

Plat, Annexation and Zoning Committee Minutes – Corrected

March 21, 2012

3:05 to 4:00 p.m.

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe, Ed Childers, Caitlin Copple, Dick Haines, Adam Hertz, Marilyn Marler, Mike O'Herron, Alex Taft, Jason Wiener, Jon Wilkins, Cynthia Wolken

Members Absent:

Others Present: Paul Bohan, Lori Davidson, Mitch Doherty, Jennifer Gursky, Beki Hartman, Asa Holman, Pat Keiley, Susan Kohler, Heather McMillan, Laval Means, Jim Nugent, John Torma, Tom Zavitz, Deni Forestek

I. Approval of minutes for March 14, 2012 – Approved as presented

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

V. Regular Agenda Items

1. Remove impediments to affordable housing development in Missoula: Revise accessory dwelling unit provisions. ([memo](#))—Regular Agenda (Alex Taft) (Referred to committee: 03/12/12) **HELD IN COMMITTEE**

Alex Taft presented his referral to the Committee. He explained that he presented this referral because he felt allowing ADUs in all residential areas would provide affordable housing. He related his observations of University graduates accepting low-paying jobs in order to be able to stay in the area because of the amenities; however, when they wish to start a family or purchase housing, they are forced to move away.

Affordable housing would provide a means for elderly residents to remain in their homes and provide extra income, encourage more economic use of a housing supply, and focus growth inward. The benefits would be to the students, the elderly and new graduates who could qualify for mortgages through the extra income an ADU would provide. New construction could be supplemented by remodeling or building new ADUs; real estate would be helped by a larger supply of rental housing; Mountain Line would get more riders; and the downtown area would benefit by more people living close to the urban area.

He wished to dispel some myths regarding ADUs, which were:

- It would be the end of single family housing in Missoula: there are houses in single family areas that have rental units. There is already a mixed stock of housing. Since ADUs have been allowed, only two have come through. There are some neighborhoods that have private covenants that would not allow ADUs.
- Affordable housing is available in suburbs: this is no longer true since the housing bust, there is not much development going on. He presented a slide showing that the unit cost of infrastructure decreases as density increases.
- This would end owner occupancy if a unit is created, the owner will sell the primary residence to an absentee landlord who would rent out both units: this could be prevented by a deed restriction that the ADU can only be used when the primary residence is owner occupied.

Mr. Taft outlined what he hoped the process would be going forward:

1. Spend time on getting concerns on the table and come up with the best Ordinance possible to achieve their goal.
2. Refer the Ordinance to the Planning Board to discuss.
3. Review the Ordinance in City Council.

Question and comments by the Committee:

- Jon Wilkins felt that when Title 20 passed, the City Council struck a compromise to allow ADUs be legal in multi-family housing districts as a right, but kept them out of the single family residential districts. He believed that single family residences should stay single family and that the ADUs in single family neighborhoods were those that were there before 1975. He did not feel that ADUs were affordable, he knew of three in his neighborhood that haven't sold because they are priced too high. He did not like little infill houses in single family neighborhoods, although it was okay for multi-family neighborhoods. He expressed concern that this would take the character away from a lot of neighborhoods, increase density, and create parking problems. Part of the referral also says to only require one parking spot, which Title 20 does not allow. He is against the referral and sending it to the Planning Board.
- Mr. Wilkins felt that this constituted a change in zoning; therefore, everybody in the areas would need to be personally notified by certified mail, the area would need to post notices in all affected areas, and adjacent property owners notified.
- Adam Hertz asked for clarification regarding the square footage of parcels and whether this would limit allowing ADUs in some areas. Ms. Means explained that ADUs are not included in the density calculation for a parcel. That is how an ADU is different than a second primary dwelling unit. A second primary residence requires two times the minimum parcel area requirement. While ADUs do not have to meet the minimum parcel area requirement per unit they do have to comply with specific design standards and owner occupancy is required in the zones where they are currently allowed.
- Mr. Hertz referred to the City of Polson's Ordinance that allows ADUs in single family districts but as special use with neighborhood notification and Planning Board discussion and recommendation.
- Mr. Childers did not think it was ever said that if Title 20 passed, there would never be anymore consideration of ADUs; he's been expecting this issue to come back to the Committee. He noted one more example that Mr. Taft did not mention: there were a lot of ADUs in single family areas that are not legal, and therefore they have no requirements, no conditions, and no inspections. This could mean that there are health and safety concerns regarding these ADUs. He did not like the idea of people occupying unsafe units.
- Jason Wiener pointed out that in addition to living in a single family neighborhood, he lives in an ADU and there are quite a number on his street. He felt it was incumbent on them to address this issue, as well as the issue of absentee landlords and unsafe properties. He would like to see the stock or existing units approved. He voted for Title 20 and against the amendment limited ADUs to multifamily districts. He thanked Mr. Taft for bringing the referral to the Committee. He looked forward to a deliberative process and would like to hear from the public about it. His concern with conditional use is that there is a risk of approval or not.
- Caitlin Copple was intrigued by the reference Mr. Hertz brought regarding Polson and would like staff to research this. She is okay with bringing the topic forward for discussion and felt it was an important community conversation. She looked forward to the City growing inward and felt that this was the best way to do it. She would like to explore bringing ADU protection and standards to the forefront and did not like the idea of people living in undocumented ADUs with health and safety concerns.

Public comment:

- Beki Hartman with the ASUM Student Renters Association would like to see students living in safe, documented ADUs. There are over 10,000 student renters and they do not have a lot of options. These renters want to live within walking distance of the University, do not have a car, and would like to live in studios and one-bedroom units.
- John Torma lives in the University area; he thanked Mr. Taft for bringing this referral forward and the Committee for discussing it. He hopes it will be a detailed and respectful discussion. He felt that during the public discussions and workshops that occurred prior to Title 20 being passed that folks expressed their need for this tool and felt it was important to enhance the quality of life in Missoula.
- Jennifer Gursky, University of Montana Student President, felt it was obvious that this issue was important to the community. The number one issue in regard to ADUs is safety. There are 16,000 students and the University only provides housing for 3,500 of them. She would like to keep the ADUs near downtown and adjoining the University.
- Susan Kohler, Missoula Aging Services, has had a great deal of interaction with older people in Missoula and felt this was a way to keep older people in their homes, either in an ADU or in the primary residence with renters in the ADU to help them. She would like to see the conversation continue.
- Asa Hohman lived in an ADU while in school which allowed him to live in a nice neighborhood and the people in the primary residence to afford to meet their mortgage. He would like to have an ADU to help him with his mortgage payment. He felt that single family neighborhoods will not become overrun with ADUs.
- Heather McMilin with HomeWORD, sat on the committee to put together Title 20 and discussed ADUs; they knew this issue would be contentious and they decided to bring it forward later. She would like to have a community conversation and looked forward to hearing concerns. During her internship, owning an ADU helped her meet her expenses.
- Lori Davidson, Director of Missoula Housing Authority, thanked Mr. Taft for his referral. She hoped that the ADU conversation will help address affordable housing. They are not going away, the rental population is increasing and different organizations are hoping this tool will help.

- Paul Bohan made the following comments: My name is Paul Bohan, I live at 501 Ford. Zoning is a promise. When I bought my house I looked at my zoning, and there were certain things that were restricted and certain things that were allowed. And, you know, I understand the issues, I've slept on peoples couches, I had to move out of town because I had a dog, I understand the difficulties of housing. But when the city sets a zone, and people buy the house, you have a promise to them. "This is what can happen in your neighborhood."

Anyone who suggests that you're not taking something away is not being truthful. You are taking something away.

And this idea of affordable housing...Missoula is an attractive place, I put a lot of money in my house because, I thought I was contributing to the neighborhood. The amount of money I've put in the house is not likely to be recouped. I feel that upkeep and improvements to ones home is part of being a good citizen.

But you are taking something that you promised, you promised me when I bought my house, and you changed that promise with Title 20 and you are changing your promise to citizens again. That is a taking.

Missoula is attractive, if you build it, they are going to come. You build all of this affordable housing, they are going to fill them up. You talk about controlling the number people into wilderness areas and carrying capacities. Where are you going to draw the line. When are you going to say the university is too big for this valley to support.

I believe in discussions, open discussions to all issues, whether it's transportation, education, housing, or university size. The University size is an issue. Education is an issue, it's very important. Is it good to have a huge university in a small town? Is it good

to have two huge Universities? How many and what type of educational institutions are truly viable, beneficial and necessary, in this state? These are the questions we need to ask. Not just "let's make ourselves bigger". What do you want Missoula to look like? When I bought my house, you promised me Missoula would look a certain way.

Now your now your changing that promise and acting like, "well, we're just meeting peoples needs". Well all these people came from someplace else. So they come to town and say, "I'm here, take care of me".

In the campaign, there was a statement that I was against students. I am not against students at all. I do think the University should take more responsibility for building housing as it's able to for its students.

But to suggest that this town is open for everybody and anyone with no limits is going to get the type of town that you say you're preventing with you urban density cluster development.

I think the priority of this City Council should be for the people who grew up here or were willing to invest their money and their lives in a home because Missoula was the type of community they were looking for.

If you keep drawing people to come here, you need to have jobs for them. But despite the lack of jobs, you keep building these so called affordable housing units. Many of these units remind me of what old tenement areas looked like when they were new. They sure don't remind me of decent Montana homes.

We have more good non-profits in town which, by necessity, pay low wages to employees supporting people who are even worse off than them. When do you get to the point where you have everybody trying to take care of everybody else, and there is no money for anyone to do it.

I want a full discussion , I want the fact that zoning is a promise. What the promise was when they bought homes in Missoula and why they should sacrifice what was promised to them and get no benefit in return.

Sincerely,

Paul Bohan

543-2502

Chair Jaffe planned to bring this discussion back in two or three weeks, decide if the Committee wished to take action and send it to the Planning Board for further discussion and a public hearing. He would like to get the word out and make sure everyone who has an opinion is heard.

The Committee asked staff to research the details regarding the Polson ADU decision. Mr. Wilkins would like to have written opinions by the next discussion on two issues:

- whether the owner occupancy requirement could be carried on the deed, and
- if this was a text amendment or a zoning change and what kind of notification was required.

VI. Items to be Removed from the Agenda

VII. Held in Committee or Ongoing in Committee

- Annexation. (see separate list at City Clerk's Office for pending annexations) (Ongoing in Committee)
- Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
- 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 (Jon Wilkins) (Referred to committee: 11/07/11)

VII. Adjournment

The meeting adjourned at 4:06 pm

Respectfully submitted,

Deni Foretek

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.