasions and three project representatives met to examine the issue. This occurred with the Flynn Ranch Home Owners' Association Board of Directors committee members and concerned citizens. Unfortunately, Mr. DeGrandpre had to cancel at the last minute due to a health issue and the meeting was not rescheduled and the issue remains unresolved. Mr. Hancock stated that the overall intent of Tipperary Trail is to extent well east of Mcnett Flats, extending to Flynn Lane, to give school children the opportunity to walk or bike to Hellgate Elementary School. The Mullan BUILD representatives have not been able to get an easement, and now, approximately 270 acres are up for sale with no certainty that a new owner will grant the right-of-way. The original plan for the extension of Tipperary Trail was rejected by the landowner, leaving the certainty of the trail in doubt. He stated that the Engage Missoula website was late in accepting public questions. He recommends delaying approving the request until more it time is given for the public to weigh in, as the Mullan BUILD is close to holding a final series of public meetings that give a clearer picture of the path ahead. He asked planning board members to review a statement from the Missoula Airport in connection to this project, which is not on the [Engage Missoula website](#). Mr. Hancock offered his availability to conduct tours and provide information on both snow removal and flood concerns from a nearby irrigation ditch that could harm the trail. Mr. Hancock thanked board members for their time.

**PUBLIC COMMENT CLOSED [7:36 p.m.]**

**PLANNING BOARD QUESTIONS/COMMENTS [7:36 p.m.]**

Ms. Hassanein had questions on the review and approval process for annexation, zoning, and subdivision. Mr. DeGrandpre stated that subdivisions, annexations, and zonings can proceed concurrently, although they are three distinct procedural steps. Montana law sets this up. This property is within the city's preferred area for annexation, area A. Annexation in this area meets some, if not all, of the guidelines for annexation. City council adopted a resolution of intent to annex the property and apply the B2-2 zoning. Annexation will need to come first for city council to have the authority to apply the zoning and to review the subdivision application.

Mr. Caristo asked if city council would consider the rezoning, annexation, and subdivision at the same time. Mr. DeGrandpre stated that it was true, and was detailed in the staff report, along with opportunities for the public to comment and weigh in.

Ms. Hassanein asked about annexation area A. Mr. DeGrandpre stated that there were criteria for annexation, and there is no guarantee of annexation.

Mr. Loomis noted that the staff report stated that according to MC three significant findings needed to be met. Mr. DeGrandpre stated that the annexation and zoning policy needs to meet one of three criteria. Mr. Loomis noted that the development potential for this area under the Skyway Master Plan [formerly the Mullan Area Master Plan] and form-based code, would be significantly different from B2-2. Mr. DeGrandpre answered that the Skyway Master Plan and form-based Code was adopted and went into effect in the December 2020/January 2021 timeframe. There is a section in Montana subdivision law that states that the rules that apply are the ones in effect when the application is deemed sufficient. The way the plan is written, this property is not in the Mullan area form-based code area until annexed. The Mullan Master Plan requires urban services of sewer, water, density. The application was started a year ago and was deemed sufficient prior to the passing of the Mullan Master Plan. Both the growth policies for the city and the county recommend urban scale mixed-use development in this area. It was noted that the city did not put a moratorium on development applications for this area, and although they could have adopted interim zoning, they did not.

Ms. Lauer asked about streets and parks; typical regulations require a 90-foot ROW, can all goals be accomplished using the proposed 64 and 80-foot ROWs? Mr. DeGrandpre stated that the rules were developed many years ago, and the extra space was for the possibilities of additional future facilities. Traffic concepts have changed since that time, when traffic lanes were larger to enable faster movement of vehicles. Now there are tighter spaces, bulb-outs at intersections, and other traffic calming devices. Ms. Lauer asked how this would affect transit. Mr. Hammerstein stated that the comment received from Mountain Line was specifically directed toward George Elmer Drive, which is included in the BUILD grant improvements, so the design of it is out of their control. Ms. Lauer noted that the traffic impact study for Abby Lane listed 1,000 trips per day to the east and 2,000 trips per day to the west. The comments from the transportation department noted that it could be elevated to a collector road due to the projected volume. Ms. Lauer asked if there was ever a discussion about pocket parks vs. a large dedication of land. Woith Engineering stated that the staff recommendation was like having pocket parks, as opposed to one large park.

Mr. Morrissey asked how many more subdivisions/projects were grandfathered in, that had yet to come forward for approval. Mr. DeGrandpre stated that there were none that they had not already seen. Mr. Morrissey asked about the seven lots and consideration

of future subdivision. He asked if the intent was for the construction of apartment style buildings on these lots, and not necessitating further subdivision. Mr. Swartz stated that the lot sizes were flexible so that if they sold to different developers with different plans, that further division would be done under the form-based code. Mr. Caristo asked Mr. DeGrandpre to follow up. Mr. DeGrandpre stated that they were discussing the subdivision of land, but also attempting to evaluate the potential impacts due to land use. Developers are not required to detail what may or may not be constructed in the future as market and economic conditions change. Mr. DeGrandpre advised the board to do their best to determine if the project complies with the criteria under subdivision rules. Mr. Morrissey asked about potential impacts to bus stops with the change in ROW width on George Elmer Drive. Mr. Swartz stated that this was one of the reasons they offered up the additional five-foot easements on either side of George Elmer Drive, which will provide options for the city engineer in the future.

Mr. Schroeder noted that a comment from Ben Brewer, City of Missoula, Associate Planner, stated that this area should have been included in the Mullan area master plan and form-based code. Mr. DeGrandpre stated that a difference in opinion was not uncommon. Mr. Swartz stated that the subdivision application before the board was deemed sufficient prior to adoption of ~~Sxwtpqyen~~ [formerly the Mullan Area Master Plan] Master Plan and form-based Code so it is reviewed under Title 20, the subdivision and zoning rules existing at the time it was deemed sufficient. This project was under way mid-2019, prior to the initial design charrettes on the form-based code in March 2020.

Mr. Sewell had a process question regarding potential trajectories of this project. Mr. DeGrandpre stated that if there was further division of any of these lots, greater than five lots, it would come back to the planning board. Mr. Sewell asked about the city council conditions of approval for annexation and the parkland dedication associated with that. Mr. DeGrandpre stated that the conditions for annexation and subdivision are recommendations of staff, and still need to be approved by city council. Mr. Sewell asked about the commends from the airport administration. A small corner of this parcel in within the airport influence zone, and the airport administration voiced some objections. Mr. DeGrandpre had not seen those comments. Mr. Sewell stated that those comments were included in the developer's application packet. Mr. Woith affirmed that part of this property is within the airport influence area, and that has been acknowledged within the covenants; there will be impacts of noise from the airport, and this will in the recorded documents.

Mr. Mefford found the process interesting. There had been an extreme amount of public vetting for the Mullan plan, and the airport was opposed the density proposed for the Mullan Plan as well; however, it was not deemed sufficient enough to acknowledge. He provided another example of the BUILD transportation system and multi-modal transportation goals. Mr. Mefford found it interesting that there were no comments from CFAC regarding the loss of agricultural lands and zero mitigation.

Ms. Hassanein was concerned about ag land mitigation and park dedication. Cash in lieu for parkland dedication cannot be used for maintenance of other parks. She was bothered that the planning board was not given an understanding of what was going to be built and the associated impacts that it could cause to traffic. Mr. DeGrandpre explained that a roundabout is scheduled to be constructed at the intersection of Mullan Road and George Emler Drive, and it is currently in the 90% design phase and

construction will start this summer and be completed by November of next year. Ms. Hassanein voiced frustration at not knowing the number of units in this proposed subdivision, and if the roundabout would be sufficient for this subdivision. She was also concerned if Mountain Line would serve this area. Mr. DeGrandpre stated that improvements through the Mullan BUILD grant, which this developer must participate in in the form of impact fees, will accommodate this development as well as other planned developments. Ms. Hassanein asked Mr. DeGrandpre to again speak to the number of units under consideration, what it would look like, traffic projections, and parking options. Mr. DeGrandpre explained that it is a process. Not all answers are available at this time. This is the subdivision of land; if this property is subdivided and a final plat is filed, and someone wants to build on one of the lots; then that party must come to the City with a proposal for a structure along with parking, landscaping, and meeting all the city requirements through a building permit site plan process. If they want to subdivide into more than five lots, then it would come back to the planning board. Ms. Hassanein found it regrettable that the form-based code could not be used for this situation.

Mr. Loomis asked about density for the build-out of B2-2. Parking can be on the surface, or take many different forms, depending on final design. What densities does B2-2 commercial officer? Ms. Gluckin stated that B2-2 allows up to 1,000 square feet per dwelling unit; space is deducted for parking and landscaping. Mr. Swartz identified that the maximum units, which was included in the traffic impact, water, sewer, and stormwater studies, was 650 units. Typically, residential units push the traffic counts higher than commercial development. Mr. Woith clarified that building permits have criteria for every building site, whether it is residential, single-family, duplex, or multi-family. There are parking, setback, and landscape requirements, and all of this is listed in the code; all of which must be met by the builder.

Mr. Morrissey asked if anyone wanted to hear from Mr. Abelin on the traffic study. Mr. Caristo stated that this information had been provided in the meeting documents.

#### **PLANNING BOARD DISCUSSION ON THE MOTIONS [8:23 p.m.]**

Mr. Schroeder stated that the applicant worked within the rules in place at the time the application was deemed sufficient; although he agrees with Mr. Brewer, from Development Services, the rules should not be modified nor altered to be consistent with the recently passed master plan and form-based code.

Ms. Lauer agreed with Mr. Schroeder, the developer played by the rules in place when their application was deemed sufficient. She was concerned about condition number 14, which specifically called out Abby Lane. She felt that this road was going need more substantive bicycle infrastructure than currently proposed, given the traffic impact study. Urban collector would be a better street designation urban local. B2-2 does not preclude a lot of the features or the spirit of the Sættipqyen Plan; there could still be mixed use, high density residential, and commercial.

Mr. Loomis agreed that this subdivision application was sufficient prior to the passing of the Sættipqyen Plan but is still unable to support it as he does not feel it meeting the growth policy standards of neighborhoods of mixed use and does not agree with the findings of fact in the staff report.

Ms. Hassanein stated she will be voting against it. Although the applicant played by the rules, but she feels that the planning boards' obligation is to look at the findings of fact and law and to consider the larger community. Subdivision review is set by state law, and Ms. Hassanein felt that this plan did not have a good parkland dedication plan. There are also unaddressed impacts to ag land and ag water. As this property is still in the county and is part of a major planning area. She did not feel the public interest was being served by the proposal. A tremendous amount of time and money had gone into the Sxwtpqyen Plan and she felt it was erroneous to exclude using it. She stated that the housing policy is not a criterion in subdivision review, so if that can be considered with this proposal, so too should the Sxwtpqyen Plan.

Ms. Lauer stated that parkland was identified in one of the conditions. She asked if other board members who felt that the Sxwtpqyen Plan was not the spirit of the plan could speak in greater detail on that, since the applicant was not required to disclose actual plans. Ms. Hassanein stated that all development must abide by certain design standards; this proposal is apartment housing on farmland and reiterated that right now the land is zoned in the county. She felt annexation should have happened first to meet the requirements.

Mr. Schroeder provided a developer's perspective. This proposal will meet the density requirements for neighborhood mixed use; the density does not concern him, as he feels that density is needed in this location. He was concerned about the type of density and diversity of product - the form in which the community takes shape, i.e., commercial, parkland, open space, and residential.

Mr. McCoy felt there is a need for development; and although he agrees with Mr. Schroeder, he struggles to balance this with public comment and opinion.

Mr. Sewell places a high level of placemaking and value in the community. He will vote yes, as this proposal followed the rules that were in place at the time.

Mr. Pham asked if another board member could explain an ideal outcome in this situation. Mr. Caristo stated that this would have a different look with the Sxwtpqyen Area Plan. Ms. Hassanein stated that the point is that they really do not know. Mr. Schroeder stated that under the form-based code a mixed use community offers a diverse set of use types within the community vs. three-story garden style apartment buildings.

**Moved by:** Josh Schroeder

**Seconded by:** Sean McCoy

APPROVAL of the Mcnett Flats Subdivision, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

AYES: (6): Tung Pham, Josh Schroeder, Andy Mefford, Micah Sewell, Caroline Lauer, and Vince Caristo

NAYS: (3): Neva Hassanein, Sean McCoy, and Dave Loomis

**Vote results: Approved (6 to 3)**

**Amendment:**

**Moved by:** Caroline Lauer

**Seconded by:** Neva Hassanein

**AMENDMENT:** MOTION to amend conditions of approval, to remove Abby Lane from condition #14, and recommend that Abby Lane accommodate 6' minimum protected bicycle lanes on both sides of the street, similar to the bicycle lanes proposed for George Elmer Drive.

AYES: (6): Neva Hassanein, Tung Pham, Josh Schroeder, Dave Loomis, Micah Sewell, and Caroline Lauer

NAYS: (3): Andy Mefford, Sean McCoy, and Vince Caristo

**Vote results: Approved (6 to 3)**

**Moved by:** Andy Mefford

**Seconded by:** Caroline Lauer

2. APPROVAL of the variance request from Section 3-020 Table .2A, which required a minimum 80-foot right-of-way for an Urban Local Street, to allow a 64-foot right-of-way for Old Ranch Road.

AYES: (9): Neva Hassanein, Tung Pham, Josh Schroeder, Andy Mefford, Sean McCoy, Dave Loomis, Micah Sewell, Caroline Lauer, and Vince Caristo

**Vote results: Approved (9 to 0)**

**Moved by:** Andy Mefford

**Seconded by:** Micah Sewell

Variations:

1. APPROVAL of the variance request from Section 3-020 Table .2A, which requires a minimum 90-foot right-of-way for an Urban Collector with Parking, to allow an 80' right-of-way for George Elmer Drive.

AYES: (8): Neva Hassanein, Tung Pham, Josh Schroeder, Andy Mefford, Dave Loomis, Micah Sewell, Caroline Lauer, and Vince Caristo

NAYS: (1): Sean McCoy

**Vote results: Approved (8 to 1)**

**Moved by:** Caroline Lauer

**Seconded by:** Tung Pham

3. APPROVAL of the variance request from Section 3-020 Table .2A, which requires a minimum 80-foot right-of-way for Urban Local Street, to allow 64-foot rights-of-way for Winchester Drive, Briar Way, Remington Drive, and Abby Lane. (strike Abby Lane in order to provide protected bicycle lanes on both side of the street.)

AYES: (6): Neva Hassanein, Tung Pham, Josh Schroeder, Dave Loomis, Micah Sewell, and Caroline Lauer

NAYS: (3): Andy Mefford, Sean McCoy, and Vince Caristo

**Vote results: Approved (6 to 3)**

**Moved by:** Micah Sewell

**Seconded by:** Neva Hassanein

4. APPROVAL of the variance request from Section 3-030.2.A(2) to allow a block length longer than 480 feet on Lot 1.

5. APPROVAL of the variance request from Section 3-030.2.A(2) to allow a block length longer than 480 feet on Lot 6.

AYES: (7): Tung Pham, Josh Schroeder, Andy Mefford, Dave Loomis, Micah Sewell, Caroline Lauer, and Vince Caristo

NAYS: (2): Neva Hassanein, and Sean McCoy

**Vote results: Approved (7 to 2)**

**Amendment:**

**Moved by:** Neva Hassanein

**Seconded by:** Vince Caristo

AMENDMENT to variance #4 and #5 that the Developer provide a path for public access in the areas indicated as 10-foot public access easements in lots one (1) and six (6).

AYES: (3): Neva Hassanein, Josh Schroeder, and Vince Caristo

NAYS: (6): Tung Pham, Andy Mefford, Sean McCoy, Dave Loomis, Micah Sewell, and Caroline Lauer

**Vote results: Failed (3 to 6)**

**Moved by:** Caroline Lauer

**Seconded by:** Neva Hassanein

6. APPROVAL of the variance request from Section 3-020.3.H(2), which requires dedication of right-of-way on abutting existing streets to meet the requirements of Table .2 A, to allow a 54-foot right-of-way to be maintained on Pius Way.

AYES: (8): Neva Hassanein, Tung Pham, Josh Schroeder, Andy Mefford, Dave Loomis, Micah Sewell, Caroline Lauer, and Vince Caristo

NAYS: (1): Sean McCoy

**Vote results: Approved (8 to 1)**

**8. Committee Reports**

No committee reports.

**9. Old Business**

No old business.

**10. New Business and Referrals**

There was no new business.

**11. Comments from MCPB Members**

Mr. Pham asked if a policy on broadband access existed for new developments. No policy available nor provided at this time.

Mr. Caristo had a conversation with Mr. Jordan Hess, City Council Member and Chair of the Land Use and Planning (LUP) Committee. They spoke of having more cross communication between the Planning Board and LUP in the future.

Mr. Morrisey felt that the planning board should have had more involvement in the rezoning associated with the hearing.

Mr. Sewell attended the remote county commissioner's meeting to listen to their discussion on the O'Keefe Ranch Estates hearing, which was on the January 5, 2021 Planning Board agenda. The commissioners unanimously approved the request, and council stated that zoning requests cannot be denied based solely on growth policy documents, which is in state law.

Ms. Hughes, CAPS, confirmed Mr. Sewell's comment. CAPS used to produce a memo with a report of decisions made on previous hearing agenda items; that can be revived if there is interest among the board members.

**12. Adjournment**

Mr. Caristo adjourned the meeting at 9:50 p.m.