

Missoula Consolidated Planning Board Minutes

January 02, 2024, 6:00 p.m.

Council Chambers (in person) or TEAMS (virtually)

Attend in person: City Council Chambers, 140 W Pine, Missoula MT

Voting Members Present: Elle Costello (City Appt), Rick Hall (County Appt), Dave Loomis (County Appt), Sean McCoy (County Appt), Shane Morrissey (City Appt), Tung Pham (City Appt), Peter Bensen (County Alt), Josh Schroeder (Conservation District), Micah Sewell (County Appt)

Regular members absent: Dori Gilels (Mayor Appt), Derek Kanwischer (City Alt)

1. Call to Order

Mr. McCoy called the meeting to order at 6:06 p.m.

2. Roll Call

Ms. Manning called the roll. A quorum was met. The alternate Mr. Bensen was promoted to voting member for the evening.

3. Approval of Minutes

3.1 December 5, 2023

Mr. Morrissey made a motion to approve the December 5, 2023, minutes and Mr. Hall seconded. Ms. Costello abstained. The motion passed with 8 ayes and 1 abstention.

4. Public comment on Non-Agenda Items

There was no public comment.

5. Staff Announcements

There were no staff announcements.

6. Public Hearing

6.1 Orchard Grove Annexation & 24-Lot Major Subdivision

Lauren Stevens, Senior Planner, Missoula City Community Planning, Development & Innovation
Applicant: Joe Dennert, Tamara Ross, & Danny Oberweiser, IMEG on behalf of Robert and Evelyn Bean, Collin Bangs, and John Barrett.

STAFF PRESENTATION

Development Services received a request from IMEG Corp., on behalf of Robert and Evelyn Bean, Collin Bangs, and John Barrett, for annexation, zoning upon annexation, and subdivision preliminary plat approval of a 24-lot major subdivision on 3.08 acres located west of Reserve Street, adjacent to South Grove Street and Larkin Wood Drive. The property is legally described as a Portion of Lot 42 of Cobban & Dinsmore's Orchard Homes #1, located in the SE1/4 of Section 19, Township 13 North, Range 19 West, P.M.M. Missoula County, Montana, as shown in Exhibit A of the staff report. The proposed subdivision is named Orchard Grove. The application materials state the developer intends to create 24 lots, each containing one dwelling unit as a detached house or townhouse building type. Staff recommends conditional approval of the subdivision preliminary plat application, variance requests, and annexation.

The applicant is requesting a variance from Article 3, Section 3-020.5. A of the City Subdivision Regulations, which prohibits cul-de-sacs, loop and circle streets and turnarounds, and dead-end streets. Magnolia Drive, a proposed woonerf street, is planned to connect to Larkin Wood Drive in two locations, resulting in a loop street.

The applicant is also requesting a variance from Article 3, Section 3-020, Table .2A of the City Subdivision Regulations for Larkin Wood Drive, a local residential street, which does not meet the required 47-foot right-of-way width and is proposed to have a 7-foot-wide curbside sidewalk with no boulevard.

The applicant is requesting a resolution to annex the subject and zone upon annexation to RT5.4 Residential 5.4 (two-unit/townhouse), subject to the conditions of approval.

Upon annexation, the parcels would be located within City Council Ward 6 and the Two Rivers Neighborhood Council.

See the PowerPoint presentation slides for additional details.

Board Discussion

Mr. Bensen asked for further explanation regarding the plan for a privately maintained road.

Ms. Stevens stated there was a signed subdivision agreement for all landowners. She said landowners using the woonerf would be responsible for repaving, snow removal, and maintenance as part of the maintenance agreement.

Mr. Dennert explained the reasoning for specific provisions of the road maintenance agreement.

Mr. Pham asked for clarification on the RT5.4 and RT10 zoning. He asked if the applicant should have considered zoning that allowed for a higher density.

Ms. Stevens stated that RT5.4 zoning did have a higher density than RT10. She said RT5.4 provides the highest density allowed with the current land use designation. She said it was slightly less dense than what Missoula County allowed.

Mr. Pham asked if there was another zoning district that allowed for greater density.

Ms. Stevens said no.

Mr. Bensen asked about the limits on basements due to a high-water table. He asked how flood zone insurance would be managed.

Ms. Stevens said the property wasn't in the floodplain or going to be designated as floodplain in the proposed remapping project. She said the lack of basements was due to high groundwater events that might occur.

Mr. Dennert said as there was no regulatory floodplain at the location so flood insurance isn't required. He said the groundwater detected was 12.5 feet from the surface. He said subdivision regulations ensure no public health or safety concerns and can stipulate no basements.

There was no public comment.

Recommended Motion

The Planning Board recommends City Council approve the variance request from Article 3, Section 3-020.5 of the City Subdivision Regulations, which prohibits loop streets, to allow Magnolia Drive to connect to Larkin Wood Drive in two locations, resulting in a loop street.

The Planning Board recommends City Council approve the variance request from Article 3, Section 3-020, Table .2A of the City Subdivision Regulations for Larkin Wood Drive, which does not meet the required 47-foot right-of-way width for a local residential street and is proposed to have a 7-foot-wide curbside sidewalk with no boulevard adjacent to the subject property.

The Planning Board recommends City Council approve the Orchard Grove Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

19 conditions of approval are recommended.

Moved by: Peter Bensen (County Alt)

Seconded by: Shane Morrissey (City Appt)

Mr. Loomis said it was unfortunate that the developers left two older units near Reserve Street. He said if those units hadn't been left there'd be a large loop street with all units facing toward the center of a common area. He said road access would have been behind and farther away from Reserve Street. He said he appreciated use and design of the woonerf and the bio-retention swales.

Mr. Hall asked if Lot 19 had a depression in the land.

Mr. Dennert said Lot 19 would be a duplex. He said he was unable to ascertain what the little depression was. He said his best guess would be a past storage location or fill material. He said it should get taken care of during grading.

Mr. Bensen raised concerns about the expectations of landowners removing snow on a privately maintained road. He wondered if landowner/community expectations and public access to the site were realistic. He said it was for wealthy homeowners to own expensive homes and wondered if they'd cooperate.

Ms. Costello asked if the covenants would establish a process for privately maintained roads. She said townhomes were usually managed under HOAs.

Mr. Bensen asked if covenants would be plausible for a subdivision of this size and magnitude.

Ms. Costello said it was likely that HOA fees would cover the maintenance.

Mr. Sewell asked if the residents would set a speed limit.

Mr. Dennert said the project was at an early stage of the review process and would be the call of City Engineering. He said HOA fees for privately maintained roads might not be the city's typical approach, but it is fairly common in the county.

Mr. Sewell said he appreciated the no basement subdivision stipulation.

Ms. Costello asked if the woonerf had been implemented anywhere else in the city.

Ms. Stevens stated Magnolia Drive would be the first to be implemented in recent years under the current regulations.

Mr. Loomis said there might be another example of a woonerf. He thought around 15 years ago part of Russell off 3rd Street had been labeled as a woonerf. He suggested staff go on a site visit to see if it was implemented or still existed.

Mr. McCoy said the subdivision's lowered speed limit proposal should be brought up to the City Council. He asked if the cost of purchasing the homes would increase due to the covenants, HOA fees, and maintenance. He said he had concerns about the gentrification within the city and state.

Mr. Schroeder said he was in support of the proposals. He echoed Mr. Loomis' comments on design features. He asked if anyone would be displaced due to the subdivision.

Mr. Dennert said they were working with landowners and there hadn't been a relocation plan to date. He said a conversation might be worth vetting out if it came up at the City Council meeting.

Mr. Morrissey said he was in support of the subdivision and variances. He said he was excited about the woonerf design being able to provide traffic calming and alleviate safety concerns. He said the speed limit became irrelevant due to the woonerf design. He said roundabouts also slowed traffic in various ways. He said the two older structures on Magnolia Drive could be remodeled and add to the housing stock. He said he was hopeful the HOA fees would be minimal and private maintenance wouldn't impede landowners.

Ms. Costello said she was hopeful the pedestrian and bike lanes would reduce the cost of transportation. She said the infill would be adjacent to services that were already in place. She asked how a cyclist could ride comfortably on a textured surface.

Mr. Pham said he would like to see more density by increasing the number of duplexes. He said if this were possible it would assist with driving down the homeownership cost. He said the location and connection to the trail were beneficial.

Mr. Hall said he'd also like to see increased density to impact affordability. He said he was pleased to see it annexed and connected to city water and sewer.

Mr. Bensen said he was not in support of the project. He said he was concerned about the water table and access to emergency services. He said he also had reservations about the levels of expectations landowners had and their ability to maintain it. He said there were better ways to use the property.

Ms. Costello wondered if there were plans for the city to have future access to Grove and 3rd Street intersection.

Mr. McCoy stated he echoed the recommendations and concerns of the Board. He agreed with Ms. Costello's comment and highlighted the challenge of the intersection. He said the city or county should keep aware of this congested area.

AYES: (8): Ellie Costello, Rick Hall, Dave Loomis (County Appt), Sean McCoy (County Appt), Shane Morrissey (City Appt), Tung Pham (City Appt), Josh Schroeder (Conservation Dist), and Micah Sewell (County Appt)

NO: (1) Peter Bensen (County Alt)

ABSENT: (2) Dori Gilels (Mayor Appt), Derek Kanwischer (City Alt)

Vote results: Approved (8 to 1)

7. Communications & Special Presentations

There were no communications or special presentations.

8. Committee Reports

There were no committee reports.

9. Old Business

There was no old business.

10. New Business and Referrals

Mr. McCoy discussed the election of officers, reappointments, and vacancies for 2024. He said Mr. Loomis, Mr. Hall, Ms. Costello, Ms. Gilels, Mr. Sewell, and the Chair positions had expired in 2023. He explained the BCC office was finalizing appointees for 2024. He asked if members of the board who had expired terms would continue to fill roles until there were replacements. Staff recommended deferring the election of officers to the next meeting. Mr. McCoy said it would be deferred until the next meeting. Mr. Hall inquired about how many Board members would serve another term. Mr. Loomis, Mr. Hall, and Mr. McCoy confirmed. Ms. Costello and Mr. Sewell stated they wouldn't be serving another term. Staff stated Ms. Gilels would not be serving another term.

11. Comments from MCPB Members

Mr. Bensen asked if there were other committees that the Board belonged to. He asked if there was still representation at the Transportation Board.

Mr. McCoy said Mr. Pham was the representative of the Transportation Policy Coordinating Committee and Ms. Costello was backup. He said her vacancy would be addressed in a future meeting.

Ms. Costello stated there have been ad hoc committees of the Planning Board.

Mr. Bensen said he had been part of starting an Affordable Housing Committee 5 years ago.

Mr. Loomis said in general he didn't support covenants. He said there shouldn't be covenants in larger subdivisions.

Mr. Sewell stated he was frustrated that there was little to no control over affordable housing. He said with the current market affordable housing was a myth. He wondered if there was a way to have developers bring affordable housing stock into the market.

Mr. Hall said he agreed. He said manufactured homes were part of the housing stock that was often overlooked. He said this type of housing was the last affordable housing type. He stated there are several cases where residents are purchasing parks. He said this helped to protect the valuable resources and not displace low-income residents. He stated it was crucial that developers not be allowed to displace low-income residents for higher-cost opportunities. He said he'd like the county to include this sector with their outreach. He said it was healthy and beneficial for the community to have well-rounded diverse housing.

Mr. Schroeder stated he enjoyed the Jim Nave exempt well presentation. He said he was disappointed the DNRC did not have an enforcement mechanism in place. He said he'd like to see that department track more than 10 acre-feet and maximum flow rate. He wondered if there could be better groundwater planning, processes, and usage of the exempt wells.

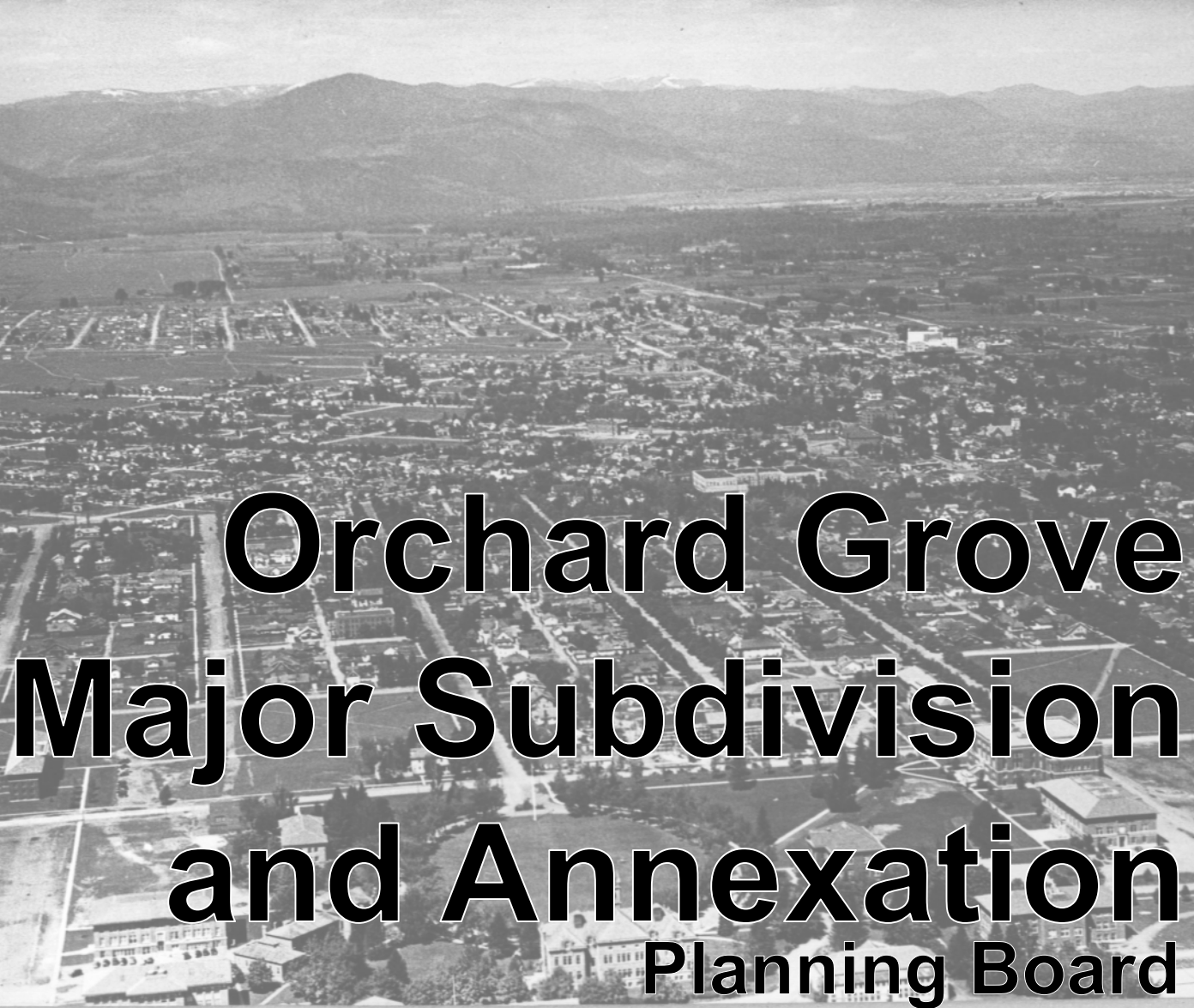
He said he agreed with the highest density zoning possible for housing for this subdivision. He said that doing this it would assist developers in evenly spreading the cost.

Mr. McCoy said he was surprised to learn some neighborhoods served by an HOA share an exempt well.

Ms. Costello thanked the Board for allowing her to serve. She said she'd like the opportunity to serve again in the future.

Mr. McCoy reminded the Board to direct feedback, questions, and concerns to county staff if they have them related to the new venue.

12. Adjournment at 7:40 p.m.



Orchard Grove Major Subdivision and Annexation Planning Board

Lauren Stevens
Community Planning, Development, & Innovation
January 2nd, 2024



Summary and Process



Planning Board will vote on three motions, which will provide a recommendation to City Council to approve/conditionally approve/deny the following items, based on the findings of fact and conclusions of law in the staff report:

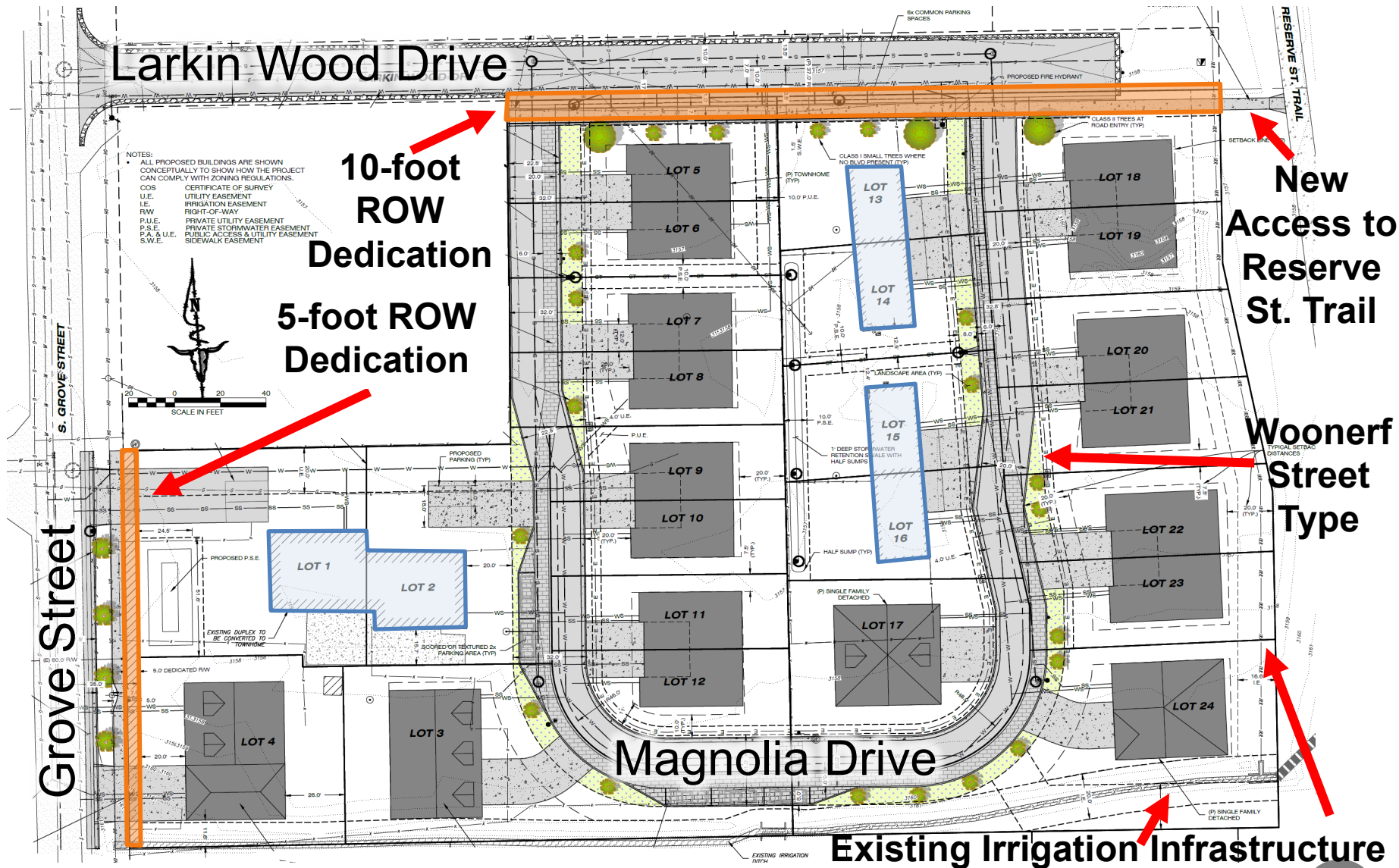
- A **variance request** from Article 3, Section 3-020.5.A of the City Subdivision Regulations for Magnolia Drive
- A **variance request** from Article 3, Section 3-020, Table .2A of the City Subdivision Regulations for Larkin Wood Drive
- The Orchard Grove Subdivision **Preliminary Plat application**

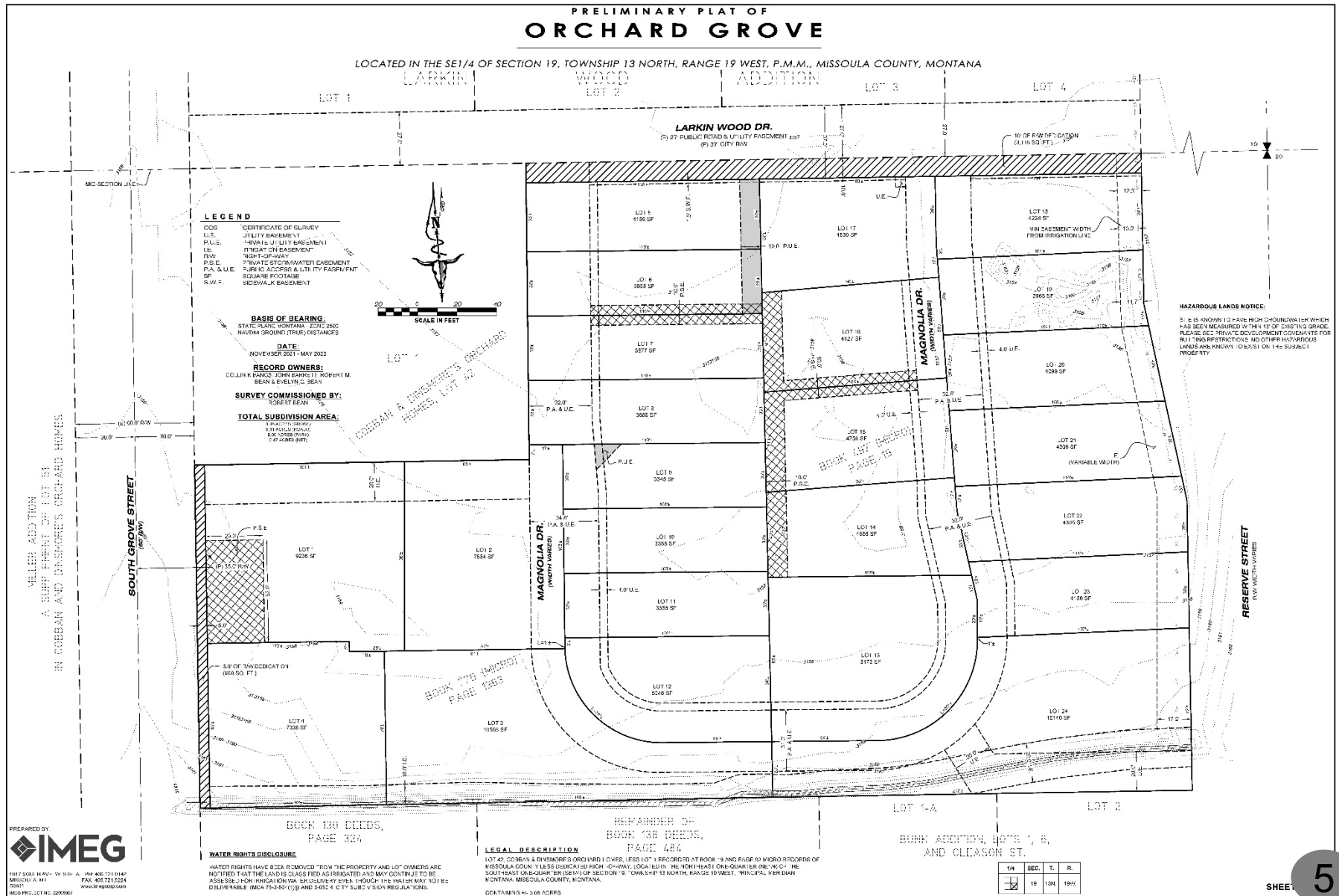
Planning Board does not consider the annexation petition

Property Location

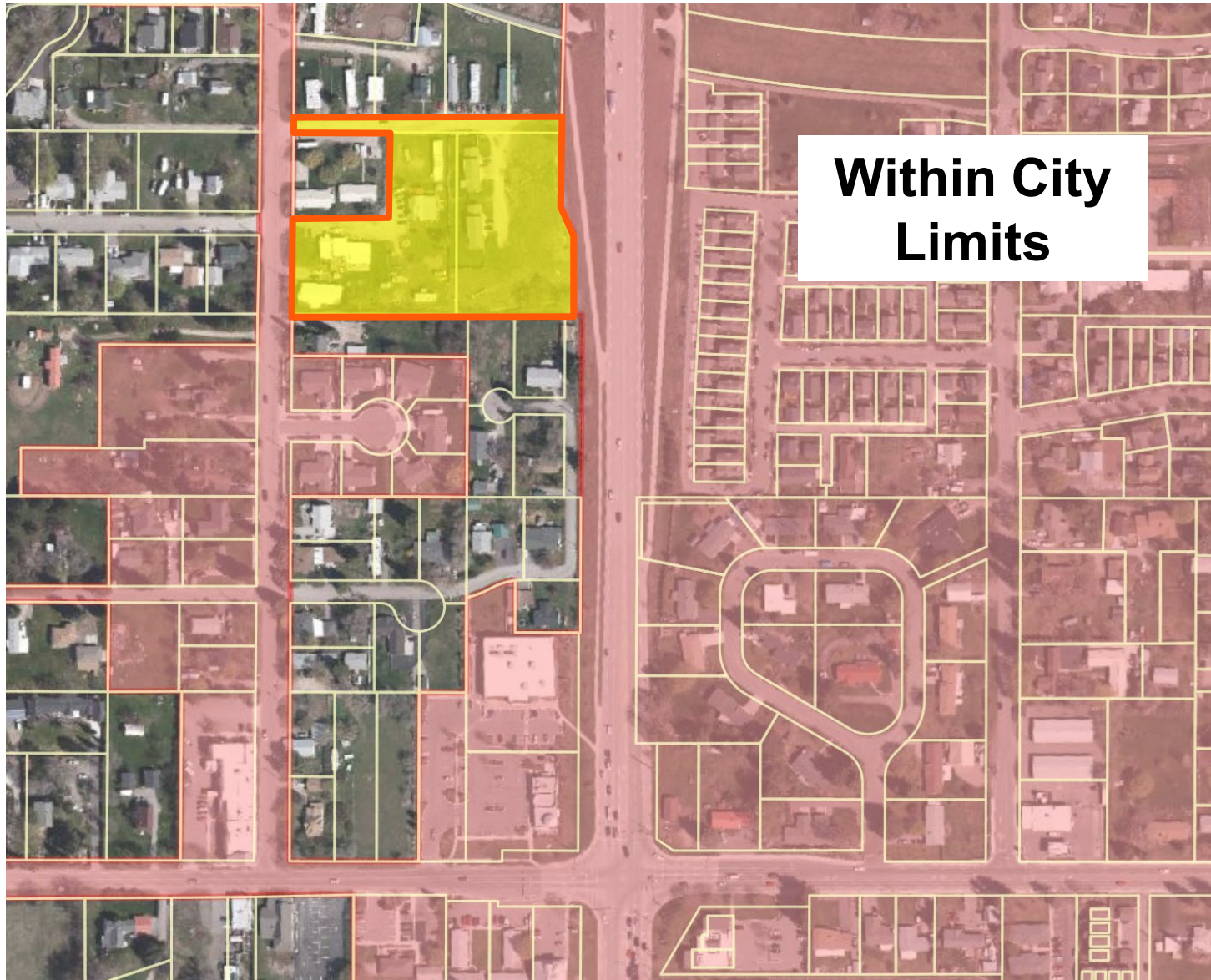


Proposal Overview



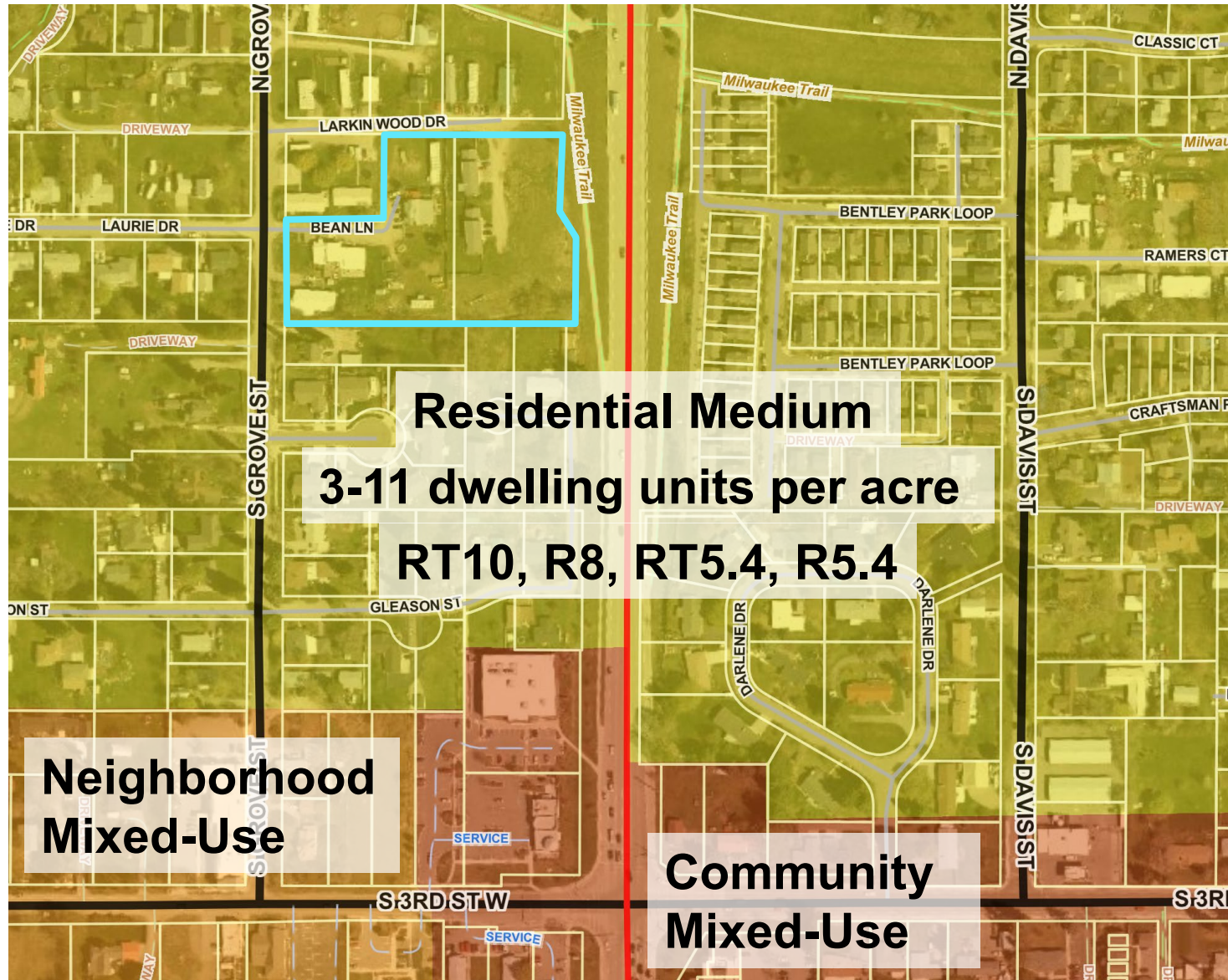


Annexation

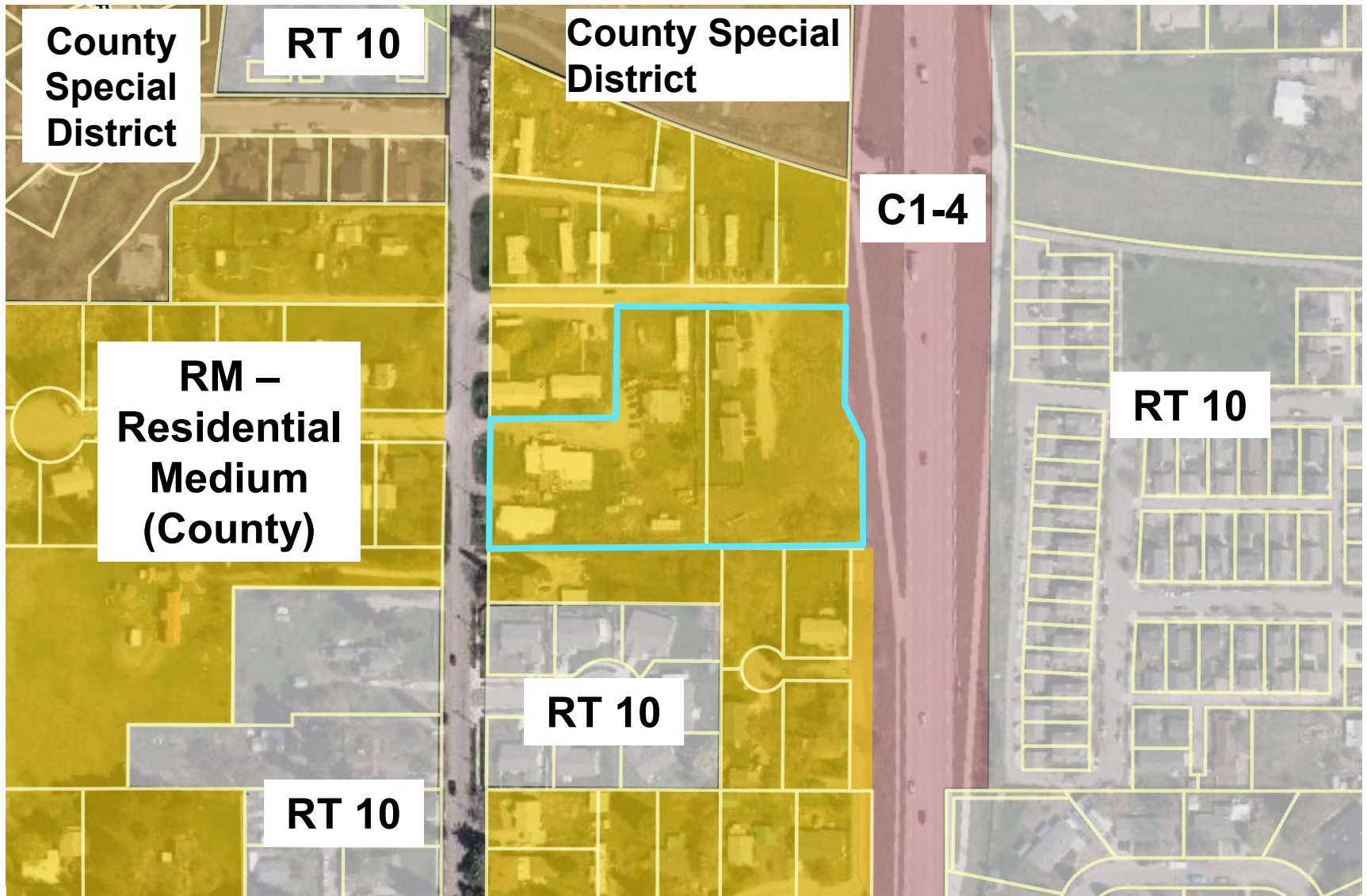


- The City Annexation Policy Map is meant to show areas that have factors that tend to meet the policy's guidelines for potential annexation, but all annexations are to be evaluated on their individual merits based on the policy criteria.
- Located in Annexation Area "B" but does meet several of the guidelines of the City's Annexation Policy.
- Staff will be recommending City Council approve the annexation, subject to the proposed conditions of approval.
- Staff will be recommending zoning upon annexation to RT5.4 Residential (two-unit/townhouse) in alignment with the Our Missoula 2035 Growth Policy future land use designation of Residential Medium (20.85.040.I.2.c).

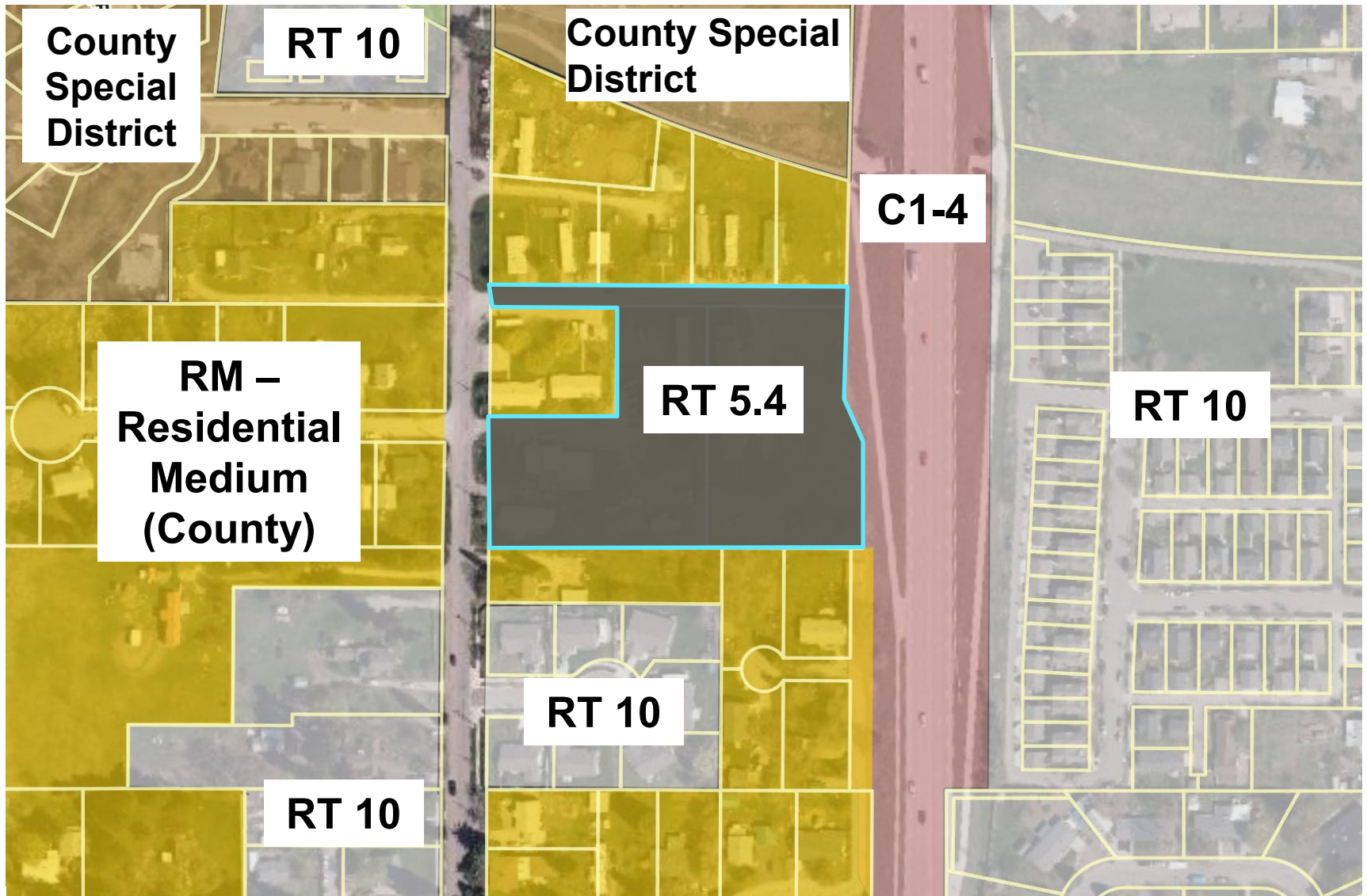
Our Missoula 2035 City Growth Policy



Current Zoning



Proposed Zoning



I. Growth Policy and Zoning

II. Agriculture

**III. Agricultural Water User
Facilities**

IV. Local Services

**V. Natural Environment, Wildlife &
Wildlife Habitat**

VI. Public Health and Safety

- Property historically contained small-scale agriculture until the late 1950s;
- No soil types designated as prime farmland or prime farmland if irrigated;
- Existing irrigation ditch and existing lateral pipe irrigation are present on-site, and will have sufficient easements provided;
- Other irrigation users will not be impacted;
- Future owners will be advised that they may continue to be assessed for irrigation water even if it may not be deliverable;
- Currently the parcel is zoned for residential development, and there are no adjacent agricultural operations that will be impacted or could constitute a nuisance;

Local services include provisions for:

Water & Sewer: All lots will be served by city sewer and water services;

Solid Waste: Solid waste disposal by Republic Services;

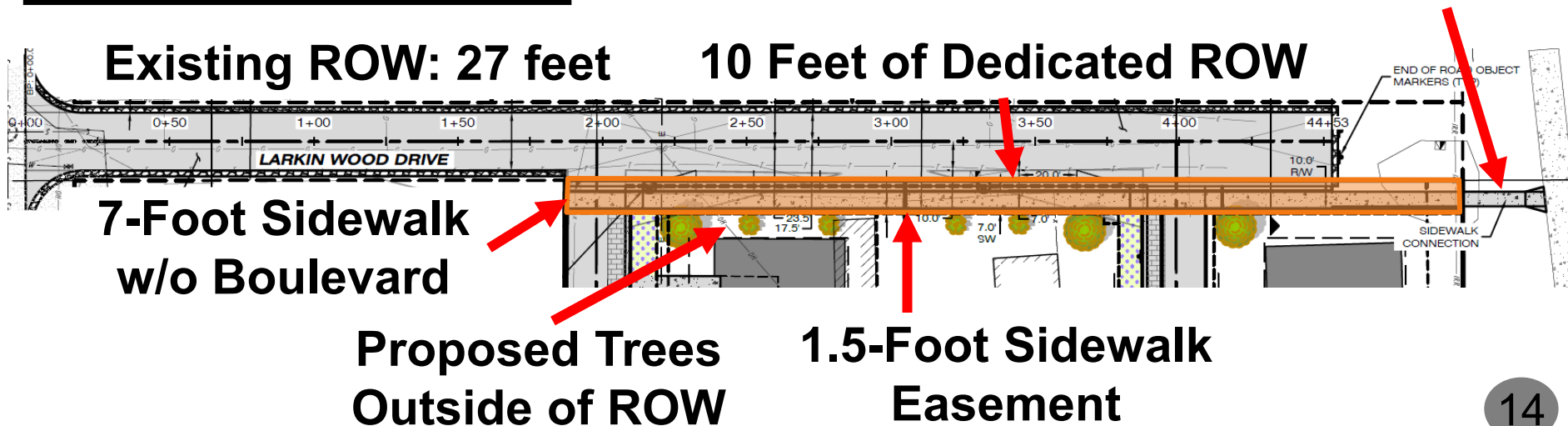
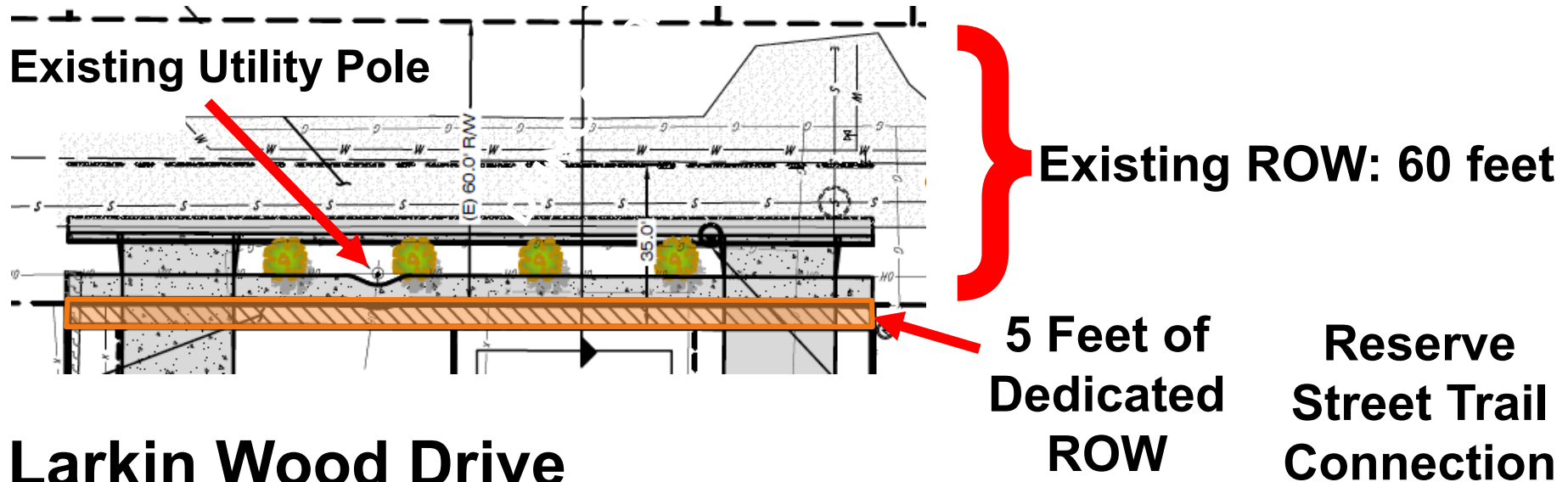
Parks & Recreation: Cash-in-lieu of parkland to be provided;

Fire & Law Enforcement Services: Provided by City Police and Fire. Installation of two fire hydrants proposed;

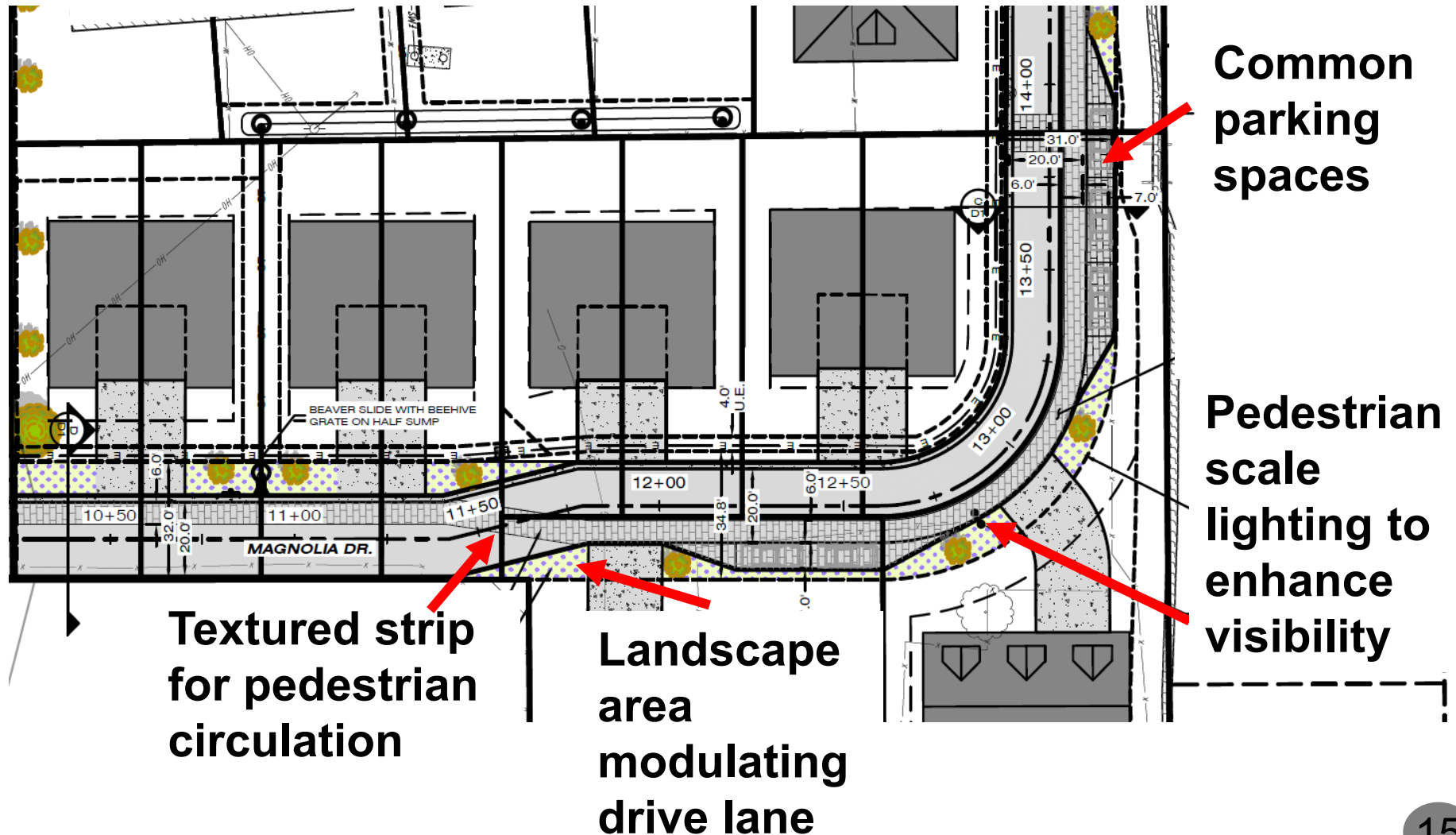
Impacts to Schools: No adverse impacts to schools anticipated; and

Transportation Elements: Improvements to Grove Street and Larkin Wood Drive required. New privately maintained homezone/woonerf Magnolia Drive to be provided;

Grove Street



Magnolia Drive



- Not adjacent to public lands with natural resources
- Does not contain any natural surface water features, riparian vegetation, wetlands, critical plant communities, or steep slopes
- Within the Wildland Urban Interface, but no known critical or key wildlife areas present on-site
- Existing structures over 50 years old need to be evaluated for potential historic preservation opportunities; on-site structures were not found to be of significant historic value, and have been photographed and documented; staff recommends a condition of approval to submit a Architectural Engineering Record Form to the State Historic Preservation Office prior to any structural alterations

- Does not contain steep slopes, regulatory floodplain, unstable soils, high voltage lines, or high-pressure gas lines
- Known high ground water on this property – staff recommends a condition of approval to prohibit basements
- Within the Air Stagnation Zone – prohibition on wood-burning devices and other mitigation included in the covenants
- Subdivision is within the Utility Services Area Boundary and will connect to City sewer and water
- Two new fire hydrants are proposed to be installed
- Development covenants address potential on-site nuisances

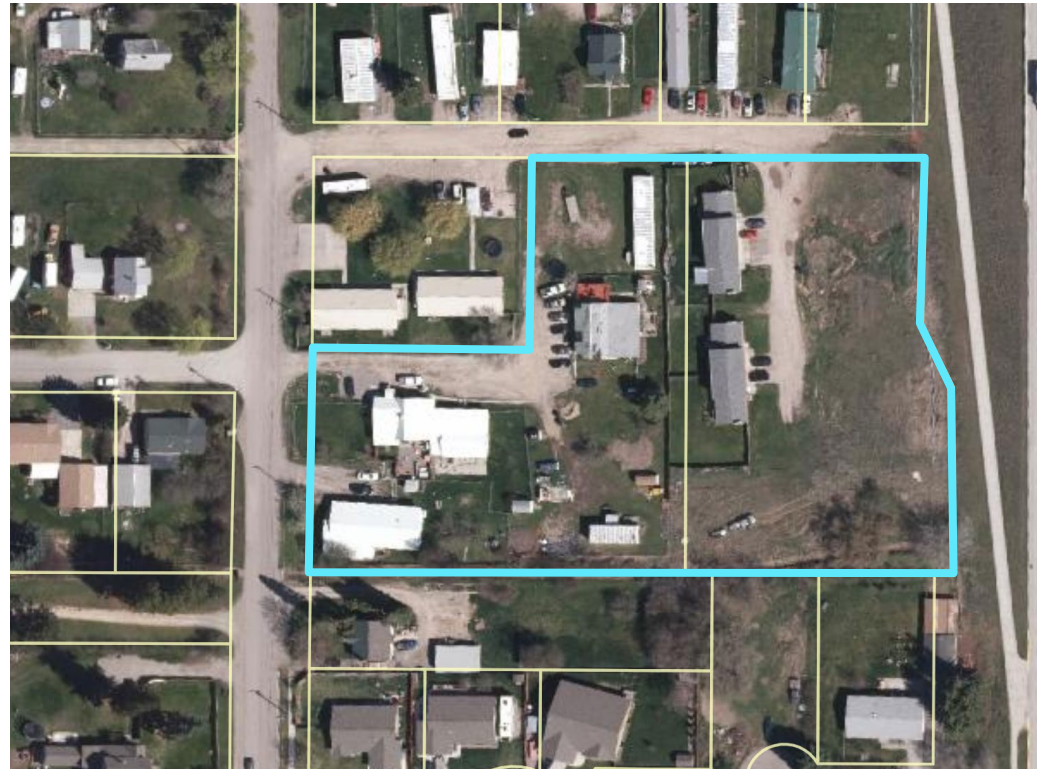
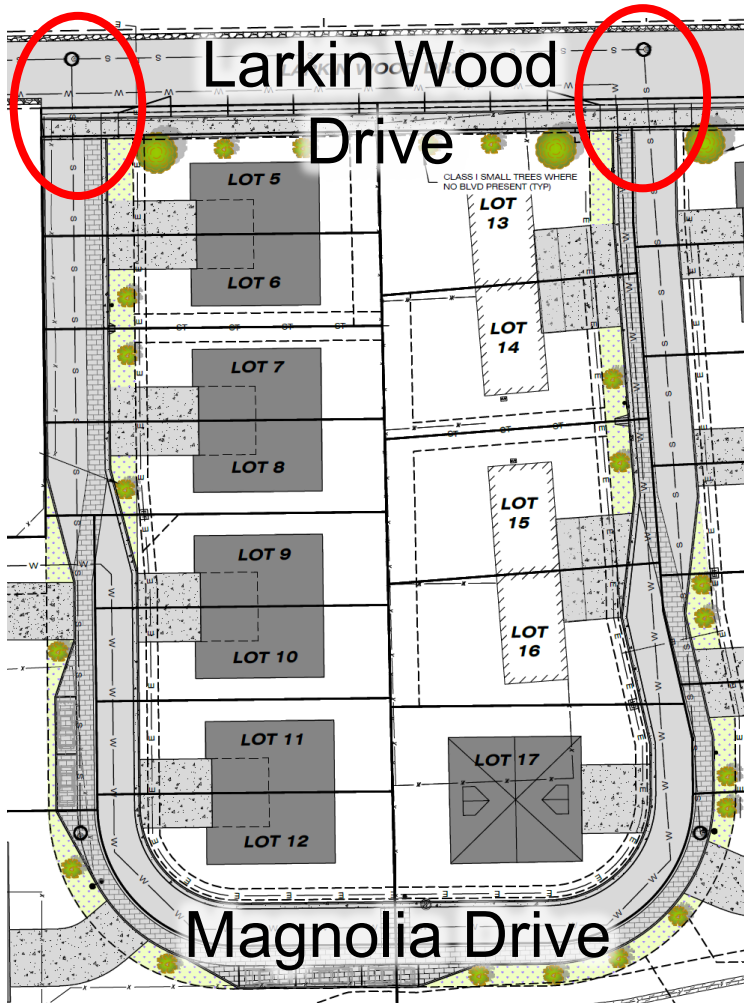
Variance Review Criteria



- The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of these regulations are enforced;
- The hardship has not been created by the applicant or the applicant's agent or assigns;
- The granting of the variance will not:
 - Result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property;
 - Cause an increase in public costs;
 - Violate the provisions of the zoning ordinance or any variance granted to those regulations or the Growth Policy;

Variance Request #1

Article 3, Section 3-020.5.A: “Cul-de-sacs, loop and circle streets, and turnarounds, are prohibited.”



Variance Request #2



Article 3, Section 3-020, Table .2A requiring a 47-foot ROW and a 7-foot boulevard for a Local Residential Street

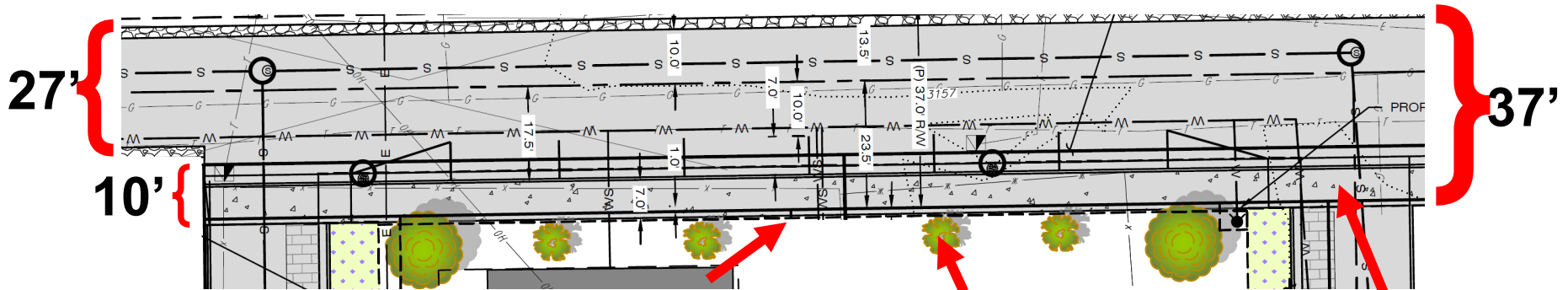


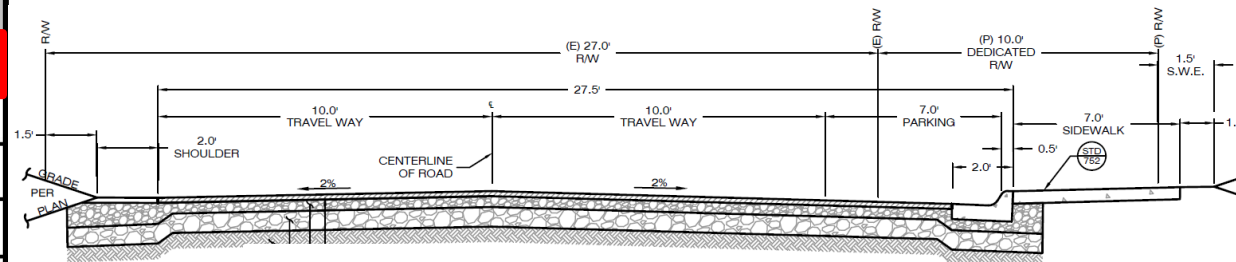
Table .2 A Standards for Geometric Design of Roads and Streets

<u>Roadway Designation</u> - City Functional Classification Map link	Local Residential Street
Functional Classification	Local Street
Purpose	Access
Daily Traffic Volumes	0 - 250
Right-of-way (Minimum)	47'
Street Width (Back of Curb to Back of Curb) (minimum)	35'
Number of Travel Lanes (typical)	2
Lane Width (minimum)	10'
Parking Lane Width (parallel)	7'
Sidewalk Width (minimum)	5'
Boulevard Width (minimum)	7

**1.5-Foot
Sidewalk
Easement**

**Proposed
Trees
Outside of
ROW**

**7-Foot Sidewalk
w/o Boulevard**



Recommended Motions



Planning Board recommend City Council **approve** the variance request from Article 3, Section 3-020.5 of the City Subdivision Regulations, which prohibits loop streets, to allow Magnolia Drive to connect to Larkin Wood Drive in two locations, resulting in a loop street.

Planning Board recommend City Council **approve** the variance request from Article 3, Section 3-020, Table .2A of the City Subdivision Regulations for Larkin Wood Drive, which does not meet the required 47-foot right-of-way width for a local residential street and is proposed to have a 7-foot-wide curbside sidewalk with no boulevard adjacent to the subject property.

Planning Board recommend City Council **approve** the Orchard Grove Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

19 conditions of approval are recommended.