

Plat, Annexation and Zoning Committee Minutes

December 14, 2011

10:05 a.m. – 12:00 noon

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe, Ed Childers, Dick Haines, Lyn Hellegaard, Marilyn Marler, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener, Jon Wilkins, Cynthia Wolken

Members Absent: None

Others Present: Bruce Anderson, Mike Barton, Kari Brittain, John DiBari, Jason Diehl, Amy Fisher, Jen Gress, Doug Harby, Gordy Hughes, Nick Kaufman, Laval Means, Jim Nugent, Tyler Reed, Kevin Slovarp, Jeff Smith, Tom Zavitz, Deni Forestek,

I. Approval of Minutes for [December 7, 2011](#)

The minutes were approved as presented

II. Public Comment on Items not on the Agenda

Kari Brittain asked the Committee to revisit the Resolution repealing resolution No. 7404 and declaring the annexation of Lots 53 and 54 Dinsmore's Orchard Homes No. 5 null and void. Chair Jaffe will explore this.

III. Staff Announcements

IV. Consent Agenda Items

V. Regular Agenda Items

1. Appoint one member to the Consolidated Planning Board for a regular position for the term beginning January 1, 2012 and ending on December 31, 2014. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 12/05/11) **REMOVE FROM AGENDA**

MOTION:

The Committee recommends that City Council reappoint John DiBari for a regular position for the term beginning January 1, 2012 and ending on December 31, 2014.

Tyler Reed

Mr. Reed was born in Missoula, graduating with a Civil Engineering degree. He enjoys living in Missoula, has always wanted to be involved with his community and felt Planning Board was a good place to start.

His responses to the [Interview Questions](#) were:

1. Mr. Reed felt the most major land issue is transportation. Missoula is unique because of the rivers and the bridges need to be addressed to mitigation congestion. Open space, affordable housing, and future development and transportation are important concerns and Planning Board influences these.
2. Mr. Reed felt that development was always going to be contentious. It is the Planning Board's responsibility to listen to the concerns of the public and find compromise. He felt, however, that the Board should weigh these concerns against the regulations and make a balanced and educated decision.

3. The Planning Office is usually the first step with developers to make sure they are meeting the regulations and requirements. Since there will always be controversy, the Planning Board needs to take this into consideration.
4. Mr. Reed understood the Planning Board is important in decision-making process with their recommendations. He does not think there were ways to improve it at this time.
5. The Planning Board cannot make rules or ultimate decisions; however, they can look a lot closer at an issue than the governing bodies and make sure the project meets all rules and regulations before making a recommendation.
6. He would absolutely have the time for the work and felt that the knowledge on these projects beforehand would give him the confidence to make a well thought out decision.

Renee Mitchell asked Mr. Reed for his opinion on the College of Technology's plan for expansion and what he felt about this expansion taking place in either the golf course or Fort Missoula.

Mr. Reed responded that he felt it was important to look at every possible option before potentially impacting a golf course. In terms of the College of Technology, he believed they did need land; however, he would look at other options, brainstorm, and find alternate locations.

John DiBari

Mr. DiBari enjoyed serving on the Planning Board and felt he contributed during his tenure. One of the things he felt was important that he has worked in a planning department and has a Ph.D in Ecology. He has tried to apply his expertise in land use to a number of issues while on Planning Board. He is a student of land use planning and has an interest with working with the public, developers and decision-makers.

1. Mr. DiBari has been part of land use issues while on the Planning Board. One of the things he felt was going to be important in the future was transportation-related issues in conjunction with land use, housing and natural resources. He does not foresee a variety of large planning issues such as Title 20; however, he looks forward to revision of the regulations and working on individual requests.
2. Mr. DiBari felt it was important to consider public opinion but he felt that was something that would fall into the realm of the governing bodies. He felt it was important that the project jives with the community and meets regulations.
3. Mr. DiBari felt that some of the issues that come up with the Planning Office is the public's perception of unpredictability. He felt that the Planning Offices has made great strides to give a clear picture of the regulations. There is a difference of opinion of how the public think things should happen and this perception will probably not change.
4. Mr. DiBari has been a member of the Planning Board for three years and he felt he was well-acquainted with the role. He felt that the recent proposed changes to how the Planning Board will advance issues with a referral process has been important.
5. Mr. DiBari felt that the Planning Board should work together synergistically to provide technological expertise and citizen input in how the community grows. They are an important sounding board for filtering public comment for the governing bodies.

In response to Ms. Mitchell's question regarding the College of Technology's plan for expansion taking place in either the golf course or Fort Missoula:

Mr. DiBari felt that was likely not within the purview of the Planning Board; however, from a land use consideration, it would be important to look at leveraged infrastructure, what kind of neighbor the College of Technology would be, and parking issues. He felt that the golf course provided more than a function of recreation, that it served other roles and he would hate to see the activities be dispersed. He would put careful thought into development and try to find a place where the College of Technology could fit within the community.

Jon Wilkins made the **motion** to nominate John DiBari for reappointment.

Renee Mitchell felt that Mr. DiBari's contribution to the Planning Board has been useful; however, she would like to support Tyler Reed. She felt the boards were too homogenous and she would like to see someone with a more diverse opinion.

The motion to reappoint John DiBari passed with Renee Mitchell voting against.

2. Consider a request to apply a phasing plan to the Stonybrook Subdivision. ([memo](#))—
Regular Agenda (Tim Worley) (Referred to committee: 12/12/11) **HELD IN COMMITTEE**

MOTION: The Committee recommends that City Council approve the request to phase Stonybrook Subdivision as shown on the Phasing Plan dated December 2011 subject to the conditions of approval as amended.

Tim Worley presented this request from WGM group. The subdivision was granted a plat extension in October until December 19, 2011. In the interim, City Council asked for more information on the flooding issues. This request is to apply a 6-phase phasing plan to allow the subdivision to develop more slowly. Staff is in support of the request with conditions of approval outlined in the [presentation](#).

Nick Kaufman, Jeff Smith, and Bruce Anderson of WGM were present to answer any questions. Mr. Kaufman explained that they have been working with Todd Klietz and Tim Worley to create the [presentation](#) that will address any concerns about the nature of the flooding, what can be mitigated to address it and the phasing plan.

Questions and comments from the Committee:

- Mr. Wilkins wondered what would happen when the fill goes in, what will this do to the neighbors? Mr. Smith felt that the fill would have no effect on the upstream properties because the water was not moving through the site. The road will be used as a path for runoff if it were to enter the site.
- Lyn Hellegaard felt that the residents of that area could bear the brunt of this mitigation with SIDs for stormwater.
- Mr. Wilkins felt they were creating islands and that the water will have no place to go and the water table was already high. Todd Klietz, Floodplain Administrator, explained that adding fill to the surface would not impact the groundwater. He felt that WGM did a great job of looking into the impact and taking that into consideration for the subdivision.
- Mr. Jaffe wondered about the common areas—how will they be accessed? There will be a primitive trail to the common area to provide access.
- Mr. Jaffe wondered why there was a condition to remove public access to the common areas. Mr. Kaufman understood that the City Parks Department recommended no public access due to City liability; however, if the developer wanted to provide public access to the common areas and walkways, that was their prerogative. Mr. Jaffe was not supportive of prohibiting public access; he felt that public access to the river should be provided.

Public comment:

Kari Brittain, 750 Tox Drive, was not impacted by the floods but found it interesting that there was water when Mr. Kaufman said it was dry. She felt that changes upstream created changes downstream. She noted that WGM referenced sandbags diverted floodwater; however they contend fill will not have an impact. She felt that this would bring potential lawsuits.

Stacy Rye made the **motion** to approve the phasing plan.

Pam Walzer wondered if there was language to revisit each phase of the phasing plan. Tim Worley would have it available for Monday night. Stacy Rye accepted this as a friendly amendment.

Discussion on the motion:

- Mr. Wilkins could not support this, he felt it would hurt the neighbors and the residents of the subdivision. He felt it would open the City up for lawsuits.
- Todd Klietz corrected some issues in the WGM presentation. They referenced the 1998 DFIRM, which is incorrect and said the area they identified as floodway was incorrect, the floodway is farther north.
- Ms. Walzer asked if the subdivision was in the floodplain. Mr. Klietz said the area adopted by FEMA shows the floodplain is in the open space area, the areas of development are outside the floodplain.
- Mr. Wilkins felt that the FEMA maps were wrong and witnessed this during the flood event. He felt there was no control over the river and that ice jams could cause problems.
- Ed Childers felt that if they rejected the motion, it would have no noticeable effect on the people in the floodplain; if they approve the motion, it will have no noticeable effect on the people in the floodplain. He can think of no possible reason to reject the motion.
- Mr. Jaffe felt the language regarding review of each phasing plan was interesting and would like to explore that further.

Mr. Jaffe would like to add an amendment to allow public access to the 5 acre open space parcel to the north to continue.

Discussion on the amendment:

- Mr. Childers would vote against the amendment.
- Jason Wiener would vote against the amendment because of possible legal ramifications.

The amendment failed with Mr. Jaffe and Ms. Wolken voting for it, the rest of the committee opposed.

The phasing plan motion passed with Ms. Hellegaard, Mr. Haines, Mr. Wilkins and Ms. Mitchell voting nay. The topic will go under Committee Reports.

3. A [resolution](#) to adopt amendments to the City of Missoula Subdivision Regulations, Article 3 entitled "Subdivision Design Standards," Section 3-020 entitled "Streets, Access and Transportation." ([memo](#)) ([PAZ](#)) ([PAZ 11/30/11](#)) (Returned from council floor: 12/05/11)

HELD IN COMMITTEE

Tom Zavitz showed three examples of streets in residential areas and encouraged the Committee to experience these streets to see how they felt regarding safety. The narrowest street width was 20-feet of drive lane and 7-feet parking lanes on either side, for a total of 35-feet of street.

Kevin Slovarp, City Engineer, clarified that this was not 35-feet of pavement width, it's actually 33-feet, not including curbs and gutters.

Mr. Jaffe asked Fire Chief Diehl why the fire department recommended 20 feet driving lane width. Fire Chief Diehl reported that firefighters need the width to work safely and access equipment as well as to allow multiple units to respond to an emergency. This is the minimum clear space that is recommended nationally.

Ms. Walzer measured her street, which she always felt was rather narrow and discovered that it has 20 feet of drive lane. She thought that it was a good idea for others to do the same.

Mr. Zavitz illustrated another option of a narrow street with 7-feet of parking and a 20-foot drive lane that would have a no parking area every 200 feet. Mr. Wiener felt he could not support this, there was no real way to enforce the no parking rule and emergency vehicles would not have access.

The Committee continued the hearing until next meeting.

V. Items to be Removed from the Agenda

VI. Held in Committee or Ongoing in Committee

1. Annexation. (see separate list at City Clerk's Office for pending annexations) (Ongoing in Committee)
2. 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)
3. Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
4. Resolution repealing resolution No. 7404 and declaring the annexation of Lots 53 and 54 Dinsmore's Orchard Homes No. 5 null and void. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 01/10/2011)
5. Amendment Article 7. Error Corrections and Adjustments to the subdivision regulations to allow for restrictions or conditions placed on a plat by the governing body to be amended or removed by a future council. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/07/11)

VII. Adjournment

The meeting adjourned at 12:01 p.m.

Respectfully Submitted,

Deni Forestek
Recording 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.