

## Plat, Annexation and Zoning Committee Minutes

October 14, 2009

10:05 am – 10:30 am

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Bob Jaffe (Chair), Ed Childers, Dick Haines, John Hendrickson, Renee Mitchell, Stacy Rye, Pam Walzer, Jason Wiener, and Jon Wilkins.

**Members Absent:** Lyn Hellegaard, Marilyn Marler, Dave Strohmaier.

**Others Present:** Brian Derry, Janet Rhoades, Mary McCrea, Jim Nugent, Denise Small.

### I. Approval of Minutes

October 7, 2009 not available.

### II. Public Comment on Items not on the Agenda

### III. Staff Announcements

### IV. Consent Agenda Items

### V. Regular Agenda Items

- A. Adopt findings of fact and conclusions of law for Sonata rezoning & subdivision, which was approved by City Council on December 17, 2007 ([memo](#)).—Regular Agenda (Janet Rhoades) (Referred to committee: 09/28/09) (REMOVE FROM AGENDA)

**MOTION:** The committee recommends the City Council adopt and approve [the attached findings of fact and conclusions of law](#) for Sonata Park Rezoning and Subdivision, set forth in the document prepared for the September 30, 2009 PAZ Meeting, and subsequently amended by PAZ.

Janet Rhoades stated she would answer questions and/or record requested changes to the proposal. Ms. Rhoades was aware of one committee correction, which was the Finding #21 on page 11 of the Zoning Section was a duplicate to the Findings #7 on page 27 of the Subdivision Section. She was not aware of any other changes requested by the Committee.

#### Discussion:

- Ed Childers asked if a decision had been made on who should vote on this issue.. Chair Jaffe replied that only those Council members who had voted on the subdivision on December 17, 2007 would vote at the October 14, 2009 PAZ meeting and the newer members would abstain.. Mr. Childers asked if there needed to be formal determination of who was eligible to vote on adopting the findings. Jim Nugent stated there were no rules and regulations to guide the committee in this case. He pointed out that eight of the original twelve Council members still served on the City Council. If the vote remained the same, the majority would still support that 2007 decision which would prevent the four new members from having to vote.
- Renee Mitchell reiterated her decision to abstain from voting, noting that she did not serve on the City Council at the time of the December 2007 vote.
- Stacy Rye thanked Janet Rhoades for her work on the Sonata Park Subdivision project. Ms. Rye also acknowledged the past involvement and contribution of Jennie Dixon, the original staff planner involved in the project, citing her accountability and thorough work.
- Jon Wilkins asked Janet Rhoades to clarify the color coding of text used in the Findings of Fact and Conclusions of Law. Ms. Rhoades explained the color coding:

- Black text was adapted from the staff report. The voice was changed to reflect that of Council and not staff. Tense was changed to reflect the action taken.
- Green text reflected Council's actions, which included conditions that Council added and the findings to support those conditions.
- Blue text reflected additions from the public record, including public meeting minutes. This was what Council heard and represented the evidence they weighed in the decisions they made.
- Ed Childers expressed appreciation for the "excellent work" that Ms. Rhoades did in compiling the Findings of Fact and Conclusions of Law. He felt this document would clarify the reasoning behind Council's actions in December 2007.

Stacy Rye made a **motion** that the attached findings of fact and conclusions of law for Sonata Park rezoning and subdivision set forth in the document prepared for the September 30, 2009 PAZ meeting and subsequently amended by PAZ be adopted and approved by the Council. The vote passed with six votes of 'aye' and three abstentions (Jason Wiener, Pam Walzer and Renee Mitchell). This item will go on Committee Reports.

Jon Wilkins asked if the committee should be polled individually on today's vote. Chair Jaffe stated that would happen during the October 19, 2009 City Council meeting.

## VI. Items to be Removed from the Agenda

### VII. Held in Committee or Ongoing in Committee

1. Annexation. (see separate list at City Clerk's Office for pending annexations) (Ongoing in Committee)
2. Update the Rattlesnake Valley Comprehensive Plan Amendment ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 04/02/07)
3. Discuss council's interest in pursuing a negotiated settlement over disputed trail conditions for Clark Fork Terrace No. 2 Subdivision ([memo](#)).—Regular Agenda (Mayor Engen/Jim Nugent) (Referred to committee: 02/25/08)
4. Request to rezone the property legally described as Lot 3 of Scott Street Lots Subdivision, located in Section 16, T13N, R19W, P.M.M. form D (Industrial) to I-1 (Light Industrial), based on the finding of fact and conclusions of law. (PAZ [05/21/08](#)) (Returned from Council floor: 6/2/08)
5. Correct the conflict in the height calculation regulations, between written language (a building envelope shall be established by showing the maximum vertical height allowed by zoning from finished grade) and the drawing on [page 151](#) of the [Zoning Ordinance](#).—Regular Agenda (Ed Childers) (Referred to committee: 3/27/06)
6. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
7. Consider an interim emergency ordinance for proposed amendments to the City Zoning Ordinance, Chapter 19.90 Signs ([memo](#)).—Regular Agenda (Tom Zavitz) (Referred to committee: 12/15/08)
8. Consolidated Public Review Draft of the Missoula City Zoning Ordinance submitted by Duncan Associates to the Missoula Consolidate Planning Board for its review and recommendation ([memo](#)).—Regular Agenda (Roger Millar) (Referred to committee: 02/09/09)
9. Discussion of OPG's [task list](#) and workload ([Urban Initiatives work plan](#)).—Regular Agenda (Mike Barton) (Referred to committee: 06/12/06)
10. Develop policies and procedures regarding ag land mitigation ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 06/01/09)
11. Appoint one member to the Historic Preservation Commission an "At Large" position for the term commencing immediately through December 31, 2012, and appoint one member to the Eastside sector for the term commencing immediately through December 31, 2011 ([memo](#)).—Regular Agenda (Kelly Elam) (Referred to committee: 08/24/09)

12. Discussion on assuring the currency of growth policy amendments ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/08/08)

### **VIII. Adjournment**

The meeting adjourned at 10:20 a.m.

Respectfully Submitted,

**Denise Small**  
Administrative Secretary  
Office of Planning and Grants

*The recording of these minutes is available in the City Clerk's Office (for up to three months after approval of minutes). These minutes are summary and not verbatim.*