



MISSOULA CONSOLIDATED PLANNING BOARD

Meeting Minutes



Missoula County
Planning, Development & Sustainability
(406) 258-4657

City of Missoula
Community Planning, Development & Innovation
(406) 552-6630

Date: August 20, 2024, 6:00 p.m.

Location: Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)

Members in Attendance: Danny Oberweiser (County Appt), Rick Hall (County Appt), Lynn Davis (City Appt), Josh Schroeder (Conservation District), Shane Morrissey (City Appt) and Sean McCoy (County Appt)

Members Absent: Derek Kanwischer (City Appt), Peter Bensen (County Appt), Tung Pham (Mayor)

I. CALL TO ORDER [Time stamp – 0:08]

Sean McCoy called the meeting to order at 6:01 p.m.

II. ROLL CALL [Time stamp – 0:21]

Analeshia Rodriguez called the roll. Six regular members were in attendance.

III. APPROVAL OF MINUTES [Time stamp – 1:17]

Shane Morrissey moved, and Rick Hall seconded approval of the July 30, 2024, and August 6, 2024, minutes as written. The motion passed by voice vote with one abstention.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 2:41]

There were no public comments on non-agenda items.

V. STAFF ANNOUNCEMENTS [Time stamp – 5:24]

No staff announcements.

VI. PUBLIC HEARINGS

A. Tara Porcari, Senior Planner, City of Missoula - Wildroot Phased Subdivision, Annexation, and Rezone [Time stamp – 6:00]

STAFF PRESENTATION

Tara Porcari, Senior Planner, with the City of Missoula, presented a proposal submitted by Cushing Terrell, on behalf of Pando Holdings, for a phased 248-lot major subdivision, annexation of 41.34 acres, and rezoning of the property located at and nearby 1600 and 1960 Rimel Road in Missoula adjacent to Hillview Way. Once complete, the subdivision would contain 21 townhome lots, 226 single-family lots, and 1 multi-family lot with 203 units. The property consists of 106.6 acres within seven parcels, two of which are already within City limits and five

parcels to be annexed as a part of this proposal. The development is called the Wildroot Subdivision, which is proposed to be platted in seven phases over 20 years.

Staff presented that the project involves a rezoning, six variance requests, and a phased subdivision plat application. The property is located in the Moose Can Gully neighborhood, bounded by Hillview Way. Tara Porcari emphasized given the steep slopes in the area, a hillside density adjustment worksheet was submitted to ensure that the proposed 450 units fit within the adjusted density, which allows for up to 755 units on the site. She pointed out a key takeaway is that the roadways, lots, parkland, and common area have been carefully designed to minimize earthwork and comply with subdivision regulations and City standards. All lots will have City utility connections, and stormwater management will be handled on-site.

The proposed phasing plan for the subdivision spans seven phases. Conditions of approval must be met prior to the timeline stated in the staff report. Each phase will include specific transportation improvements such as adjustments on the right-of-way at Hillview Way and Rimel Road (for the preparations of a future roundabout), increase in right-of-way on the east side of the street, new dedicated turn lanes and crosswalks. Non-motorized transportation options are proposed throughout the subdivision with sidewalks, single-track trails, mid-block pedestrian easements, and bicycle infrastructure being included throughout the site. At this time, no new bus stops are proposed, but future adjustments may be made based on the needs of residents.

A portion of the property that is seeking annexation into the City, the Planning Board does not have a role in the annexation decision. However, staff noted that upon annexation, the zoning for these parcels would be R5.4, which aligns with the current County zoning and is within the City's Annexation Area A. This area meets the City's annexation policies and review criteria. Staff described the zoning districts requested by the applicant align with these future land use designations as laid out in the Our Missoula 2035 City Growth Policy. The rezoning will ensure zoning designations align with the shapes of the new lot lines to prevent split zoning and simplifies the zoning regulations by removing the Hillview Heights overlay.

Staff gave a comparison of the two zoning districts and highlighted the differences in density, setbacks, and building height. RM0.5 allows for a slightly higher density, permits smaller rear setbacks (10 ft vs 20 ft), and allows for a maximum building height of 125 feet. They noted residential development is the focus for this site. Staff believe the proposed rezoning meets the necessary criteria and aligns with the City's growth policies and future land use recommendations. They recommended approval of the rezoning proposal.

Tara Porcari provided a summary of the subdivision review criteria. She mentioned it's important to note that subdivision regulations state that mitigation of adverse impacts will not be based on the loss of agricultural soils. There should be no significant unseen impacts on agriculture or agricultural water facilities. The subdivision lots will connect to City utilities, and emergency services will be provided by existing City departments. While there may be an increase in the student population, the school district has yet to comment on any potential adverse impacts. Two new parks will be dedicated to the City as part of the proposed development plan. The first park will act as a buffer between the associated riparian area and the multifamily development. It will be maintained by the Parks and Recreation department once the plans are approved. The second park, located just east of the first, extends the 10-foot-wide trail easement to the last portion of Rimel Road, ensuring a well-connected pedestrian network. Staff shared how a Special Improvement District (SID) was created to upgrade Hillview Way. The SID includes both properties within City limits and those currently under County jurisdiction, with staff noting a recommended condition requiring all lot owners to pay impact fees as per the Hillview Way SID No. 549 agreement.

The property is located in a low-risk floodplain zone, and is not considered a regulatory floodplain area, so no major concerns are anticipated. The applicant has included a riparian resource management plan, and no development is proposed for that portion of the site. Montana Fish, Wildlife and Parks recommended living with wildlife covenants, which have been included as a condition of approval. The property is in a WUI area, so wildfire-related covenants are required and there will be ingress and egress routes provided for residents.

The application includes six (6) variance requests.

Variance #1 – The applicant has requested Local I be installed as a hammerhead turnaround at the end of Rimel Road. This allows for Rimel Road to connect to an existing Public Highway Easement.

Variance #2-4 –The developers are requesting an exception to the 480-foot block length subdivision regulations, and it be exceeded on multiple blocks (Local A, Local B (east/west), D, E and G, Local B (north/south) and C. The variance is requested given the steep slopes on site and challenges with the build-out of rights-of-ways.

Variance #5 - The request is for one sidewalk instead of two along Rimel Road for approximately 450 feet. The variance is proposed in response to Rimel Road layout (impacted by steep slopes).

Variance #6 – Request is for a provision in the subdivision regulations that requires each lot must abut a public or private street or road. Lots 18-22 will not abut a public or private street or road and instead be accessed by an alley/ public access easement and pedestrian access easements. The variance is requested due to steep slopes and meets the requirement that townhome units face the public realm.

Staff included 48 recommended conditions of approval for the subdivision application. They highlighted a few conditions of significance including:

- Roundabout Design Requirement: The need for the design of a roundabout at Hillview Way and Rimel Road.
- Maintenance Agreement for Hammerhead Turnaround
- Right-of-Way Dedication: The dedication of an additional 10 feet of right-of-way along Hillview Way.
- Inclusion in Special Improvement District (SID): Language on the final plat will ensure that impact fees are paid by all property owners within Wildroot Subdivision lots as part of the SID for Hillview Way.
- Development Agreement with Parks and Recreation for parkland improvements and which specifies the timing for these improvements.
- Common Area Maintenance by HOA

Staff summarized the public comment received for the Wildroot Phased subdivision. They specifically addressed concerns from a neighbor to the south of the subject property, John Rimel. He outlined concerns about increased traffic and road maintenance along Rimel Road. Tara Porcari shared that Missoula County maintains the portion of Rimel Road east of Heaven's Gate. However, the portion between the subdivision and Heaven's Gate is privately maintained by the Rimel family. The County has not formally accepted responsibility for this portion of roadway. It's noted that City engineering staff still view Hillview Way as the main access point, with limited traffic expected via Rimel Road. Tara Porcari stated that they are working with the applicants representative and the City's engineering staff to address Mr. Rimel's concerns,

particularly about the driveway approach and cattle guard, and recommend conditions of approval to mitigate these issues. Ongoing efforts are being made to facilitate further discussions between City and County public works staff to explore any additional options to mitigate the concerns regarding the privately maintained section of Rimel Road as well. Staff concluded the presentation by putting emphasis on the importance of moving the recommendation forward due to statutory deadlines and the upcoming City Council public hearing.

See PowerPoint presentation slides

DEVELOPER PRESENTATION

Kiely Wilson, of Pando Holdings, addressed the Board and outlined the goal for the project. He emphasized the goal is not just real estate development but creating a neighborhood that aligns with the City's and County's goals while addressing housing affordability in Montana.

Zack Graham, of Cushing Terrell, provided a presentation on the design development of the project. He noted the key external design drivers of the project included an existing roadway easement along the southern boundary that required a connection to Rimel Road, and two connection points off Hillview Way. Future connections to adjacent properties and conservation lots also shaped the design. Graham stated the project requires variances due to site topography, specifically concerning block length, street profiles, and access points. In alignment with Missoula's housing goals, the development provides attainable, varied housing options while preserving natural areas and maintaining the City's character. He addressed concerns from the Rimel family regarding access at the Phase 3 design of the intersection, ensuring their access will be configured appropriately.

PUBLIC COMMENT

Public comment included concern from adjacent property owner, Whitney Rimel, on the proposed use of Rimel Road for the development. She requested it be used for emergency access only. She pointed out it's important to maintain the character of these properties, recognizing the open space conservation easement on the land which used public money. She proposed that any access from the subdivision to Rimel Road be controlled with a gate or other means to prevent unauthorized use. Clarity on the legal rights to public access on Rimel Road was addressed as well. She stated they had no objection the proposed subdivision, only to the development's impact on Rimel Road.

Residents expressed concern over the impact of the development on their property, neighborhood, and the local school system. They noted the construction of tall buildings will obstruct views of residents on Elk Hills Court and negatively impact local wildlife, due to increased traffic. The need for privacy fencing or screening to mitigate the impact of the development for nearby homeowners was addressed. Additionally, they shared concerns about the strain the development could place on local schools, particularly regarding transportation for the needs of students from low-income or high-needs families. The impact on neighboring ranch land and the need for its additional buffer from the development concluded public comment.

REZONING MOTION

Josh Schroeder made the following motion to approve the request, and Rick Hall seconded the motion:

Recommend City Council **approve** the adoption of an ordinance to rezone the subject property as shown and legally described in Exhibits A and B from RM1-35 Residential (multi-dwelling), RM0.5 Residential (multi-dwelling), R8 Residential, and B2-1

Community Business with a Hillview Heights Overlay to RM0.5 Residential (multi-dwelling), RM1-35 Residential (multi-dwelling), and R5.4 Residential, removing the Hillview Heights Overlay from its entirety.

Board members had clarifying questions regarding the design of the subdivision. Troy Monroe, City Engineer, noted that while connections to the school property are included, their use is optional depending on future decisions by the school district. The subdivision was designed, ensuring there was a continuity between parcels. Troy Monroe explained the streets are designed to meet current fire safety standards. The Board raised a concern about right-of-way widths, specifically with the development of potential future road connections. Staff clarified the Homeowners Association (HOA) will only be responsible for maintaining the non-dedicated open spaces, while the City will take care of the dedicated parkland.

The Board addressed the issue of closing or limiting access to Rimel Road, particularly for emergency use. Troy Monroe explained that it would not be feasible to close public access as it is a public road. Zack Graham acknowledged that while they could include language in the Covenants, conditions, and restrictions (CC&Rs) suggesting limited use, enforcement would be difficult. The discussion centered on the concern of public health and safety on Rimel Road since it is a public access route, but not maintained, leading to questions about how to deter its use. Troy Monroe suggested that Rimel Road is not likely to be a major concern because it's not a primary route for current traffic and is more intended for future development to the east. Board members were inclined to support the proposal for the rezoning as it aligns with the Growth Policy and land use designations. Additionally, there's concern about the common areas of the development, particularly regarding slope requirements and their suitability for recreation. Lucy Rummeler, of Parks and Recreation, clarified these areas must meet both the multi-family and public park standards before being accepted as public parks. Board members encouraged residents to engage with their City Council representatives, particularly regarding the issue of Rimel Road. Some members had concern about public access on Rimel Road, and possible liability issues. The discussion concluded with Board members indicating their support for the motion and suggesting adding landscaping to mitigate the visual impact of the apartments on nearby single-family homes and townhomes. They appreciated the range of housing types being offered in the development and urged staff to address traffic concerns on Hillview Way.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

RECOMMENDED MOTION (Variance Request #1)

Shane Morrissey made the following motion to approve the request, and Rick Hall seconded the motion:

Recommend City Council approve a variance from City Subdivision Regulations Article 3, Section 3-020.5 to allow the construction of a hammerhead turnaround in the street "Local I".

Board members clarified the necessity of the hammerhead turnaround, suggesting an alternative design that might eliminate the need for it while preserving lot density. Tara Porcari acknowledged a related issue regarding through lots and mentioned that a condition of approval

will be added prior to City Council to address access concerns. Zach Graham explained that the hammerhead design was chosen to prevent lots from having direct access onto Rimel.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

RECCOMENDED MOTION (Variance Request #2)

Rick Hall made the following motion to approve the request, and Shane Morrissey seconded the motion:

Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the street area of "Local A".

Board members were inclined to support the motion and expressed their appreciation to the design team for the road network design.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

RECCOMENDED MOTION (Variance Request #3-6)

Rick Hall made the following motion to approve the request, and Danny Oberweiser seconded the motion:

Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the area of streets "Local B (east/west), Local D, Local E, and Local G".

Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the area of streets "Local B (north/south) and Local C".

Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-020.2.B to allow approximately 450 linear feet of Rimel Road to be constructed with a sidewalk on only the north side of the street.

Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.1.C(3) to allow proposed Phase 2 Lots 18, 19, 20, 21, and 22 to be accessed via the alley and Common Area.

Planning Board Members had questions about variance #3 regarding street connection, specifically why local H can't be connected across to local D, B, and A, suggesting it appeared feasible. Zack Graham explained that the topography and grading challenges made it difficult to establish such connections. Board members commented on the connection widths for variance #5, recommending that the right-of-way widths for local H and the street west of it should match

the corresponding common areas to the north. They also inquired about alley access near lot 22 and its connection to Hillview for variance #6. Zach Graham responded that the distance to the adjacent Clearview Way and significant grading issues prevented the road from being extended to Hillview.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

SUBDIVISION MOTION

Rich Hall made the following motion to approve the request, and Shane Morrissey seconded the motion:

Recommend City Council **approve** the Wildroot Phased 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.

Board members commented if they could add a condition to match the rights-of-way widths with common area widths. It was decided that it would be more appropriate to leave the motion as a recommendation rather than a formal condition. They expressed their support for the subdivision, highlighting that the project meets the City's goals and objectives, complies with growth policies, and provides a variety of housing options. They also appreciated the developer's efforts in addressing both internal and external factors in the design process. Emphasis on the need for staff and the developers to address the concerns of neighboring residents impacted by the subdivision and the maintenance of Rimel Road, before City Council, concluded the discussion among Board members.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

B. Tim Worley, Senior Planner, Planning, Development and Sustainability – Creighton Subdivision **[Time stamp – 2:37:54]**

STAFF PRESENTATION

Tim Worley, Senior Planner, with Planning, Development and Sustainability, presented on Creighton Subdivision. The subject property is located in the Target Range/Orchard Homes area. The proposal, submitted by Creighton Appraisal and represented by Ken Jenkins of Montana Northwest Company, involves creating eight residential lots and one utility lot on a property located at the corner of 3rd and Clements.

The project had initial presentations to the Planning Board on July 19, 2022, and a hearing by the Board of County Commissioners on August 4, 2022. The record has remained open since then to allow for the introduction of new information. The subdivision will be served by a cul-de-sac road named Creighton Avenue and includes 4.56 acres of common area.

The Growth Policy from the 2019 Land Use Element recommends a density of two homes per acre in this area, while the 2010 Target Range plan suggests a lesser density of one home per acre. The proposed subdivision's density is approximately one dwelling per 1.2 acres. The zoning for this project, which predates the current regulations due to the project's age, was C-RR2.

The application includes two (2) variance requests:

Variance #1 – This request involves allowing access from Clements, rather than from a closer road to the south. Public Works supports this access despite concerns about its proximity to a curve at 3rd and Clements.

Variance #2 - Staff recommends denial of the variance as it involves the lack of a required through connection provided to the south of Walker Drive. If denied, the connection would need to be made to the public road, Walker Drive.

Staff shared the project faces significant issues related to channel migration from the nearby Clark Fork River. The property is partially within a "historic migration zone" and an "erosion hazard area" (EHA). In response to these concerns, the applicant acknowledged that typical erosion control measures like rip rap are prohibited by floodplain regulations and could negatively impact neighboring properties. Options for mitigation are limited, focusing on protective setbacks and notifying future buyers about the risks.

Staff originally recommended denial of the subdivision due to unmitigated impacts on public health and safety. The process was delayed by gathering more information. A geotechnical analysis was completed in June 2023, which staff stated now allows the question of can the erosion hazard area be reduced from 580 feet to 200 feet. Staff and Montana Northwest agreed to return to the public hearing process with the geotechnical analysis to inform the decision about channel migration and its impact on the subdivision.

Staff summarized the geotechnical analysis, which concluded mature terrace materials do characterize the subdivision property, which are less erodible, and could justify a reduced buffer. However, Tetra Tech, agreed with the original analysis but emphasized the need to consider riverbank erodibility and channel hydraulics. Due to the lack of this information, staff recommends retaining the 580-foot erosion hazard area and not alter their original recommendation for subdivision denial. Further comments from various agencies reinforced this conservative approach, citing risks such as shallow groundwater, channel migration, and potential conflicts with public infrastructure. Public concerns also highlighted issues like winter road safety, wildlife impact, and access to common areas.

See PowerPoint presentation slides

DEVELOPER PRESENTATION

Brian Throckmorton, of 406 Engineering, gave a presentation regarding the proposal. He emphasized that the subject property is surrounded by other houses, not isolated. He provided an overview of the Channel Migration study and emphasized the 580 feet is not site-specific but rather a general estimate for the entire stretch. Throckmorton addressed the 200-foot terraced buffer, noting the study lacked sufficient site-specific measurements to fully understand the terrace materials and erosion rates in that specific area. Channel migration zone (CMZ) effects on the subdivision was addressed. It was emphasized the 580 feet is part of the river channel that is no longer active. Throckmorton addressed the variance for the cul-de-sac will need to be voted on but isn't expected to change the lot layout. The civil plans include a connection to Walker Drive, which has already been designed.

Scott Marshall, of ALLWEST, conducted a field investigation on the Creighton Subdivision site. His findings showed that the soils, which include caliche deposit layers, compacted to about 80-95% of their maximum density. Marshall indicated that the terrace deposits from the test pits are mature and indicate lower erodibility. ALLWEST concluded that the site, being a mature terrace deposit, supports the 200-foot setback and meets the necessary geologic controls.

Ken Jenkins, of Montana Northwest, addressed the Board, stating that his clients commissioned a separate study that followed the CMZ study's guidelines and found the site to be suitable with a reduced buffer. He also noted that his clients are willing to cooperate on mitigation measures if the channel were to migrate, but he questioned the validity of applying the study's setbacks to their property.

PUBLIC COMMENT

Public comment included a nearby homeowner voicing her concerns about public safety due to multiple car accidents near her property. She highlighted issues with the blind corner that is near her home and suggested an alternative route through Walker Drive to improve safety for drivers, specifically in the winter.

RECCOMENDED MOTION (Variance Request #1)

Danny Oberweiser made the following motion to approve the request, and Rick Hall seconded the motion:

1. I move to recommend approval of the variance from Section 3.4.6.2, which requires access off Walker Drive as the road of lesser classification

Board members asked for clarification on whether both access points are required and the implications of having or not having a through connection versus a cul-de-sac.

VOTE

With no further discussion, the board voted by roll call, and the motion passed.

AYES (5): Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (1): Lynn Davis

RECCOMENDED MOTION (Variance Request #2)

Danny Oberweiser made the following motion to approve the request, and Rick Hall seconded the motion:

2. I move to recommend denial of the variance from Section 3.4.6.3, which requires a through connection to Walker Drive.

VOTE

With no further discussion, the board voted by roll call, and the motion passed unanimously.

AYES (6): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey, Sean McCoy

NAYS (0):

SUBDIVISION MOTION

Danny Oberweiser made the following motion to approve the request, and Rick Hall seconded the motion:

3. I move to recommend Creighton Subdivision be denied, based on the findings of fact and conclusions of law in the staff report as amended.

The Planning Board acknowledged the geotechnical analysis study done by ALLWEST but emphasized the exact degree of erosion remains unclear. They had concerns about the reliability of the CMZ study and had questions about zoning or riparian setbacks that might limit development. They addressed the precedent of restricting development on properties purchased before the study was conducted, while also recognizing the future risks of channel migration. Board members supported denying the subdivision application, emphasizing the Conservation District frequently sees properties threatened by rivers shifting course and requiring 310 permits for mitigation. The lack of resolution regarding Lot 7 and the potential of other oversights was addressed by the Board. Additionally, they stated that planning for future mitigation is not a sound approach. Board members recommended that Public Works review and evaluate the blind corner at 3rd and Clements. The discussion concluded with the Planning Board acknowledging the difficulties in developing the subject property and asked if staff have considered different design possibilities for the proposed subdivision. Throckmorton addressed the Board, expressing his struggle with members following the recommendations of the CMZ but pointed out their inconsistencies with applying certain provisions.

VOTE

With no further discussion, the board voted by roll call, and the motion passed.

AYES (5): Lynn Davis, Danny Oberweiser, Josh Schroeder, Rick Hall, Shane Morrissey

NAYS (1): Sean McCoy

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS

There were no communications or special presentations.

VIII. COMMITTEE REPORTS [Time stamp – 3:59:19]

Rick Hall reported on the TPCC. He shared that they approved the Unified Work Program. The primary changes were to scale back on outsourcing and mentioned rail planning was added, which has been added to the consultancy fees. The committee approved a letter of support for a grant application aimed at funding the construction of 15 to 20 community charging stations.

IX. OLD BUSINESS

No old business was reported.

X. NEW BUSINESS

No new business was reported.

XI. COMMENTS FROM BOARD MEMBERS

No comments from Board members were reported.

XII. ADJOURNMENT [Time stamp – 4:01:18]

The meeting was adjourned at 10:01 p.m.

Missoula Consolidated Planning Board August 20, 2024 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting at this link:

<https://missoulacomt.portal.civicclerk.com/event/9093/media>

Missoula Consolidated Planning Board- August 20, 2024-Meeting Recording

AR **Analeshia Rodriguez**

With that, we will call to order tonight's Missoula Consolidated Planning Board for Tuesday, August 20th, 2024 at 6:01 PM.

And with that call to order, we will have roll call, please.

Roll call Lynn Davis.

LD **Lynn Davis** 46:27

Here.

AR **Analeshia Rodriguez** 46:32

There can richer Derek is absent.

Shane Morrissey.

SM **Shane Morrissey** 46:40

Here.

AR **Analeshia Rodriguez** 46:43

Tune farm.

Tune is absent.

Josh trader.

J **Joshua** 46:50

Here.

AR **Analeshia Rodriguez** 46:53

Danny Oberweis iser here.

Peter Benson.

Peter is absent.

Rick Hall here.

Sean McCoy here.

Mr.

Chair, we have six members present.

We have made Corum outstanding.

Thank you.

OK.

That brings us to approval of the Minutes for July 30th, 2024 and August 6th, 2024.

Ohh my dear, everybody got a chance to look those over for you.

Danny, you can abstain if you want to, or if you read through them and don't have any objections, like as far as grammatically goes, you can vote for him too.

It's totally up to you.

So unless there's some changes, we will take a motion.

SM **Shane Morrissey** 47:51

I'll move that we approve the Minutes from the July 30th, 2024 and August 6th 202420 board meetings.

AR **Analeshia Rodriguez** 48:00

So moved by Shane, do we have a second?

I'll second, we turn on your mic.

When you second it, I did, I thought, but not close enough.

Alright, seconded by Rick.

And we'll do an up and down vote for that.

So all those in favor of the motion, please say aye.

Aye, aye.

LD **Lynn Davis** 48:19

I.

SM **Shane Morrissey** 48:20

I.

J **Joshua** 48:21
OK.

AR **Analeshia Rodriguez** 48:22
All those opposed say nay, any abstentions?
I'll abstain.
One abstention motion carries.
Five Eyes, one abstention.
OK, NEXT is public comment on non agenda items.
So if you would like to comment on something outside of the two agenda items that we have here tonight, then you can come up and do so at this point in time.
So, uh, if you're here for the agenda items, please hold your comments till later.
Sure.
Yeah, go ahead.
Come on up.
State your name for the record.
Please.
My name is Megan Schrader and I'm on Elk Hills court.
So my property borders Hillview and I believe this is not necessarily what would fall in the agenda items, so that's why I'm coming up now.
But you can let me know if it is something I can speak on would fit better later, umm.
As neighbors, a lot of us are discussing those of us that are on elko's court and our property.
Our entire yards are all against help you way the concern.
The great concern is the amount of obviously traffic wildlife.
All those other things, but especially for the road noise and traffic, our concern, my concern specifically along with many of us would be the concessions that would be possible to be made for those homeowners.
Umm, there's seven of us.
Single family homes.
And there's also one condo that has two families in it, or two joined condos there at the very end of Elk Hills Court.

And for us, it's one of those things that I believe privacy fence screening plants, those things that are so very expensive, but are gonna be a huge, huge help to us to be able to have those concessions made for some of these homeowners that are going to be greatly impacted by the road noise, the traffic and everything else that comes with that.

And the sheer number of volume of this development.

Uh, OK, so that ask you if is this in relation to a development that we're looking at tonight upon Hillview?

Yeah.

OK.

So so would that be a whole meeting?

I was gonna say so.

Would that be?

I just wasn't sure if that fell more out of the realm in terms of what actually would go along with that.

OK, perfect.

I can repeat all that one we come in later.

Thank you.

Thank you.

OK.

Anybody join us online for a comment adelicia you see anybody?

OK.

Actually, that was kind of better than I appreciate your comment, cause normally we just sit here quietly and wait because we get very, very few comments during that period of time.

So, alright, not seeing anybody else in house.

I'm gonna go ahead and close public comment for non agenda items and we will move on to staff announcements and we just have one under there.

We have a new member with us tonight, Danny Auber wiser.

Hopefully I got that right.

Welcome, Danny.

Thank you, Chairman Oberweis or real close.

Yes, I said AUB.

Yeah.

Got it.

Like the beer? But Uber?

Great.

Well, welcome aboard.

We appreciate you volunteering for this position.

Everybody's a volunteer on this board, umm and maybe later on we'll get to know you a little better, but from here we're just gonna pull out into the evening.

So that brings us two public hearings and our first one for tonight is the wildroot Phase Subdivision annexation and rezone.

That's Terra Porcari, senior planner with city of Missoula.

Go ahead.

TP **Tara Porcari** 52:15

Yep, looks like I just got my share permissions and analicia.

Can I request that you get the other folks as presenters as well from the consultant team?

I just think a little email.

So just so we have that ready for the end, but I'll go ahead and get going on.

I'm going to try and do this as quick as I possibly can.

It's a huge subdivision.

I've tried to limit kind of what's in the report, but I wanna make sure that you know, we're also through.

So again, I'm Tyra Porcari.

I'm a planner with city development services.

As mentioned, we'll be talking about the wild root phase subdivision and rezone today, Cushing Terrell has submitted this development application on behalf of their client and developer Pando Holdings and the property owners are Hillview Rd, LLC and Hillview.

Multifamily Project Owner LLC, when all said and done, the subdivision is proposed to have 248 lots, so it's a big one and that'll have an associated 450 dwelling units added to the community.

So starting off umm here are the items planning board.

We'll be looking at for recommendations today.

We've got a reason application for the property 6 variance requests from a few of the subdivision regulations, and obviously a full fledged phased sub.

Internet you plat application.

Just so everyone's clear up front, a portion of the property is also requesting to be annexed as a part of the full request going to City Council.

But planning Board does not have a role in the annexation or zoning.

Upon annexation of those parcels that's left to City Council.

This is the location of the subject property.

It's located in.

The moose can gully neighborhood with actual moose.

Can Gully located near the southwest corner of the property?

Then you can see it's bounded on the West by Hillview way.

There's residential development generally to the West and mostly residentially zoned vacant land to the east, to the north, there's some residential but mostly residentially zoned vacant land, just a budding it at this time.

And then there's also an existing religious assembly use to the South.

There's a multifamily development already going in.

That's approved under the existing zoning on the property at the southwest corner as well, just in case anyone's been up in the South Hills lately and has noticed that construction underway and then just one more thing to point out is that the majority of the property is currently located within Missoula city limits, but there are five parcels in the southeast of the property that are currently located in the county.

So that's kind of the location of those.

As we all know on the South Hills aren't exactly the simplest area for development, giving the steep slopes in the area.

Since there are slopes greater than 15% throughout the site, the Subdivider was required to submit a hillside density adjustment worksheet with their application and that uses basically the allowed zoning densities and slope percentages to calculate and adjusted density.

Given the intense slopes to make sure everything safe, that being said, they're proposed development, including 450 units, is well within the adjusted density calculation for the site, which could have allowed up to about 755 units.

So we're pretty good there.

You'll also notice that there are existing slopes greater than 25%, which are noted here in red, but are also identified on the preliminary plat that shows our proposed grades as the no build zones on site.

A key takeaway I just really wanna point out here is that the roadways and lots as well as Parkland and common area have been designed pretty well to work around the steep slopes and generally limit the earthwork to the greatest extent possible.

So that's something I feel like they've done a really good job of.

That being said, the proposed grades are designed to meet the subdivision standards for continued contiguous buildable lot area, and then conditions are also in place to ensure that all streets and sidewalk improvements are designed in accordance with our city standards engineering in the subdivision regulations.

So he's just kind of a summary of the proposed preliminary plat.

It's obviously a large subdivision, so it's a little hard to see all the details on the screen.

So that being said, hopefully everyone's had a chance to review the zoomed in versions and the project packet that was attached to today's agenda on a high level, we've got one multifamily lot just north of Rymal Rd.

On the southwest of the property, like I mentioned, this is part of the development already that's been approved and has permits go in.

It's under construction as we speak.

Then there are 21 townhome lots just north of the multi family development, still adjacent to Hillview Rd.

On the West side of the property, that will be a part of the second phase of development and then we have 226 single family lots all scattered heading east across the property making up that grand total of 248 lots.

The main accesses will be from Hillview way at Rymal Road and then local a sewer and water to all lots will be with city utility connections and storm water is to be contained on site.

So here's the proposed phasing plan with seven total phases.

Phase One is already begun with some of the multifamily and it's slotted to have final plat by the end of 2026.

Then the final phase seven is planned to be completed by the end of 2044.

So assuming all goes well, the fold subdivision build out will be complete in 20 years. Each phase includes full roadway improvements, complete easements, any dedicated Parkland mentioned, common area improvements and other associated storm water and utility infrastructure.

All conditions of approval are also, of course required prior to the timeline stated in the staff report, many of which are obviously tied to a specific base.

Umm so for example, some of the transportation improvements for Hillview way include an increase in right away on the east side of the street, new dedicated turn lanes, new crosswalks and adjustment of the right away at Hillview way and Rymal Rd for the future installation of a roundabout, one of the conditions of approval also requires that the subdivider complete the engineering design for the roundabout prior to phase two primal Rd then will be the on site collector coming in on east to West through the South portion of the subdivision and local streets a through I have been.

Included in the design to adequately tie into all the lots and their proposed to be constructed up to city engineering and subdivision standards with Blvd.

Sidewalk, curb, gutter and everything that's required except for where variances have been requested.

Uh, non motorized transportation options are also proposed throughout the subdivision in the form of sidewalks and trail connections, and additional bike infrastructure is proposed to also be placed in the form of dedicated bike lanes or shared use path along collector streets.

At this time, there are no new proposed bus stops as both Mountain Lion, Route 12 and school buses pick up within 1/2 mile of the subdivision school bus pick up and drop off is currently located just across Hillview Way from the proposed subdivision at Clearview Way and Hillview Way and develop it.

Services has not received comments from school representatives regarding bus service at this time.

Additionally, as more school aged children begin moving into the subdivision, bus routes may also change.

So just at this time, staff do not recommend the subdivider if you're required to construct any formal bus stop facilities, but that'll be more something that happens over time as we kind of know where the need is.

So again, we'll keep this quick, but as you know from the Aspire Subdivision recently, planning board won't make a recommendation on the annexation of the five SE parcels currently in the county.

But just so it makes sense as we move forward to the rezone portion of the request, if Annex the zoning upon annexations of those lots would be our 5.4, which is a single family residential zone and comparable to the county our zoning that exists on site under the county jurisdiction and it's also located in the city's annexation area A which are mapped areas that generally meet all the annexation policies, review criteria.

So staff is supporting the annexation will recommend approval by City Council. Here's the existing zoning.

The West portion of the property is mostly zoned R1-35 and RM 0.5 residential, which are both multifamily zones with a small portion of B2-1 community business and an overlay across that entire portion of the property called out as the Hillview Heights overlay.

Then the West portion of the property is zoned RS8 residential, which is a low density residential zone.

And as mentioned, the county are property seen on the southwest corner.

Here is recommended to be city R 5.4 residential upon annexation.

Here the future land use designation set out in the ARM Missoula 2035 City growth policy, we have residential high density on the western portion of the property and then residential medium going into lower density as we move further east from Hillview way.

The box on the right here shows what the relatable zoning districts are, as laid out in the growth policy.

Residential high calls for R1, R 1.5 or RM 0.5 and residential medium calls for RT10R8 R 5.4 or RT 5.4.

Then in bold there, I'm just showing that R1 or R1-35 same thing RM 0.5 and R 5.4 are the zoning designations being requested by the applicant as part of the rezoning. So just showing that they are requesting relatable zoning districts under the growth policy.

Here's how that showed geographically similar to what shown in the growth policy out of those 3 zoning designations, we have the highest density zoning right up

against hillbilly way.

And then we get to the last dense single family lots as we get to the eastern portion of the site.

You can also see that the rezoning will ensure zoning designations align with the shapes of the new lot lines, so that'll prevent any split zoning on the proposed new lot.

Since that's not allowed under our subdivision regulations and our zoning code, and then I also removed the entirety of the Hillview Heights overlay, which honestly, just to kind of simplify it all down and summarize it doesn't really make that much of a difference for the subject property outside of just generally simplifying the zoning for the most part.

That overlay was originally intended for land associated with the Hillview Heights planned unit development, which is located West of Hillview Way.

Prior to the establishment of Hilby way itself, so all the removal will really technically impact.

For this development is the removal of a 9.9 units per acre density cap, which, given the existing proposal, doesn't limit anything anyway, as seeing that the proposed maximum density sits below that at 8.66 units per acre.

So basically it just removes a long history of a weird overlay and it simplifies the zoning regulations both for US staff, but definitely the public when they're trying to do zoning lookup.

So very helpful.

I've tried to simplify this a little bit since we've allotted different zoning districts that play here.

In doing so, I've just tried to show the new boundaries of each proposed that designation overlaid onto the existing zoning just for comparison sake.

So starting with the section proposed to all be R 0.5, it currently also includes some RM1-35 zoning as well as the Hillview Heights overlay.

And then here's a basic comparison in the two zoning districts.

We see the differences on the screen in Red, pointed out R 0.5 has slightly higher allowable density, requiring just 500 square feet per unit versus 1000 square feet with R1-35 some slightly smaller rear setbacks going from 20 feet to just 10 feet and then a higher maximum height for the buildings of up to 125 feet, which we really won't

end up seeing on the site.

Given that the area is proposed for townhomes and single family homes, but still worth noting.

So next we're looking at the area to be rezoned to RM1-35.

Most of this area is currently already are M1-35, which is why we're already seeing some of those multifamily buildings being approved.

They're already allowed there.

However, there's also a small portion of B2-1 community business, and the Hillview Heights overlay here as well.

Again, won't impact too much since it's already mostly RM1-35, but technically that's small portion of B2-1.

LAN could have a slightly different maximum height and would allow for slightly different uses, but again only residential developments being proposed for the site.

And the last portion currently mostly zoned R8 and zoned upon annexation, R 5.4 residential is all proposed to be zoned as our 5.4 for the single family lots.

And we can see here that the only thing that changes between R8 and R 5.4 is a slightly larger maximum density for our 5.54, requiring just 5400 square feet per unit instead of 8000.

And if you haven't had a chance to fully review the staff report prior to tonight's meeting, I'd refer you to read through that section and obviously keep doing that for meetings to come.

And here's the full language discussing what we look for regarding rezoning approvals.

Just to keep this portion brief, due to the guidance in the girl policy and the associated future land use recommendations, staff does believe that these criteria are met and therefore supports the proposed rezoning recommending approval.

So next we're looking at the subdivision review criteria, which are grouped for the growth policy and zoning, agricultural agriculture and egg, water user facilities, local services, natural environment considerations and public health and safety.

So there's things to keep in mind.

First, currently, as mentioned, there aren't any active agricultural uses on the subject property.

The application packet says that the site was most likely historically used for pasture

grazing, but based on historic aerial imagery, there's no sign of that for at least the past 40 years.

Almost the entire property contains soil types.

The NRCS Soil Survey identifies as farmland of local importance, but not quite prime farmland.

Done.

That being said, it's also important to note that our subdivision regulations state that mitigation of adverse impacts will not be based on a loss of agricultural soils.

Additionally, neither the city or county includes direction in our land use plans calling for agricultural production on this property.

The property doesn't have any water rights or other water conveyances used for agricultural irrigation purposes, and due to all these findings, there shouldn't be any major unseen impacts to agriculture or egg water facilities.

Then local services, water and sewer will all be steady utilities and the subdividers responsible for those connections as a part of each phase.

Solid waste will be covered by Republic Services for the area and city police and fire will cover fire and law enforcement, with fire hydrants being required to be installed with each phase impacts to schools.

It's estimated in the application that there could technically be up to a maximum of 135 new school age children added with the subdivision, with those children as of today.

I'm going to wrestle elementary, Washington middle School and Sentinel High School.

And then as of at least a few hours ago, the school district had not made any comment on adverse impacts on schools.

Umm.

And then Parks and Recreation will have two new parks being dedicated to the city. As we mentioned before on the preliminary plat and we'll look a little bit into those in these next couple of slides here.

First area of dedicated Parkland is immediately adjacent to Moose can goalie and will act as a buffer between the associated riparian area and the multifamily development to the north.

It includes a 10 foot wide trail easement, A6 foot wide trail and connections to a

number of single track trails and sidewalks nearby.

This would be dedicated to the city and Parks and Recreation would take on maintenance responsibilities based on the recommended conditions, plans for dedicated Parkland would be subject to review and approval by Parks and REC and would be required prior to final plat approval for each associated phase.

A lot of this has been in discussion for a long time with city parks and rec, so those conversations go way back, but we'll still have kind of one more shot just to double check, triple check, everything looks good and get what we need.

Then here's the second portion of dedicated Parkland, just east of the first one, the 10 foot wide trail easement continues all the way over to the last portion of Rymal Rd within the subdivision and then also includes some 2 foot wide trails helping to ensure a complete and well connected pedestrian network throughout the whole portion of the South portion of the subdivision.

OK.

Excuse me.

So continuing with local services, again as mentioned earlier, when we were looking at the plat, the proposal includes updates to Hilby Way and plans for the build out of Rymal Rd as the on site collector in addition to local streets eight through I which will all be designed and compliance with engineering and subdivision standards again except for where variance is requested.

Additionally, sidewalks and single track trail connections as well as mid block pedestrian easements are included throughout the entire site.

In addition to inclusion of the Moose, can gully trail on the South portion of the property, bicycle infrastructure is also included along collector streets and no new bus stops are proposed at this time given their existing Mountain Lion in school bus stops less than half mile from the property.

Umm.

Then one last thing to point out for transportation is that City Council created a special Improvement District in 2015 to upgrade Hillview Way improvements made under SD549 as the number we're financed in part through the issuance of bonds, which are repaid over time via special tax assessments.

And impact fees by the owners of properties that benefit from the improvements.

So since the area of benefit for this Sid includes the portions of the subject property

already within city limits, but will also benefit those parcels currently under county jurisdiction, staff is included a recommended condition to require that all while route uh lot owners pay impact fees as described in the healthy way Sid 549 agreement. Moving on to a criteria for natural environment, wildlife and wildlife habitat, the property is located in Floodplain Zone Act shaded, which is just a 0.2% annual chance or area of minimum fundraiser.

That's what we call it.

These areas are low risk, so they're not considered a regulatory floodplain area, and we shouldn't see any major concerns there.

The applicant has included a riparian resource management plan which designates the area surrounding the gully or riparian area.

It notes, however, that there aren't any activities proposed there, and that the park will act as an added buffer from further development.

The application also includes a weed management plan and a landscaping plan for a view by parks and REC.

Again, many conversations have happened throughout the preliminary review periods, and so conditions have also been added to ensure that landscaping and trees are appropriately installed.

Next, the property does contain wildlife habitat and according to the application packet, animals that may use the site include but aren't limited to, Hungarian Partridge, Moose, fox, coyote raccoon, bald eagles, osprey, Hawks, black and grizzly bears, Mountain Lion, and null and white tailed deer.

We received comments from Montana Fish, Wildlife and Parks Regional Supervisor Randy Arnold, and as recommended in his email, we've included a condition of approval requiring some living with wildlife covenants for the subdivision just pretty standard around Missoula.

We've also received comments from 5 valleys, Audubon Missoula Valley Water Quality District and Missoula Public Health and air quality.

None of which had any major concerns or opposition to the proposed subdivision 5 valleys.

Audubon did, however, include that bird species.

May inhabit the area.

Commenting just that the property was at one time a valued grassland, but for the

most part the value of that habitat has diminished over time a bit, and along with a lot of its bird, your son.

They weren't especially too concerned about potential impacts, but wanted to note it.

And lastly, there are two residential structures existing on the site, but Damon Murdo of the State Historic Preservation Office commented that the structures are not of significant historic value so a cultural resources inventory wasn't recommended.

Finally, public health and safety is the last major subdivision review criteria.

As noted, a hillside density worksheet was included with the application for adjusted density maximums and no build zones for slopes greater than 25% have been identified on the plat, all storm water is to be contained on site, captured in a series of inlets and transmitted via underground storm drains to one of three detention systems to other detention systems are proposed to be line ponds that will prevent infiltration of stormwater.

Stormwater would then be discharged from these ponds at pre development rates to most common gully just downstream of the development.

The third Storm water management system is proposed to be an underground sealed detention system that would discharge at predevelopment rates to the storm drain system in Hillview Rd, just north of the site.

The subject property is located within the wildland urban interface or WUI, and that's an area considered to have moderate wildfire risk.

The subdivision regulations require appropriate language to be included in the covenants when land is located in that WUI which staff have included a condition of approval for the properties also located within an air stagnation zone and therefore the development covenants require language for all lot owners to abide by the wood stove paving and outdoor burning rules from the Missoula City County Health Department.

Then we've already discussed the final points, but they'll be connecting to city water. Be required to install fire hydrants with each phase and obviously there are ingress and egress points provided for residents to safely access the new laws.

Ohk.

OK, moving on to our six requested variances, here are the general criteria set out in the subdivision regs.

We look at if the conditions requiring the variance are unique to the property. If physical surroundings would cause undue hardship if the regulations were strictly enforced, whether the hardship has been created by the applicant or not, and that granting of variance wouldn't result in a threat to public safety cause an increase in public costs or violate zoning ordinances or growth policy regulations.

The first variance is for a section in the subdivision regulations that prohibits dead end streets, and the applicant has requested that local eye, which is located on the southeast corner of the subdivision coming off Rymal Rd.

Could be installed as a hammerhead.

Turn around.

The reasoning for this is that it allows for Rymal Rd to connect to an existing public highway easement as requested by our engineering staff working with some steeper slopes on the site and maximizing the number of lots that can be accessed on the preliminary layout has been cleared with our engineering staff.

It allows Rymal Rd to maintain appropriate collector St Profile, so making sure those slopes are adequate, ensuring that all lots are accessed from the public or private road and it meets the limiting depth of 150 feet for streets from fire code which is adequate for emergency services and turnaround distances.

Then we have 3 variances that are all for the same standard.

The subdivision regulations state that blocks may not exceed a maximum length of 480 feet, and the subdividers requesting block length be exceeded at a number of locations.

So, for simplicity sake, we've grouped these in three different groups, shown here. All this color coded there.

Overall, the variance is requested given the steep slopes on site and the challenges associated with achieving required standards for the build.

Out of all the rights of ways, as shown in blue on the map, they've also included a bunch of mid block crossings wherever possible, so most of them include those where they exceed the 480 feet and they're using some pedestrian access easements there where they proposed 2 foot single track trails just to make sure that we increase the internal connectivity and meet the intent of that regulation.

The longest length without mitigation is over at local B and Orange there, which measures 550 feet just 70 feet above that standard.

Umm, next.

We have a variance requested for the subdivision standard that requires sidewalks on both sides of Rymal Rd.

The request is that 450 feet, they would only be sidewalk on the north side.

Also point out on this image that the sidewalk is actually missing all the way up to where Rymal Rd meets local A, so it's not just the blue rectangle shown, but show that in the next slide too.

This image shows that in order to try and mitigate for the lack of sidewalk, they've included a 2 foot wide trail pond proposed that connects into the wider trail easement, and then it still provides pedestrian or I'll pedestrian option along the South side next to the park all the way up to local A.

Obviously there's a few other different options depending where you're going, but it's well connected with that park.

And yeah, just trying to make up for the lack of sidewalk there.

The reason for this variance again has to do with the Rymal Rd layout which was impacted by steep slopes and trying not to do too much earthwork.

It's also requested cuz the South side of Rymal includes a 20 foot cut slope and providing that 12 feet of for sidewalk and Blvd, it would definitely compromise the provision of the moose can gully trail and park.

There is obviously a priority and it's been long discussed with our Parks and Recreation department, so it's important.

Finally, the last variance request is for a provision in the subdivision regulations that requires each lot to about a public or private street or road, and the request is that lots 18 through 22 shown outline in red here would be allowed to not about a public or private St and instead be accessed by public access easements.

That will kind of end up working the exact same way.

Umm, like everything with the subdivision.

The variance is requested due to steep slopes.

Since local A had to be designed to fit the hillside and also meet grade requirements for engineering standards, and it's also meeting the requirement that townhome units face the public realm, shown here as local A or common area on Hillview way and engineering has looked at these preliminary plans and the impacts are proposed to be mitigated obviously by Ali access.

That's a 32 foot access easement for vehicular traffic.

And then also an 8 foot access easement in the fronts for pedestrian travel, leading to the fronts the town homes.

Also, all of those townhomes there will actually be access via the alley and garages at the back of the lots, which is fine, but the variances are just required for the five lots since the rest of the lots do have frontages on local A.

So just kind of one of those quirky things.

Staff has included a whopping total of 48 conditions of approval, but it just sounds like a few here that are a bit different from some of our more standard conditions.

We've got a condition to require the design of the roundabout, Hillview and Rymal Rd, a condition requiring a maintenance agreement for the hammerhead turn around at local eye and then the dedication of 10 feet of additional right away along Hillview way so the east side is that fall 40 feet from the center line, getting up to standards.

Uh next?

No need to read this entire slide, but this is regarding the inclusion in the special Improvement District that we discussed for Hillview way and it basically requires that language will appear on the face of the final plat to ensure that impact fees are paid by all the while blue wild root law owners kind of going forward.

Then, just a couple more to point out here again, I won't go into everything, but we have a very important one that requires development agreement with parks and REC for Parkland improvements and timing.

And finally, this is also pretty standard, but since there's a large amount of common area on the subdivision, I thought it was worth pointing out that language has been required in the development covenants that common area maintenance be performed by the homeowners Association or HOA.

OK, certainly get to the end here.

Then, before we bring up the long list of recommended motions, I wanna briefly just go over the public comment we've received thus far.

All of this is also shared with members of planning board in your packets, or if it was received a little bit more last minute, it's been emailed to you.

There were really only a couple of neighbors that submitted formal written comments prior to the public hearings, one of which was mostly just clarifying the location of an easement from the neighbors immediately north of the subject

property.

And that all looks good to go.

So I responded appropriately.

Umm Missoula Alliance church the South reached out with some questions as well, but then proceeded to submit a comment and support of the subdivision, which is up here on the screen.

That one was from their lead Pastor, Mica.

And then the comment I really want to address in a bit more detail is from John Rimmel, a neighbor to the South of the subject property that outlines some concerns of increase increased traffic along Rymal road to the east of the subdivision.

There was one correspondence that was kind of back and forth included in the application packet ahead of time, and then we also received a letter from his attorney that should have been emailed to the board earlier today.

The image on the screen was included as a part of his comments, with his main concern being maintenance along the portion of Rymal Rd.

Between the subdivision and heavens gate so that green portion on the screen.

Umm so from kind of my back and forth just doing some research on the whole issue.

I chatted with county staff Mike Tester with the surveyor's office and Eric Dixon with engineering, and through that I've been informed that Rymal Rd going east from the subdivision out to Whittaker Drive is all public right away.

That being said, based on my emails with Mr Reimel and county staff, they're included in the application packet.

My understanding is that Missoula County maintains the portion east of Heavens Gate got the portion between the subdivision and heavens gate is currently privately maintained by the Royal family.

That's also shown in the image provided there and you can see that the driveway meets up with Rymal Road right at the southeast corner of the subdivision S, their main access to their property.

From what County Engineering Office has said, it sounds like Missoula County has never formally accepted that portion of Rymal Rd.

Shown in green for maintenance, Eric Dixon also mentioned that the existing roads in a public easement or but excuse me, tongue Twister.

He mentioned that for existing roads in a public easement, the county assumes maintenance for roadways as long as they meet current road construction standards, which this portion of roadway does not.

At this time ohm the TI S was performed using Hillview Way as the only main access point at those two locations and only reference the access at Rymal Rd on the east as an emergency access point.

AR **Analeshia Rodriguez** 1:26:47
How's that you?

TP **Tara Porcari** 1:26:53
Done.
That's remained, yeah.

AR **Analeshia Rodriguez** 1:26:53
Hey Tara, folks are having a hard time hearing you.
Could you try and speak in your mic a little closer?

TP **Tara Porcari** 1:27:00
Yes.
Can you hear me now? OK.

AR **Analeshia Rodriguez** 1:27:04
Yes, but if you could repeat the last hole part of what you said, I would appreciate it.

TP **Tara Porcari** 1:27:08
Yep, from the beginning of this slide.

AR **Analeshia Rodriguez** 1:27:12
Yeah.
Yes, thank you.

TP **Tara Porcari** 1:27:13

OK. OK, sounds good.

Yep.

We'll go on back.

So let's see where am I?

Umm, so talking county staff with the surveyor's office and then engineering department.

They have said that Rymal Rd going east from the subdivision out to Whittaker Drive is public right away.

Umm, that being said, based on emails with Mr Reimel and county staff that are included in the application packet, my understanding is that Missoula County maintains the portion east of Heavens Gate, but the portion between the subdivision and heavens gate is currently privately maintained by the Royal family.

Umm, that's also shown on the image here and was in there public comment and you can also see that they're driveway meets up with Rymal Road right at the southeast corner of the subdivision there.

So that is a concern of his as well.

Umm.

From what county engineering has said, it sounds like the county has never formally accepted that portion of Rymal Rd for maintenance.

The one in green there, Eric also mentioned that for existing roads and a public easement, the county assumes maintenance for roadways as long as they meet current road construction standards, which this portion of roadway does not at this time the T I S was performed using Hilby way as the only main access point at those two roadways, and it only referenced the access at Rymal and the east side as an emergency access point, which is still mostly the plan that has remained acceptable to city engineering as they do still believe that the majority of the traffic will be. Accessing the subdivision through Hillview way, if you look kind of up Whittaker drive, that's pretty steep.

It's not really somewhere that we're seeing a lot of traffic going, but we definitely see his concerns overall because there will be, you know, a little bit here and there.

Umm, I've met with the applicants representative and our engineering staff since receiving some of these comments, just to see what options we might have for mitigation of these impacts, and we'll definitely be recommending a condition of

approval for the developer to at least address the driveway approach and cattle guard.

So once we get the details of that language nailed down, we'll bring an additional condition of approval to City Council.

That being said, it's it's kind of fresh.

So in the meantime, we're just kind of working to do our best to facilitate any possible other further conversations between city and county Public works staff regarding any potential options to further mitigate Mr Reimel's concerns about the privately maintained portion of that roadway.

So doing her best, working with it as we can.

Umm.

And then here are the recommended motions for planning board all to recommend approval to City Council of the Running Application 6 variance requests as described in the previous slides.

And of course, to recommend approval of the wild Root Phase Subdivision preliminary plat application with all the conditions of approval.

Ohh.

OK.

Thank goodness that's finally the end of my presentation.

I do wanna let everyone know that we have a number of representatives here from Cushing, Terrell and the development team that I know wish to add a few things and are also here.

Happy to answer any questions on there and and I'll also point out that some of the staff from engineering and parks are here just to help with any questions pertaining to their department specifics as well.

Ohm last comment, it's super important for the timeline and overall cost of the project to do everything that we can to try and get a recommendation moving forward tonight as umm, the City Council public hearing is coming up before we know it, I'll also remind everyone just that subdivisions have an 80 day statutory deadline, so staff would really urge everyone to push for a recommendation this evening if at all possible.

And with that, I'm all all wrapped up.

Pass it over.

AR **Analeshia Rodriguez** 1:31:22

Great.

Thanks Tara.

Umm, who do we have from the go ahead?

Somebody is gonna present.

OK. Ohh.

Homestead will be setting the screen.

She's OK.

Come on up and introduce yourself in the mic there and uh, maybe repeat that because I don't think anybody else heard about me, OK?

Yeah, I'm.

I'm gonna give like an introduction.

Nicole Onstead is let's see if your mic is on here.

Is there a green?

You might have to pick it up sometimes, or lean into it.

OK.

I'll just hold on.

OK.

Uh, good evening chair and members of the board.

Thank you for your volunteer service to this community.

My name is Kylie Wilson and I'm the managing principal at Pando Holdings, located at 205 Detroit St in Denver, Co.

I live in Denver, but my respect and connection to the state are deep.

I've been coming to Montana all my life, drawn by family, community and the natural beauty of this last best place.

Our goal with this project is not just to develop real estate, but to create a neighborhood that will be an asset and that aligns with the goals and objectives of this city and county.

It is also a wonderful thing that the work we do will help with local housing attainability throughout Montana.

Housing affordability has become a significant issue facing state and local leadership. As you are well aware, Missoula is not exempt from this reality.

Building more housing is crucial to making homes more attainable across the board. Our project started when we flew into town in early 2021.

Our first meeting was a zoom call with Key city officials where we outlined our vision for a development that included apartments, townhomes and single family.

The encouragement we received affirm that this site was a priority and aligned with the city's growth and housing policies.

To underscore the city's initial support, I'd like to share two quotes from an email we received from them.

One was we are excited about the development plan described during that meeting, a plan that will bring much needed homes to the Missoula market.

And two was this development provides the opportunity to create more homes in a single project than we have been able to achieve in several years across dozens of projects.

Today we are not just planning, we have 203 apartments under construction with the first residents having moved in last week.

From the outset, our vision has been consistent.

The initial plans we discussed with the city in 2021 laid the foundation for what we present to you today, a plan shaped over the years through collaboration with staff.

Our guiding principles have been to maximize views and open areas, create a system of trails and parks that connect into the city grid and build a community with appropriate density and multiple product types.

We've designed the subdivision so that over 20% of the site will remain open.

You are going to see tonight that we've created a neighborhood where people will love to live where they can enjoy the trails, parks and the sense of place that makes wild root distinctly Missoula Zach Graham from Graham Engineering is here to present the more technical aspects of the development.

Shorter than Kylie, so hopefully this works better.

Good evening.

Chair Board members, members of the Community staff.

My name is Zach Graham.

My address is 4350 Ravali St, Suite B, Bozeman, Mt on behalf of the whole design team and ownership, we are really, really excited to be in front of this board after having partnered with the city leadership and staff over the past two years to bring

us to this point.

This point, we're excited to be part of a great vision that will bring approximately 450 much needed housing units to the city of Missoula.

I'm going to be going through a high level review of the projects designed for you tonight.

Really the the designs development to supplement the staff report.

This project is located on the South side of the city of Missoula, along Hillview Way, located in the Moose can goalie neighborhood in the South Hills.

This area of town offers convenient access to schools and open spaces, and close proximity to the Brooks Ave commercial Corridor and Missoula's vibrant downtown core.

The area to the West, across Hillview Way, is the established residential Elk Hills neighborhood, featuring attached and detached homes and the condominium complex village at El kills to the South.

Hillview way connects many looping, walkable neighborhoods with a diverse mix of housing types, including single family townhome and multifamily.

Various scales.

These neighborhoods are anchored around the many open spaces and Sky View Park to the north are winding streets leading to single family homes nestled alongside the hillside, leading to High Park and the Highlands Club golf course.

Each east of the project site is a transitional area directly to the east is an undeveloped parcel owned by the Missoula County School District, then an unannounced large rural residential parcel.

Looking further east towards Whitaker Drive is the city limits once again, with the mansion Heights PUD.

We desired from early in this project to partner with the city to meet the cities housing goals, part of the initial due diligence is Kylie mentioned.

That began almost three years ago.

Now was a meeting with city leadership to confirm that the development of this property could be achieved in a manner that complied with the planning goals of the city.

Some of the goals were discussed that were discussed were the future land use, designation of the parcel and the associated densities that matches the proposal

before you today.

We also evaluated the property in accordance with the annexation policy of the city, with the property both within the current utility service area and the annexation area, as it was confirmed that this project fit the logical growth pattern the city intends by avoiding noncontiguous growth boundaries while designing a project in conformance with the future land use plan.

When thinking about creating a new neighborhood, it's important to consider features both on and off of the site.

In this case, the most influential design drivers external to the site included an existing public roadway easement running along the southern property boundary of the site requiring connection to Rymal Rd.

The city of Missoula prioritized the use of this easement for any proposed neighborhood roadway network.

There are also two connection points off of Hillview Way identified that would need to align with village View Way and Clearview Way all of these existing elements drove the alignment of the proposed roadways.

Additionally, the existing trail network located in the area was also critical to consider in order to create a walkable pedestrian network connecting pedestrian paths along Hillview way through the site to the east, finally providing future connections to adjacent properties that are not yet developed was also considered.

These connection points would need to provide access to property to the north, South and E these external connections, along with possible future connections to the east, provided the design restraints for connection of the development to the overall transportation network.

Constant conservative excuse me.

Conservation.

Lots to the South influence the location of the primary pedestrian corridor alignment, which resulted in reduced density adjacent to those easements.

In this slide, you'll begin to see the framework of the proposed neighborhood take shape.

Here you can see the locations of the external and future roadway connections with the internal roadway network.

The site topography was the dominating driver for the proposed design.

The site generally slopes from east to West, with areas of steep slopes that are undevelopable and over 200 feet of vertical relief from the lowest to the highest point on the site.

In the southwest corner is moose Moose Gangoli, a drainage and riparian area that needed to be protected with other open space areas.

The trail network was designed to both allow the user to interact with the park and open space while providing ready access from each of the lots.

Bringing these internal and external design drivers together results in a concept in conformance with the proposal before you today.

Here you can see how future connections were planned within a pedestrian scale, neighborhood Rd network.

Working within the constraints of the existing topography, the team developed the roads that emphasize safety along with functionality.

This image also depicts how the open space areas protect the riparian area and how the pedestrian pathways provide for continuous travel throughout the neighborhood.

With conscientious and safe crossing locations, the open space locations, pedestrian connections and neighborhood Rd network create the backbone of what we are proposing tonight.

Wildroot to 106.6 acre community with 41 of those acres proposed for annexation.

There are 21.9 acres, just over 20% of common space and over 14,000 lineal feet or 2.65 miles of new trail, all open to the public and maintained by the HOA.

Moose Cannoli is preserved and adjacent to proposed park space, totaling 7.78 acres.

There's an 8 foot wide pathway that will connect to an existing underpass and provide walking or biking.

Access to the park space from the South.

Aligning with the city vision to see this property developed for housing the project creates 203 multifamily units that are already under construction, 21 townhomes and 226 single family lots.

The thoughtful design lays out the lots placing higher density residential units closer to Hillview way, with gradually less intense townhomes and single family residential lots planned as the property slopes up to the east.

The diversity of the housing creates residential opportunities to fit many lifestyles

and life stages, while incorporating pedestrian friendly access and connections to amenities along the Hillview Way corridor.

As described in the staff report, the project relies on the approval of a number of variances.

The subdivision design necessitates these variances due to many of the external and internal drivers previously presented.

That said, the most notable driver is the site topography.

These are variances, again, are for a turnabout block length.

The street profile and direct public access and phase two where the townhomes are located.

Wild roots planned to be constructed in seven phases, inviting new residents into the neighborhood overtime, the multifamily named Pine Wildroot is phase one and currently under construction, with residents already moved into the first completed building as of last week.

Phase two is designated for townhomes.

Phase is 3 through 7 or for single family lots.

Each phase will be constructed with fully functional infrastructure and pedestrian access to the overall trail system.

The phases will be constructed gradually over time.

While there is an exhaustive narrative in the application of how this project conforms with the growth policy and overall city policy and goals for new development, I would like to touch briefly on this alignment from a high level, this project aligns with the city stated housing goals by providing attainable and fair housing through an efficient use of the land that appropriately places lots within the developable areas, while also providing multiple types of housing from multifamily to town, home and single family, even the single family lots have been designed with variable lot sizes to provide for different.

Home sizes.

Overall, the development complies with the land use and zoning intent to decrease housing density as the development progresses.

East from Hillview way.

The design provides appropriate vehicle and pedestrian transportation linkage with an overall community character and sense of place that is congruent with what

makes Missoula such a great place to live.

Natural areas are preserved and proposed in appropriate places, providing trails, open space and a park, all while being connected with local services through the existing adjacent transportation network.

As an area designated through the growth Policy and Zoning Code for development, the project provides the needed housing in the right place without unnecessary sprawl to help reduce growth pressure while providing for the necessary infrastructure to accommodate the growth.

One of the goals of the project Vision was to develop reasonable design guidelines for the townhome and House designs that produce a sense of place that is faithful to regional traditions while requiring quality yet affordable building materials.

The intent is at the homes will encourage a visual interest and architectural compatibility throughout the development.

The design guidelines encourage energy efficient efficiency and consistent landscape requirements with planting requirements that promote responsible water usage for long term sustainability.

In this artistic rendition, we are looking northwest over the proposed development. You can see Hillview way moose can goalie and the village at El kills in the foreground.

Brian Moore, Rd is the in the distance on the right and Mount Sentinel in the background you can see how the proposed neighborhood fits in appropriately with the existing residential development.

The next view of the project will be from the trail adjacent to the storm Water detention facility in this location here.

This view is looking to the east from the stormwater pond at the park and multifamily development behind it.

The location of the park next to Moose Pangolin provides further protection and transition to the riparian area.

The concept part design consists of terraces that facilitate various future amenities and places for community enjoyment.

The turf area is limited to just what is requested by the City Parks Department, which limits irrigation while providing native recreation areas.

The Moose Gangoli Park provides a recreational anchor and hub connecting off-site

trails to larger on site trail network within the development.

This thoughtful and distinctly Missoula, designed before you today due to a lot of vision and hard work between the ownership consultant team and city staff, we're thankful to city engineering, public works, planning parks, and everyone else I'm missing here at the city for all their hard work, there are many hours of review and coordination as well as patients to address all of the challenges that were challenges that came up to in order to bring this to you today.

On behalf of the ownership, we value the partnership that has developed between our team and yours as we look to bring much needed housing through thoughtful design and quality development to the Community, to the Board and Missoula Community.

We thank you for your consideration tonight and we look forward to addressing any questions that you might have.

One thing before I turn it over to questions, the the discussion with the Royals did come up.

We were able to meet with representatives of the family earlier today and we just want to affirm that it is our intent, especially at that intersection, that that be designed pro appropriately during the phase three design, when that would need to go into place in coordination with them to make sure that they they're access is configured appropriately at the cost of the development to umm to allow for their trucks to come in and their operations and their cattle guard and some of those concerns there.

So with that, I'll leave that we're available for any questions.

And again, we appreciate your careful consideration here tonight.

Great.

Thank you, Zach. OK.

Planning board members.

Does anybody need anything clarified?

Any like questions?

Didn't understand anything.

Ohh Lynn, go ahead.



Lynn Davis 1:49:02

Hi I think this is for Tara.

So I see the streets going off to the right on the plan.

So it looks like East that dead end into this the school property.

What is the plan for that?

Why would there be streets into a school property?

TP **Tara Porcari** 1:49:21

Yep.

So that is from engineering.

We wanna see those future connections as things get developed and we don't want to have to put the dollars into it later.

So you do all that up front knowing that the property to the East will eventually be developed.

We just, we generally do it ahead of time when it comes to subdivisions.

LD **Lynn Davis** 1:49:43

Yeah, but if it's it's since it's a designated school property, we don't normally have St like full on streets going through school property.

Would you like?

It doesn't make sense to me when I look at it.

TP **Tara Porcari** 1:49:57

Yep, Yep.

It's owned by them right now, Troy.

I think you were a part of some of the beginning discussions there with the school property and then the consultants might be able to help out as well.

I wasn't here in the very beginning, so would one of you guys be able to jump in and just kind of clarify what's going on there with the school district property?

TM **Troy Monroe** 1:50:18

Yeah, this is Troy Monroe, city engineer.

So those are just basically connections to to property.

They don't need to be used if the school decides not to have whatever exits on those

locations.

But we did design the subdivision so that if the property was sold by the school district and developed to housing, it would have the necessary connections.

So again, it would totally be up to the school if the school just wanted access off rymal.

They could do that if they wanted the parking lot to have other accesses.

They could use these, so it's just creating continuity between the parcels.

AR **Analeshia Rodriguez** 1:50:53

Tara, do you have a map?

You might be able to bring up and shows that little more clearly.

TP **Tara Porcari** 1:50:56

Umm.

Yep.

Let's see.

I've got this one or the oops.

The preliminary plat is the phasing plan, maybe a little bit easier to see for you guys.

AR **Analeshia Rodriguez** 1:51:13

And the school property is the legend basically, right?

TP **Tara Porcari** 1:51:13

You know likely.

Yeah, the school property is the one immediately adjacent here.

I can see if I can find another slide that has it.

So it's this proper this property here?

AR **Analeshia Rodriguez** 1:51:29

OK, I see you there.

Shane, stand by.

OK.

Lynn, do you got anything else?

LD Lynn Davis 1:51:36

Well, yeah.

So the reason I brought it up is because you have the hammer head to the South and you wouldn't require that on these three streets that are that ending.

Umm, because it's safe to turn around a fire truck or it doesn't.

Can you explain that?

TM Troy Monroe 1:51:55

Yeah.

So the yeah, again, Troy Monroe, City engineer.

TP Tara Porcari 1:51:55

Yeah, Troy, could you?

TM Troy Monroe 1:52:00

So the fire department here in Missoula has 150 foot distance that they are willing to back an engine.

So all of these are designed to meet that.

So if there was never any development ever occurring to the East, they would still meet the fire code requirements.

But again, they are designed for needs in the future.

LD Lynn Davis 1:52:23

Thank you.

AR Analeshia Rodriguez 1:52:27

Great.

Thank you, Lynn.

Go ahead, Shane.

SM Shane Morrissey 1:52:31

My question was similar to Lynn's, except on the North I suppose.

Where we kind of did the a different thing.

It looks like we dedicated uh common area at the end of.

A local app, Finn Local H If I'm reading that correctly here, and I guess my question is really, uh, it doesn't appear as if that's as wide as the public right of way of the abutting streets.

So you know, I guess you know, thinking a future connection to the north.

But I guess maybe the main question is, is are those actually the width of the proposed public right of way?

If those were to be future connections.

TP **Tara Porcari** 1:53:20

Yes, they are all of the local streets.

They're mostly all an 80 foot right away and I believe there are one or two that are down to that 61 feet, but they they'd all be appropriate and the the matching eased up here, let me see if I have the actual length.

Back one have to pull up the actual plat unless someone else knows at the top of their head.

TM **Troy Monroe** 1:53:47

Yeah, they should be designed as a 60 foot easements.

So that is that way we could get a a future Rd connection if it is that way we can also get the utility connections.

Most likely the development there would go directly to the West to Hillview, but we did save these spots just in case they didn't need connections from wildroot.

TP **Tara Porcari** 1:54:10

And that's confirmed at 60 feet for that common area space.

SM **Shane Morrissey** 1:54:14

Sure.

Uh.

And so like, I guess what I'm what I was reading is is that let me pull up my map so I can actually zoom in a little bit.

TP Tara Porcari 1:54:23
Umm.

SM Shane Morrissey 1:54:24
So local age is a 61 foot right of way and then connects to a 60 foot common area.

TP Tara Porcari 1:54:32
Yep.

SM Shane Morrissey 1:54:32
So, OK, great.
And then local app is the 70 foot right of way and then that connects into a 60.
I guess maybe my point there is is, you know we've we've had these discussions before.

TP Tara Porcari 1:54:39
Yep.

SM Shane Morrissey 1:54:44
We're we're we're kind of backing ourselves into a little bit of a corner if we need the 70 feet for, you know, the road and that might like it seems pretty obvious to me that that is intended to be a placeholder for a future Rd should it not match the, you know, right away with to the connection that I don't think I need an answer on that. But I guess maybe it's a.
Statement.

AR Analeshia Rodriguez 1:55:21
OK.
Great points.
Anybody else with anything before we move to public comment, anybody need anything clarified? Yeah.
OK, jump in real quick.

Umm, I think is a question for staff and I I think I believe I understand it that the proposal is meeting the Parkland dedication requirements.
But tear, I believe you talked about the requirement of a common space maintenance agreement.
Umm I'm a little confused.

TP Tara Porcari 1:55:57
Yep.

AR Analeshia Rodriguez 1:55:58
If we're dedicating public Parkland to the city, then the HOA still has to maintain it.
Or am I misunderstanding that?

TP Tara Porcari 1:56:03
So no, those are separate.
We've got dedicated Parkland which is going to be maintained by the city, and then they also have additional common area, which is technically a requirement of our multifamily, but they're going quite a bit above and beyond so that they've got extra common area and basically the reason we put language in there is just to tell them apart from the dedicated part plan that parks and Rec is maintaining versus the open space that's being maintained by the HOA.
So two separate things.
They've got just a ton of open space in general.
The reason one of the reasons that they have so much here behind the multifamily is not only for their use but also due to a lot of those steep slopes.
So yeah, but just differentiating between the two.

AR Analeshia Rodriguez 1:56:54
And may I have a follow up there, go ahead separate topic, I guess.

TP Tara Porcari 1:56:57
Umm.
Yep.

AR **Analeshia Rodriguez** 1:57:11

There may be required easement from the Royals on the South side of the proposed boundary.

TP **Tara Porcari** 1:57:18

So here let me see if I can find a zoomed up one here.

There is an existing highway easement along Rymal.

I think I've got one that shows it and maybe the variance slides.

Yeah, there's an existing historic public easement there and so it's been a request of engineering that Rymal Rd connects into that existing easement so that we're kind of prepped for future development, doesn't make any sense to not use that when it's already there.

AR **Analeshia Rodriguez** 1:57:53

Last one, if that's all right.

Umm, you mentioned bus stops about a half a mile away, and as of now the the city wouldn't require any plans for improvements to the bus stop.

I just wanted to understand understand if continued pedestrian accessibility will be available from this development to those bus stops.

TP **Tara Porcari** 1:58:18

Yep, Yep, I think I noted at some point in the preliminary plat slide, but there'll be quite a few improvements to, he'll be a way to be able to get across there for the Mountain Lion bus stops.

And then as kids kind of start moving in, we'll see how those bus stop routes change. We haven't gotten any comment from the schools at this point as far as bus stops go, but there's a ton of really good, safe connections throughout the subdivision, and they're also proposing some new crosswalks across healthy way as well.

AR **Analeshia Rodriguez** 1:58:55

OK, great.

OK, with that?

Double check Josh.

I I can't see you.

You're good to go there, guy.

I would assume you'd speak up.

Alright, OK.

We're gonna move on to public comment here.

And.

With that, I will open it up to public comment.

So for anybody that wants to comment that's in house, please come on up.

Please state your name for the record and I'm I'm a little little looser on my timelines.

We will flip over the timer to get you used to it because when you go into City

Council chambers, there'll be a lot tougher.

The mayor holds the tight timeline, So what is the timeline?

3 minutes.

Yeah.

OK, so I'm Whitney Rimmel.

I'm part of the royal family.

I know that staff has been referring to John Rimmel and actually it's not.

Just don't.

John Rymel, it's also Whitney Rymel.

I'm John sister and own some of the land along Rymal Rd.

On half of the rymel land along Rymal Rd, we did submit a letter of concern and our basic concern is about any proposed use of Rymal Rd.

For this development, other than for emergency access, we understand that there may be future development on other properties to the east of this development, but that hasn't happened yet and may not happen for a long time.

So we would like to have a provision in any approval of this development that Rymal Rd from Whittaker heavens gate down to uh, our cattle Guard and the development be used by this development only for emergency access such as fire.

Uh uh fire provision access.

We'd also like to point out just for the folks up in the city that our land was part of an open space bond project that expended city money, public money and protected over 1000 acres of land in the South Hills for open space conservation.

And it's important to us and I think should be to the city as well, since the city spent a considerable amount of money on these conservation easements that you recognize that any significant change in the use of the existing Rymal Rd would impact the character of these properties.

It's not clear to us from the proposal and from the traffic impact study.

Uh, what?

The proposed use of the existing Rymal Rd will be if you don't include uh, any potential future development of other properties, it's very important to us that any access to the existing existing Rymal Rd from the proposed subdivision should be managed using a gate or other means to restrict access.

Neighbors along Rymal Rd, including us, already struggle with regular trespass nuisance behaviors such as partying and dumping and other unwanted uses of Rymal Rd.

There have been a number of accidents and at least two injuries which may have resulted in death, so it's very important that this that any access from this subdivision to where lmal Rd.

Uh at the South part of the subdivision be controlled with a gate for only emergency access.

We understand and I've seen the correspondence between my brother and representatives of the city that the city and the county believe that there in fact is a public easement over Rymal Rd from heavens gate to our Cattle Guard.

However, if you go back and look at the documents from 1904 when the road was additionally established, there is in fact some question about that and.

We would like to have the developer or the city demonstrate that the city does have legal rights to public asset access on that portion of Rymal Rd.

I didn't have an opportunity to review the documents that Tara, I guess who's the staff person here presented and from where I was sitting, I couldn't really breathe them and I'm assuming that those would be available to my family and to the public to review.

Umm and.

I understand that representatives of the city have been meeting with the developer, Umm.

And I know there's been some correspondence between my brother and the county

and or the city, but we would like to have the city be able to sit down with us and discuss these issues.

So far, it's just been our letter saying X in the cities letter saying Y which is, you know, good to get started.

But uh, we would.

We would like to have that on that.

Conversation began and in conclusion, I'll just say we have no objection to the proposed subdivision.

It's only to the effect of that subdivision and any traffic on Rymal road insofar as it impacts us and the and, as I think we pointed out, we use that road for agricultural purposes such as, you know, hate rocks, large vehicles for cattle and farming purposes.

And so that's basically what I had to say.

Unfortunately, John Rymill could not be here.

He's not in town, but again, I am here representing our family and I'm happy to take any questions or comments that anybody may have.

Great.

Thank you, Whitney.

We appreciate you coming down and making your comment and we've got, I know staff has writing down questions and for anybody else that comments, we write down your questions, Board members write down your questions and we try and address them to the best of our ability over the course of this hearing.

So thank you.

Thank you.

OK.

Anybody else do we got anybody online or we should?

Yeah.

So anybody?

OK.

Anybody else in house, please feel free to come on up.

Yeah, please keep a timer.

I'm at the correct time now.

OK, so my name again is Megan Schrader.

I live at 5010 Elk Hills Court and I am concerned about Elk Hills Court, so if you pull the map up you can see my house right there.

And I'm an elementary school teacher here in Missoula.

I'm born and raised Missoula.

I used to ride my horses up North Reserve when that was all field for anyone that's been here now too.

But anyway, so one of the things again, I know we talked a lot about Montana's beauty and all these things.

I'm also concerned on a school level, but I can come to that later.

Right now I'm concerned about my house and my home and my family and my neighbors and.

And so again, the highest density area, if I am quoting this correctly, is the West along Hillview, which is my house, my that is my backyard, not my front door, my backyard where my where my neighbors, all of us, that entire Elk Hills Court on that side of Hillview that is our backyard to our property that we've enjoyed that, that land, that property, that view umm, so the the things that I kind of just wanted to mention again if you look at the map, it's basically I'm talking about the corner from Clearview and the seven individual.

Family homes, along with there is one condo on the corner of Clearview that would also be included on Hillview side that I'm talking about.

That then borders that this new subdivision with the high density.

OK, umm and I understand about growth, I fully do again being born and raised here in Missoula, I've seen it this development to me though, to be honest is devastating.

It's completely opposite of what I've heard, and I understand again about growth.

Umm, this is a massive construction and I get a little bit teary eyed because the the very, very tall three story permits that people already moved into.

There is no view, so a lot of this talk of view and land and the there's fox dens and this conservation land again, I understand it's happening, but I think some people are being a little bit left out in terms of, well, how can we help with some of this impact.

Some of us that have already been there.

Umm.

And I think you need to think about Elk Hills Court.

I feel like that those people along Hillview.

Umm.

Again, this is so also will this very stale part tall apartment buildings we have, by the way, there's already standing water.

Wildlife is already being impacted greatly for me and my backyard, specifically that I can speak to wildlife and the impacts.

I've had two deer hits just this year and what happens is they come down and they end up in my yard and then I'm responsible for that.

Umm, what's new?

With more traffic now and as we know, this is a huge developed, sorry huge development.

So with that much more traffic, I can only imagine some of the more impact that we're going to see for those of us in our, in my neighbors, umm, and I just wanted to mention it said you quoted maximizing views.

But again, our views are gone now.

So I just think that some of this is not necessarily benefiting those of us that are already there.

For property and again at you earlier with the description, I think it mentioned the property owners that are gonna.

Benefit from the improvements quote unquote, and again, I think this is actually quite detrimental.

Umm.

For those of us that are on alcohol's court, and that can only speak for myself at this point, but I plan on again putting in written responses by from all my neighbors, and I'll submit all of that as well to the links that I have.

But sorry, I again this is where and you you touch on this a little bit as well, but there's already garbage accidents, wildlife, things that are coming into my yard.

I am downhill.

My house is right there on the West side of the high density, so we're downhill.

So This is why again, now that we're going to just have huge Rd noise traffic now, my view is this, these homes, that's where I'm saying that for for us, I feel like I would love to see money put towards us having a 6 to 8 foot.

I know brick mortar things that are very thick and very expensive help with Rd noise better, but something that's maybe more doable like vinyl fencing and that that's

maybe put into the side of our backyards, something that would really help again with some of that.

And now all those people and population that's walking right there as well, umm. And just thinking, yeah, again about us and our property value.

And then lastly, it just mentioned your quote earlier as well, was think of those on and off site.

And so again, I just want to go back to that quote because I feel as though the Elk Hills Court Street could really be thought about as well.

I think we haven't been and this is already really affecting us.

Umm, so I'm just asking you to take that into consideration.

And again, as we know looking in offenses, it's easily a \$10,000 thing anymore for something like that.

So for the there's a lot of money that I know as homeowners, we can't necessarily afford to do that and that's where I'm asking us some of that money we put into maybe thinking about us and and and possible privacy fences or screening plants and trees for us as well.

And I would love any questions or comments as well if anyone has any, but I appreciate your time.

So thank you.

The Planning Board will will speak after public comment.

We give our thoughts and opinions here.

Once.

Ohh and sorry, no time kind of a thing but but school is just again my heart.

I've been a teacher for almost 20 years.

Umm in in this state and polling Missoula.

But it's just again.

Also, our schools putting this huge amount and this many homes all at once.

Umm is going to be the massive impact or already heard school system?

I mean, if we've been following things that are going on in our district and MCPS, there will need to be, I promise, much more bus routes.

I have a lot of kids who again are homeless and and I have a lot of kids with with high needs.

Their parents don't have cars.

I have a lot of ELA, lot of families that have come in from from out of this state and are trying to get these opportunities to their kids to school.

Attendance is a huge issue and so I just want to say even with a Mountain Lion, the Mountain Lion does have stops and pickups it around different schools.

They don't necessarily stop at the school, so I think you really need to kind of consider bus stops and maybe some of those things too were getting on and off at Mountain Lion isn't necessarily going to get the kid to school because of what direction they're going, and they're going.

So that's something that we run into some of our students.

So I just encourage that too.

Thank you. Sorry.

OK.

Anybody else wants to make public comment?

So anybody online that I'm not seeing here?

OK.

So that real quick.

Sure.

Go ahead, please introduce your pay.

Your name for the record, please.

My name is Colin Reimel, Whitney's nephew, and John son.

I think just to echo what everybody else has been saying about buffering also applies to ranch land.

Probably any rancher that has a subdivision built right up against this property isn't gonna be stoked.

We've had numerous fires in our gullies from kids across the street going down to smoke in the trees.

We've had neighborhood kids shoot our ball with a 22 through the hind quarters, so the effects are are there.

So just some extra thought into the buffering between our land for fire where we rely on County Fire response, not city.

Well, at least sheriff response.

UM would be greatly appreciated as we go forward.

So yeah, great.

Thank you.

OK.

Any any other public comment?

Give it just a second here, see if anybody needs to.

Sometimes takes a little courage.

It's not easy to stand up and speak sometimes.

Anybody that I'm not seeing online?

OK.

You can move your do that same.

OK, alright.

Ohh, there we go.

OK.

Umm Derek Peacock.

I you're still muted there, at least from what I can see.

DP **DEREK PEACOCK** 2:14:42

Can you hear me now?

AR **Analeshia Rodriguez** 2:14:43

Yes, please introduce yourself and try and keep it within 3 minutes.

DP **DEREK PEACOCK** 2:14:47

I'm Derek Peacock.

I own the one of the properties, the east.

And just again worried about Rymal Road and.

Impact.

If you have increased traffic there on the road, that's not always in great condition.

And basically wired about that increased traffic that I think will invariably flow.

And I just want to make sure that the the road is really only used for emergency traffic, ambulance, fire brigade, etc.

That's all I have to say.

AR **Analeshia Rodriguez** 2:15:37

OK.

Thank you.

Appreciate you being here tonight and spending your time to be involved.

OK.

Anybody else here in house?

All right, not seeing anybody.

We will go ahead and close public comment for this hearing.

Which brings us to a motion my fellow board members.

Umm oh, I'm getting a request for a quick break.

Umm, how about we we take a quick five here folks, hmm.

AR

Analeshia Rodriguez 0:14

Order same housing should be easier.

This process.

That would be a faster way.

Five months from.

OK, stand by here folks.

Just taking a couple notes.

OK, alright.

We're uh, we're reinjured here and I think tariff, you could put your motions up.

We could entertain a motion and, yeah, I think we've all gotten pretty good at this at this point.

So we'll take the the first big one, unless anybody has a different suggestion, we'll do the subdivision first.

Yeah, we can't have discussion until we make the motion.

Uh, can we get that the recorded and and transcription window off?

So we can read that top sentence.

Awesome.

Thank you.

All right.

Something's gotta take a stab at it.

It's always hard to get emotion.

Nobody wants to read these long things.
All right, Josh.

J **Joshua** 4:23

Sure.

OK, I'll take a stab at it.

I moved that the Planning Board recommends.

City Council approved the adoption of an ordinance to rezone the subject property as shown and legally described in exhibits A&B from RM1-35 residential multi dwelling RMB, 0.5 residential, multi dwelling, R8 residential and B2-1 community business with a Hillview Heights overlay to R 0.5 residential multi dwelling RM1-35 residential multi dwelling and R 5.4 residential.

Removing the Hillview Heights overlay from its entirety.

AR **Analessia Rodriguez** 5:12

Great.

Thank you.

Motion made by Josh.

Do we have a second?

I'll second seconded by Rick.

OK.

Anybody wanna lead us off here?

Give you guys a second.

I guess maybe just to clarify for you, Danny, this is not the time to ask questions, have discussion with board members and also at some point we try and lay out our thoughts and maybe you don't necessarily have to declare your vote unless you feel moved to.

But we try and give staff idea of what we're thinking about.

I think I'll go first.

Go ahead, Rick.

I'd like to hear the applicant address or or the county address closing access to the road to Ramal Rd first.

And then I also have some questions about the landscaping along the multi use area.

So I guess I'll go out question one first.

Well, I guess first question for the county is can it be closed and or limited to only emergency vehicles?

TM **Troy Monroe** 6:37
The.

TP **Tara Porcari** 6:41
So that was actually a discussion that we started with in the city today and I can kind of let Troy touch on that a little bit more.
I think from just the city standpoint on its own, I don't believe we would be able to close access since it is public right away.
I'm not sure if there would be further opportunity if you know we were able to work with the county and come to some sort of agreement, but I'll I'll let Troy touch touch more on that since it's part of the discussion we had earlier.

TM **Troy Monroe** 7:12
Yeah.
Hi, Troy Monroe, city engineer.
Yes, terror is correct that you know.
Uh, we would have to find a a means to close public access and I just don't see that happening.
I haven't heard of that happening anywhere.
We've certainly had instances where you could close public access to a private road, but this is a public right of way as far as the authority, which is the county surveyor.
So we would not plan to have any means to close off access.

AR **Analeshia Rodriguez** 7:47
Well, I know the answer to.
Actually, I'm sorry, but you have to hold your public comment for now.

TP **Tara Porcari** 7:57
I.

AR **Analeshia Rodriguez** 7:59

Comments umm.

So can the HOA limit access, at least in the CCNR's?

TP **Tara Porcari** 8:09

Umm, again, this would be a public right of way.

It's not a private roadway, so the HOA wouldn't have those powers.

It would have to be done, Umm, publicly and like Troy said it, there's a possibility of something with the county.

But those would have to be some further discussions, and the city wouldn't have the power to do that on its own since it's public.

AR **Analeshia Rodriguez** 8:30

But when I say through the HOA, I'm saying not close the road, I'm saying put in the CC and R's that the resident should access through the two entry points on the main on Hillview.

TP **Tara Porcari** 8:44

Yeah, we definitely can add some language in like that.

AR **Analeshia Rodriguez** 8:45

Have.

TP **Tara Porcari** 8:48

I think the the hard part there and what we have discussed kind of at length is there's not really a way to make sure that happens.

We don't really have, you know, enforcement there.

So it would, it would just be language and I think I think we're looking for something with maybe a little bit more teeth and something that we all know is a little bit more feasible.

I guess it's not be our response.

AR

Analessia Rodriguez 9:16

How about the owners response?

No ma'am.

The developers, the developer or?

Sorry, I forgot your name.

And reintroduce yourself as it all.

Yeah.

Sorry Zachary ham.

Yeah, we're frankly not opposed to the closing of it and it being for emergency access, but it's outside of our, it's really outside of our purview of our authority to to do that since it is public right of way that's outside of the preview of the CCNR.

So correct.

No, we if it.

Yeah, I I guess I was going off of what was said that right?

I I know you can't close the road.

I'm just saying you can tell residents that they should not use it as an access Rd, that it's an emergency use only Rd.

I mean we we could, but we couldn't enforce it.

Yes, CCN people enforce putting your garbage cans out.

So right, it's just harder.

Yeah.

It's one thing that when people see a a travel trailer out in front of a house that's not supposed to be out of out in front of a house for two weeks and it's sitting still, it becomes more obvious than someone that takes a 32nd bypass.

That gets hard to, yeah.

Thank you.

Thank you, Danny.

Go ahead now.

Thanks.

I I guess I'm also concerned about this.

Public access easement Rymal Rymal road to the east.

I understand what risks getting at enforcing the residents of this development

through the CCR's to only access from Hillview, but this is going to be public city owned right away.

I don't know how you can deter the rest of the public from not accessing on a public owned and maintained right of way.

It's a weird situation here where the regulations say we need to connect, but then we have a public access owned by the county, not the city.

And they appear to not be maintaining it.

If I understand it well, I guess the question for maybe staff or public works and mobility.

What measures could be put in place to deter someone from using that county non maintained road right now, which is public access, and this is leading to a concern of like public health and safety on our Rd that's not maintained, but everyone has legal access to it.

TM **Troy Monroe** 11:59

Yeah.

So this is uh, Troy Monroe City engineer.

So you know, when we worked with them on the TI S, we looked at trying to determine, you know, each home has about four and a half trips, a total of nine vehicle trips, but four and a half two and forums.

And where would those most likely go?

And in all the experience I was in the room at the time, people, most people, almost all people, would choose a paved Rd over a gravel Rd.

There aren't very many destinations that would be a reason for people to take Rymal Rd the right move within the subdivision is being designed for the first, for future development that occurs east of the development, not anything to do with current traffic on the road.

So we don't see rymal as a concern.

AR **Analeshia Rodriguez** 12:51

OK, Lynn.

And then I got Josh.

LD **Lynn Davis** 12:59

OK.

I just wanted to bring up when our asked a question of when this road will be built because it's it's in the last phase, I think so is the road not gonna go in till 20202035 or something?

So what's happening?

AR **Analeshia Rodriguez** 13:20

I don't remember the dates.

It's in phase three and.

LD **Lynn Davis** 13:26

I thought it was.

AR **Analeshia Rodriguez** 13:26

Chair is bringing in the.

LD **Lynn Davis** 13:27

I thought that actually was a month later.

Maybe not.

AR **Analeshia Rodriguez** 13:32

There you go.

2030 is phase three.

LD **Lynn Davis** 13:40

OK.

AR **Analeshia Rodriguez** 13:40

Right.

And I getting that right phase three.

TP **Tara Porcari** 13:43

Yep, that's correct.

LD **Lynn Davis** 13:45

OK, so we do have some time.

I think the sorted out.

I realize everyone wants to get it sorted out now, umm.

TP **Tara Porcari** 13:52

Yeah.

And and like I mentioned earlier, kind of on the slide addressing some of that, umm staff is I I can't make any guarantees at this point but staff is working really hard to figure out if there is some sort of a condition that we could put in to help out with this.

No promises right now, but I'm gonna try and do some facilitation talking with the county too, to see if there there is any possibility of closing that up and we'll have a little bit more information for our land use planning and City Council meeting is kind of a last minute request.

So we're doing everything we can to try and figure out how to, you know, mitigate some of this.

But at this point, what Troy has said stands.

But we're still going to have some conversations to see if maybe closing it or if there would be any other mitigation.

No measures from here, so hope to see some of that by the next City Council meeting.

We'll give an update.

LD **Lynn Davis** 14:52

OK.

AR **Analeshia Rodriguez** 14:52

Great.

LD Lynn Davis 14:52
I just.

AR Analeshia Rodriguez 14:53
Thank you.
Go ahead, Lynn.

LD Lynn Davis 14:54
I just looked at home.
If the county doesn't maintain it, the city doesn't maintain it.
Can the people that maintain it close that the gate would be on their side of the property line?
I mean, it doesn't make sense at all to me, the whole situation, obviously.

AR Analeshia Rodriguez 15:12
It's a public easement.
I mean, they could try but.

LD Lynn Davis 15:15
But it's not really maintained.
Makes no sense.
OK, to the sorted.

AR Analeshia Rodriguez 15:18
They're not in the Bitterroot, so the fight wouldn't go as well.

LD Lynn Davis 15:21
Thank you.

AR Analeshia Rodriguez 15:26
OK, Josh, go ahead.

J Joshua 15:32

Umm, thank you.

Yeah, I would just wanted to say that I'm leaning, you know, towards supporting the proposal.

The requested zoning aligns with the growth policy designations and, you know, meets the review criteria as far as I can tell, there are six variances, but the fact of the matter is that lots that have access to, you know, city water and sewer, all the easy ones are gone, right?

So we see the ones with some hair on them and I think that the developers, you know, done a good job to you know in designing the property and to try to mitigate some of those effects.

Uh, you know there are variances are in response to steep slopes and block length, and you know the sidewalk on one side of a collector street, but where there's not a sidewalk, they're putting in a trail.

So I think you know, they've shown good faith.

Umm, I also think that they've, you know, engaged with with the community and gotten their feedback and, you know, tried to incorporate it.

Umm I am also concerned about the road.

You know Rymal Rd, especially that section East or West of Whitaker.

That's my understanding.

It's not not being maintained.

It's being maintained by the rhinos and then having that have public access.

I mean, are there any liability issues there associated with that?

I mean that I can see how that could become problematic.

Umm so.

But that aside, I think it's a, you know, a well well designed project.

It meets the growth policy, meets the review criteria and and you know, I tend, I intend to support the motion for the rezone.

AR Analeshia Rodriguez 17:25

Great.

Thank you, Josh.

Anybody else want to chime in before I take my turn here?

Terra, go ahead.

TP Tara Porcari 17:35

Yeah.

And I was just gonna add that you guys are recommending body too.

So all of the notes from this meeting will go forward to City Council.

So even if you go ahead and recommend approval of all of these, I can send along the notes of those concerns as well.

So just to kind of keep the process going and to let everyone know that we do have the power to recommend approval, but let them know that we'd really like to see this addressed.

AR Analeshia Rodriguez 18:03

Great.

Thank you, Tara.

Shane, go ahead.

SM Shane Morrissey 18:07

Yeah.

Thanks.

I mean it, it seems like you know the he you know, so the the county won't maintain it because it's not improved to the point where they would even take maintenance or ownership over it.

So it seems at the very least like within the, you know, purview of creating the subdivision, even if this is uh.

You know, emergency access that there should be an an improvement of that section of Umm Rimmel Rd in order to connect to something that is improved already.

I guess that being said, I it seems like the better thing here to do is to negotiate with the remmels themselves and see what they want done with that and use the best judgment because I'm not sure if they would even be.

In support of, you know, an improvement to that portion of Rd that would then take on county or city.

Maintenance, I suppose.

I guess my my question so I do have a question.

The common area associated with the multifamily residential, which is a requirement typically, I've seen that that has slope restrictions associated with it.

Uh, and it seems like, you know, when we review a lot of these things, oftentimes like the common area is kind of leftover pieces of land.

It's the storm water retention ponds, the steep slopes that you can't already build on.

All that sort of stuff and there used to be within the multifamily regulations that.

And I'm not sure if this still exists, but parks and rec you know, does not allow that common area to be on slopes steeper than like 5% or something like that.

So I guess the question is, is has parks and REC reviewed this in conjunction with the TOPO plan to assure that there is actually the proper?

Umm.

Percentage of uh, you know common area that meets those slope requirements and I'm all for, you know, steeper slopes and having that be, you know, animal corridor and things like that.

But it's there's a couple of parts to this, like there should be recreation land associated with the multifamily housing.

And then, umm, I'm all for using some of the steeper slopes for, you know, wildlife habitat and things like that.

So I guess it's a long question, but it's parks and rec reviewed the grades and the associated percentages of content space.

TP **Tara Porcari** 21:03

The short answer is yes.

And in addition, all of the common area gets looked at at the time of building permit.

So when that comes in, it goes through all of our different departments.

Umm, we've got a pretty big.

Let's see if I can move it over here and kinda show that probably the biggest common area is noted right here in phase three.

LR Lucy Rummler 21:26
And it's.

TP Tara Porcari 21:30
Sorry, Lucy.
What was that?

LR Lucy Rummler 21:31
I just just wanted to clear up.
There's like there's common area and then there's activity area and the so the the common area is associated more with the subdivision, the activity area required with the multifamily that they are following multifamily.

TP Tara Porcari 21:39
That.

LR Lucy Rummler 21:51
Requirements for that it has to be 3% or less and usable space and so they have kind of terror showed it earlier that kind of terrorist area along between the new Hillview Rymal Rd.
And moose can gully, and it's kind of a series of flatter terraces to get that square footage they need.
And then they're also allowed to count things like balconies, the pool area, the rec room.
And then also trail corridors or are also allowed under the multifamily requirements.
And so it's kind of a mixture of all those things.
But yes, they're meeting their 20% requirement for activity area for that multifamily and then with the with the subdivision, it's kind of a whole set of different requirements.
And so it it's been a little complicated and making sure that, you know, they'll meet it at multifamily and then also when it goes to subdivision and we accept it as a public park, it will also meet public park requirements.

So they'll be some additional uh things on top of activity area that they'll need to do to make it kind of meet public park standards.

AR **Analeshia Rodriguez** 23:15

OK, great.

Thank you.

Anything else from other board members?

OK, alright, I see if I can lay out some of my thoughts, I guess I'll just start with what is kind of a all too common speech I give these days.

Umm, the first thing that I think everybody should keep in mind is that for the folks that are dealing with this development is that you're not alone and your concerns and the heartache and the challenges that you're being faced with almost every neighborhood in the city is facing these same issues.

Whether it's viewshed, whether it's traffic, whether it's right away, impingements agricultural land being impinged, impeded on you name it, we were all sharing in this growing pains that we're experiencing.

Umm so I like to just try and like let everybody know that there is a very common theme within these meetings and in front of City Council these days and this is it.

Umm.

And it's the challenges we face with all of this sudden, enormous growth and that not that that's makes it any better.

It's just trying to give you something to relate to.

UM infrastructure is almost always behind our development.

Umm.

And that could be a long, long discussion of wise, but almost every subdivision is behind as far as developing out the infrastructure for it.

Your guys is case in your Rd is going to be a prime example of that.

I think the best thing I can say is that you got time on your side right now.

And you know, it's a tough road to hoe.

Like that's gonna get traffic guaranteed like in my mind, I don't see how traffic won't go that way just because people do.

It's just kind of what happens.

Maybe it won't be a ton and to be really clear.

That piece of this puzzle is not part of our purview of decision making.
It's not within our guidelines to make a decision on that based around that road.
City Council is also gonna fall within those guidelines.
However, that does not mean you should not be talking to your city.
Council representatives and every other City Council member about these issues,
particularly this, this rymal Rd thing, is a huge problem.
Like, I think there's no denying it.
I think even the developers recognize it like everybody recognizes it.
It's just what we're gonna do about it.
Umm.
And I would encourage you folks in the elk view placed like there's probably not a
help for you guys outside of your like HOA or whatever you have in your
neighborhood.
So get ahold of your City Council members.
I think Bob Campbell is up there.
He's going to be an empathetic year.
And so with that and looking at what we're voting on here.
Uh, as far as the subdivision goes, this seems like a pretty well developed idea and is
trying to put the best foot forward and make the best of what we're dealing with.
I was curious about the three different zoning districts and I was trying to remember
is is that typical?
I have we seen that as much in the past?
And that doesn't have to be a lengthy answer.
I'm just.
I can't remember seeing a subdivision broken up with different zoning, different
districts, so I was kind of curious about that.
If that's really odd or just, you know, we don't see it that much.

TP **Tara Porcari** 27:14
Yeah.

No, it's it's definitely typical, especially for a subdivision of this size and kind of
something that the one of the bigger reasonings here too is just seeing that we also
have two different land use designations within it.

So we're really trying to respond to kind of what's set out in the growth policies since that's always kind of our our main guiding document.

But Nope, not not too weird.

Umm it's it's good to see that it's fairly simplified though and pulled out in those three different chunks, so yeah.

AR **Analeshia Rodriguez** 27:49

OK, great.

And then I had another question around the storm water collection system.

Umm, after it goes into that storm water pond, is that just settle?

Where does that go from there?

How does that work?

Ohh yeah, please go ahead.

TP **Tara Porcari** 28:05

So yeah, just on a high level, I can.

Ohh actually I see somebody going up to the mic.

If you'd rather respond from the development team, OK, go ahead.

AR **Analeshia Rodriguez** 28:13

Yeah, Zach has coming up.

Go ahead, Zach.

Zach Zach Graham again responding to that.

So yeah, that's it's it's a detention pond where purposefully not infiltrating.

So that is essentially metered out at a very low rate to moose.

Can goalie at pre developed rates there?

OK, great.

Thank you.

Ohm.

Alright, I think that is the majority of my questions that have not been already answered.

UM, you know, I think.

In my process of going through these things, I am inclined to support this motion.

I have developed a system basically at this point in my tenure on here of bright lines of serious significant, usually public safety is one of the biggest ones that stands out to me and none of my bright lines have been met on this particular.

Motion.

So I think I'm going to be in support of this motion and if any other board members wanna speak, go ahead, Rick.

So umm yeah, I think I'm.

I'm inclined to support it because number one, it's not significantly different than the existing zoning, except for one part.

You know the 125 foot versus 35, that's big, but I don't see that the proposal in front of us includes any 125 foot buildings.

Any 125 foot buildings, UM, you know it does fit into the area with the exception of the apartments.

Exception of the apartments and I just wanted to.

Make a suggestion about that.

You know, we can't.

One thing that we're we can't do is preserve views.

But we can try to mitigate things for neighbors, and I wanted to suggest that in the landscaping plan, it looks like there are a lot of trees along Hill view right until you get the phase one, which is where the apartments are.

And it would certainly be nice if you could shield those apartments from the single family residences and townhomes that are across the street.

With some sort of landscaping, I don't see it in the plan.

I don't know if there's a reason why there isn't any there.

It doesn't look like there's Rd access there.

It looks like the road access is from the side, so maybe you don't have to really address it, but that's just a I just wanna go on the record to say that you can mitigate some of the impact that those large apartments make both sides.

And because you've got single family and I don't know homes and and and then large buildings, but yeah generally this seems to fit the existing zoning, the future land use.

It's in an area that seems reasonable for growth and also wanna thank the if.

I hope I'm saying right rymal.

I want to thank this primal for acknowledging that they're not opposed to it, and they understand that we will have growth.

That's clearly it's something that we need because housing costs are just astronomical.

And I really like the fact that they're they've providing all types of housing in this as well.

The only thing that would improve they offered a few markets in there and some commercial uses, but you know, it's still does give people levels of affordability and I'm happy to see that.

So I'm I'm in favor of this.

Great.

Thank you, Rick.

Great suggestion, I second that.

Umm, I think I will also just I forgot OneNote I had here and just I guess making a plug to staff that you know, we've gotta look at this Hillview corridor coming down into the city.

This is I mean I know you guys are well aware, but you know, just trying to get it on the record that we're, you know, got subdivisions going up here and we've got lots of traffic heading down this hill and we're going to have to figure something out I think.

Anyway, anybody else before we move to a vote planning board members?

All right.

I'm not seeing any hands.

OK.

And Alicia, let's go ahead and do a roll call.

Vote, please.

She's backed up.

Uh, yeah.

Let's bring the motion back up motions.

Back up please, Tara.

OK.

Roll call vote Lynn Davis.

LD Lynn Davis 33:40
Yes.

AR Analeshia Rodriguez 33:42
Shane Morrissey.

SM Shane Morrissey 33:45
Yes.

AR Analeshia Rodriguez 33:48
Josh Raider.

J Joshua 33:50
Yes.

AR Analeshia Rodriguez 33:52
Danny Obel wiser?
Yes, Rick hall?
Yes, shamakhi.
Yes, and it is unanimous.
The motion passes.
Great.
Thank you.
OK.
Uh, moving right along here. UM.
Guys wanna take these one at a time.
I think we have to don't we have variances?
We don't go ahead, Jane.

SM Shane Morrissey 34:29
Uh.
Yeah, I'm sorry.

I was.

I was just gonna go for #2, but if you wanna try to take more than a these then that would be fine too probably.

AR **Analeshia Rodriguez** 34:35

And then.

Nah, let's just knock them out one at a time.

It's clear.

SM **Shane Morrissey** 34:43

OK.

I will recommend City Council approve a variance from City subdivision regulations. Article 3, section 3-020, Point 5 to allow the construction of Hammerhead turn around in the street local eye.

AR **Analeshia Rodriguez** 35:05

I'll second great motion made by Shane, seconded by Rick.

No.

Any any comments from board members?

Any questions?

Go ahead, Jane.

SM **Shane Morrissey** 35:23

UMI was just gonna try to keep my comments.

Uh, you know per variance here.

So I'll just comment on this one that I I don't have a problem with a hammer head on this particular.

Street and intend to support it, but I might have some further comments later on.

AR **Analeshia Rodriguez** 35:45

Great.

Thank you.

Danny, go ahead.

Thanks.

Yeah.

So this variance, I don't know if I'm really too concerned about it on, you know, practicality, perspective or how it's actually going to be used.

But I'm curious if the connection is required to the East and that's why we have a hammer head here.

Umm, I believe in the criteria for a variance request that talks about there being no potentially alternative options here.

If this local eye went away and lots 181 through 184 or excuse me, 186 were rotated 90 degrees, I think you don't lose any density in.

You don't need that hammer head in that alternate scenario.

Additionally, it seems to create through lots on 184 and 185 fronting a local eye and Rimmel.

Perhaps.

Maybe Tara can speak to that, or if the developer wants to speak to the reason why the hammer heads there from a planning urban planning perspective, I'm I'll let you guys decide who goes first.

TP **Tara Porcari** 36:57

Yeah.

Hello.

Yeah, I'll let the developer talk about the actual design, but I do wanna say that we actually we are going through this variance today and we just caught that through a lot of issues.

So we will be adding a condition of approval prior to City Council that will require a no access strip along the portion of rymal there where it's not access from.

So we are aware of that.

We caught it last minute and that'll be going through to City Council, so we are aware, but I'll pass it off to Cushing, Terrell, for the design portion.

AR **Analeshia Rodriguez** 37:42

So thank you, Terry.

Zachary, I'm again.

Is your mic on?

Yes.

Well, it's green.

Can you hear? OK.

Green means go. OK?

Yeah.

Really.

Then the the design intent behind that was to avoid any lots that have direct access onto rymal, which is going to be classified as a collector and so that allowed us to configure those six lots so that they're not backing into that collector roadway and and that that was the reason behind it.

OK.

Anything else?

All right.

Ohh, any other thoughts, questions.

Alright, not seeing anything from anybody. Umm.

I think the questions I've had have been addressed.

I will probably be supporting this motion.

And if I don't see anybody else jump in here, we're gonna go ahead and move to a vote.

OK, my missing everybody's hand.

Alright, OK.

Go ahead and take us to A roll call, though.

Please roll call vote Len Davis.

 **Lynn Davis** 39:04
Yes.

 **Analeshia Rodriguez** 39:07
Shame Morrissey.

 **Shane Morrissey** 39:09
Yes.

AR **Analeshia Rodriguez** 39:12
Josh Raider.

J **Joshua** 39:14
Yes.

AR **Analeshia Rodriguez** 39:17
Fannie Oberweier yes.
Rick Hall?
Yes, Sean McCoy.
Yes, and it is unanimous.
The motion passes.
Great.
Thank you.
Motion passes unanimously.
Alright, who's up for #3?
I'll take it.
I move that we recommend the City Council approve the variance from City
Subdivision regulations.
Article 3, section 3-030 Dot two dot a (2 to allow block length in excess of 480 feet
in the street area of local A.

SM **Shane Morrissey** 40:08
I'll second.

AR **Analeshia Rodriguez** 40:08
There's motion made by Rick, seconded by Shane.
Any questions, comments.
Fire away.

SM **Shane Morrissey** 40:24

Could I maybe request a terror to kind of bring up the map so we can understand which one this pertains to?

AR **Analeshia Rodriguez** 40:33

Yes, absolutely.

She's working on it.

I was thinking the same thing.

TP **Tara Porcari** 40:38

So this is in green for this first one, let's say a long local hey there.

AR **Analeshia Rodriguez** 40:56

Anybody got any questions or comments?

Now go ahead, Danny.

I'll just say that I I'm inclined to support this variance.

Umm, you know, one of the, I think the rag speak to topography being a reason for this variance request allowance and I I give the design team kudos for putting together a pretty unique.

Eloquent Rd network for this development considering all the steep slopes out there, so I'm inclined to support this variance.

Great.

Thank you, Danny.

Go ahead, Terra.

TP **Tara Porcari** 41:39

Ohm, I also just wanted to mention for time sake I'm not sure if you guys are open to it, but if there aren't different discussions for each piece, you could take these motions all through together just to speed things up.

AR **Analeshia Rodriguez** 41:52

OK, alright, we'll get through this one and then we'll revisit that.

TP **Tara Porcari** 41:53

2.

AR **Analeshia Rodriguez** 41:58

Ohm.

Let's see.

Uh, I am also inclined to support this motion.

I think to steal Josh's comments.

As we get to the some of these more difficult subdivisions to lay out, we see a need for greater variances in order to come up with something that fits.

So we've been seeing more of these.

And this seems to be a good effort and a decent or good design, so I will support it.

Is there anybody else want to weigh in before we call for a vote?

All right.

Now seeing anybody, can we get a vote?

Please roll call vote, roll call Vote Lynn Davis.

LD **Lynn Davis** 42:51

Yes.

AR **Analeshia Rodriguez** 42:54

Shane Morrissey.

SM **Shane Morrissey** 42:56

Yes.

AR **Analeshia Rodriguez** 42:59

Josh Raider.

J **Joshua** 43:01

Yes.

AR

Analeshia Rodriguez 43:03

Danny Obel wiser, yes.

Rick Hall?

Yes, Sean McCoy.

Yes.

And it is unanimous.

The motion passes.

Great.

Thank you.

Good with all these, OK.

I'm ready to make a motion.

Alright, I think Eric's gonna.

Does anybody have any objections to bundling 345 and six?

I think we'll leave the plat mat separately.

Throw up.

Let's just go for the, OK?

Yeah, sure.

OK.

Seeing no objection, run with it, Rick.

OK.

So next one would be local DEG, correct?

Don't have an in front of me #3 right here looking.

Yeah.

Yep, the Ng.

Sorry, I move that we recommend the City Council approve of variance of city subdivision regulations.

Article 3, section 3-030 Dot two dot a (2 to allow blocked length in excess of 480 feet in the areas of St local BE West Local D, Local E and local GI move that we recommend the City Council approve a variance city subdivision regulations.

Article 3 I should say Ditto or something like that.

Section 3-030 dot two dot a (2 to allow a block length in excess of 480 feet in the areas of St Local BN.

South and local sea I move that we recommend the City Council approve a variance from city subdivision.

Regulations, Article 3, section 3-020 Dot two dot B to allow approximately 450 linear feet of rymal Rd to be constructed with a sidewalk and only the north side of the street.

And I moved the.

We recommend the City Council approve a variance from city subdivision regulations.

Article 3, section 3-030 DOT one dot C (3 to allow proposed phase two lots 18192021 and 22 to be accessed via the alley and common area.

Great.

Thank you.

Rick, do we have a second?

Second second hit by Danny.

OK.

Ohm.

During discussion, Lynn, Go ahead and maybe if you're talking about a particular variance, just trying to identify what it is you're getting at.

LD **Lynn Davis** 46:03

OK, I believe it's experience 3.

AR **Analeshia Rodriguez** 46:14

Local DE&G.

LD **Lynn Davis** 46:14

It's.

Ohh D&B.

OK, so I don't know if you wanna pull.

TP **Tara Porcari** 46:22

Do you?

Do you want me to pull that back up?

AR **Analeshia Rodriguez** 46:25
Yeah, that barely.

LD **Lynn Davis** 46:25
Yeah, you.
Yes, please.
So what my question really is is it looks like local age could connect through across local D and connect to local B and local A and I just wonder why that wasn't done because it looks like it would fit fine.

TP **Tara Porcari** 46:52
Minute.
Ask the developer to answer that one, just since it's pretty specific. Thanks.

LD **Lynn Davis** 46:56
OK.

AR **Analeshia Rodriguez** 46:56
OK, go ahead, Zach.
Yeah.
Zach Kram again and just so I'm clear, that's the one going straight N there through those to make sure I'm answering the correct one.

LD **Lynn Davis** 47:04
Yeah.
So you could go straight N on local pay.
Is that up to local H?
We just connected.

AR **Analeshia Rodriguez** 47:13
Got it.
Yeah. OK.

LD **Lynn Davis** 47:14
Yeah.

AR **Analeshia Rodriguez** 47:15
Yeah.

Just, I mean generally again from a from a topographic standpoint, it's hard to look at and just flat.

But as we're going there, there's that trail going through.

We're looking at that as being a trail, but also a grade break between those lots and so bringing a road through there really just from a grading standpoint, it causes problems.

I sorry, I'm not.

I know I'm not describing it while you know, but yeah, it comes.

It comes down to the topography and we would have, I don't think we have a grading plan to show you right now, but that's OK.

LD **Lynn Davis** 47:50
No, that makes sense.

AR **Analeshia Rodriguez** 47:51
OK.

Thank you.

I would show everybody my own X, but I looked at it for the first time.

I've needed to pull that up in a meeting.

It's kind of fun.

OK.

Anything else from board members about one of these, go ahead and chain.

SM **Shane Morrissey** 48:11

Umm, I think my comment is I've already kind of made it, but it's related to #5.

I believe the you know the connections.

Umm sociated?

I mean, it doesn't actually really apply here, but I would.

I would recommend that somebody look into extending umm, you know, local age and the road directly to the West of it.

Those connections to the north meet the width of the right of ways that they're connecting to.

That makes any sense.

So local age is a 61 foot right of way.

Feel like the common area directly to the north of it should also be 61 feet and then the street.

It's kind of covered up right now with the block length variance location.

Umm text.

That's a 70 foot right of way.

I would recommend that the common area directly to the north of it match that 70 foot right of way.

And then on #7, I did have a question.

#7 is the alley access.

Umm, it appears as if the alley is connecting to Hillview.

AR **Analeshia Rodriguez** 49:33
Yeah.

SM **Shane Morrissey** 49:34
Or maybe it's not.

TP **Tara Porcari** 49:37
Are you talking right here?
Next to lot 22.

SM **Shane Morrissey** 49:41
Correct.

TP **Tara Porcari** 49:42
No, it is not right there.

SM Shane Morrissey 49:44

OK.

So it's just being cut off.

For any reason why it's not a I guess you would run into a whole host of problems if it was a road in that you'd have the two frontages at your through properties and all sorts of stuff.

If that was actually constructed as a road, not to mention the fact take up a lot more area.

Yeah.

TP Tara Porcari 50:12

Yeah, I believe that was an issue having to do with access to.

He'll be there and not wanting to see it, but I don't know if either the applicant or Troy wants to address that one too.

I don't know if it's that big of a deal to you either, Shane, but if somebody has a response.

AR Analeshia Rodriguez 50:28

Would you like to address it there, Zach?

Yeah, you bet, Zach again.

That that's exactly it.

Just the the distance between the adjacent the the was that Clearview way to the South isn't far enough.

And then there's also fairly significant grade coming off the end of that.

Once you look at how we're gonna planning on grading those townhome lots as well to be able to get on to Hillview.

OK, great.

Thank you.

Anything else she.

SM Shane Morrissey 50:58

No, I think I'm good.
I intend to support all of these.

AR **Analeshia Rodriguez** 51:03

OK.
I think I'll just double up with support and chains suggestions.
I think it's primarily that where local F comes up, those two are a little different.
Maybe it can work, maybe it can't leave that up to the engineers.
Anybody else got anything before we go to a vote?
OK, not seeing anything.
Go ahead please.
Roll call vote Lynn Davis.

LD **Lynn Davis** 51:43

Yes.

AR **Analeshia Rodriguez** 51:46

Shane Morrissey.

SM **Shane Morrissey** 51:49

Yes.

AR **Analeshia Rodriguez** 51:51

Josh Raider.

J **Joshua** 51:53

Yes.

AR **Analeshia Rodriguez** 51:55

Danny Obel wiser.
Recall.
Yes.
Sean McCoy?

Yes, and it is, Yannis.

The motion passes.

Great.

Thank you.

OK.

And that brings us to our last one.

I'll give it a shot.

I move that we recommend the City Council approve that wild route Phase 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.

Great.

Thank you.

Motion by Rick do we have a second?

SM **Shane Morrissey** 52:41

I'll second.

AR **Analeshia Rodriguez** 52:42

Seconded by Shane.

Alright.

Anybody wanna jump in?

Lead us out.

Go ahead, Lynn.

LD **Lynn Davis** 52:54

Hi so I'm looking to approve the subdivision but I wondered if we wanted to add a condition which would be to match umm the streets that Shane was referring to.

So that would be off so that the common area matches the width of the condition.

So putting that to the group.

I don't know if I need to word that better.

AR **Analeshia Rodriguez** 53:25

Probably not for the moment.

LD Lynn Davis 53:27
OK.

AR Analeshia Rodriguez 53:33
Go ahead, Shane.

SM Shane Morrissey 53:37
Umm, I don't know if you're looking for feedback here, Lynn, but I guess I I was just going to leave it as a recommendation that engineers look at it and I would hope that City Council review the notes and the discussion.
So I'm just gonna kind of leave it at that, but.
So as to not further condition or 48 conditions or whatever we have, but it's up to you if if you wanna, we probably have to figure out the procedural way to do that, but totally up to you.

AR Analeshia Rodriguez 54:19
Go ahead, Danny.

TP Tara Porcari 54:19
And just a just a quick comment from staff on that one.

AR Analeshia Rodriguez 54:21
OK, sure.

TP Tara Porcari 54:23
I just want to mention that we don't really have anything in our subdivision regulations that would be able to require that, just that you know, they meet our standards in general, not that they're the same size.
So I I think Shane's idea of a recommendation might be the better approach.
Just since we don't have anything to directly act or to directly reference in the Subdivision regulation, so just a comment.

AR

Analeshia Rodriguez 54:49

Great.

Thank you, Tara.

Yeah, I was going to be.

My question is whether or not we could actually go ahead.

Danny.

I'm I'm not sure if I have anything more to add after Tara kinda made that point.

I would concur with handling the way Shane proposed it.

You know local F the 70 foot right away.

It's kind of serving this development and we don't know what's going to happen to the north.

It may not require a 70 foot connection to match.

Could be just a local urban collector at or.

Excuse me?

Local street at 60 feet and still adequately suffice the needs so.

That's all I have I I guess.

Well, I have the mic.

I'm intending to support this subdivision.

You know, I think they've addressed all the primary review criteria that, you know,

City Council's gonna have to make their decision based on I I think Mr.

Wilson said it pretty articulately that you know it.

It meets the goals and objectives of the city, substantially complies with the growth policies.

The rezone matches substantially with the existing zoning as well as the land use element, so I intend to support the subdivision.

Great.

Thank you.

Uh, let's see.

I got Josh, then Shane.

J

Joshua 56:15

Yeah, I agree with the comments from the fellow board members.

I just also add that the subdivision provides a significant number of new housing units, right?

And it's a mix of single family townhomes and multi family.

And I think that you know, this variety addresses a growing demand for, you know, more diverse housing options in this area, but hopefully help alleviate some of the shortages.

And another thing that I think that they did well in the the developers presentation, they talked about both internal and external factors that impacted or influenced design.

And I think the project incorporates some longer term planning and you know they've worked to ensure that the subdivision forms part of a broader vision for the areas development.

And I think it's a logical well planned urban expansion, right?

And I mean, I like seeing these these projects where we can connect to existing city water sewer.

You know, sometimes they come with some variances, but you know I'm.

I'm OK with that where I get a little.

Frustrated, as when we see Greenfield development, there were not connecting to existing infrastructure and they're asking for variances.

So this checks the boxes and I think that it's, you know, a well planned urban expansion and is considering infrastructure and growth needs for Missoula.

So all all support it.

AR **Analeshia Rodriguez** 57:46

Great.

Thank you, Josh.

Well said, Shane, you're up.

SM **Shane Morrissey** 57:52

Umm, I think I intend to support this also.

Umm few more comments do appreciate the developer.

Umm I starting a dialogue with, you know the rummells.

So I hope that that continues and I hope that there is some.

Some progress before this goes to City Council so that there is some tangible agreement before it goes to City Council that gives everybody a little bit more. Confidence that this is going to be an actual public benefit to the neighborhood. Umm.

And I guess I would encourage the developer to talk to Megan and her neighbors across the road.

UM and make sure that, uh, you know, it's not just one neighbor here.

There's lots of neighbors and this isn't impacting an entire neighborhood, and I do appreciate the folks coming out and I hope it does open up a dialogue on.

What the impact of this is on existing folks that live up here and hopefully there can be similar consensus building for other folks that might not have been considered prior to tonight.

So with that, I do intend to support it, but would just recommend that these conversations continue with some urgency so that everybody feels umm, quite a bit better about it come City Council time.

Thank you.

AR **Analeshia Rodriguez** 59:46

Great.

Thank you, Shane.

Got some eloquence going on here tonight.

OK.

Anybody else need to comment, Rick? Go ahead.

Yeah, I'm.

I just wanna echo what everyone said and also point out that, you know comment was made earlier that all reasonably minded people would take Hill view.

It's the unreasonably minded people that see a gravel road and go.

I wonder if we can go party down there, that you need to be concerned about so.

I think that there is a dialogue going and again I want to reiterate that a lot can be done with landscaping to buffer.

Uh multifamily units from single family residences and to the benefit of everybody in the neighborhood.

So I'm gonna support this.

I I really like the mix of of properties and I think it's kind of exactly what we need.
Great.

Thank you, Rick.

I think I've already commented.

I'm going to support this and there's been a lot of really good statements on why I think it's good.

So we're just gonna less we got somebody.

Let's go ahead and move to about police and Alicia.

Roll call vote Lynn Davis.

LD **Lynn Davis** 1:01:07
Yes.

AR **Analeshia Rodriguez** 1:01:10
Shane Morrissey.

SM **Shane Morrissey** 1:01:12
Yes.

AR **Analeshia Rodriguez** 1:01:14
Josh Schrader.

J **Joshua** 1:01:16
Yes.

AR **Analeshia Rodriguez** 1:01:18
Danny Obel wiser?
Yes.
Recall.
Yes. Sean McCoy.
Hi and it is unanimous.
The motion passes.
Great.

Thank you. Alright.

Yeah, you gotta get really close to these mics.

OK.

So that concludes our first.

Review.

Public hearing for tonight.

Excuse me.

Thank you for everybody that came out.

Appreciate everybody's time and energy.

I know it's a difficult to get out and be places and attend these things.

They take a lot of time.

Thank you.

Ohh, I'm sorry.

Hold on.

Hold on.

Hold on a second.

I'm Tara.

I forgot to ask you about.

Ohm, this is we can deal with this an email.

The next meeting on this subdivision is in front of the.

Land use and Planning committee and that is do you have a time?

TP **Tara Porcari** 1:02:34

That is on August 28th and we do not have a time yet that is normally released.

I think I believe the Friday before for our committee dates, but I I think it's going to be earlier in the day because I've actually requested that already that it's not too late in the day.

So that'll come out the Friday before I believe.

And then the final decision is on September 9th and in front of City Council that Monday night.

AR **Analessia Rodriguez** 1:03:02

OK, so UM, that next meeting is August 20th and ideally it'll be earlier in the day.

TP **Tara Porcari** 1:03:09
August 28th.

AR **Analeshia Rodriguez** 1:03:11
Ohh sorry 28th.

My pen ran, ran dead on me here, so August 28th.

Does that meeting the time is still not set, so there are if you go to the city website, you can go to.

TP **Tara Porcari** 1:03:23
Yeah.

AR **Analeshia Rodriguez** 1:03:26

There's a right on the top.

Banner, it says meetings and you can click on me.

Oh, I have another one.

Thank you.

You can click on meetings and it'll bring up a little calendar and you can click on their agenda.

You're welcome.

OK, my apologies folks, I forgot a direct question.

OK.

That brings us to our next public hearing for tonight, which is Creighton subdivision.

We have Tim Worley, senior planner for planning, development and sustainability with the City of Missoula, presenting to us today.

Tim.

Ohh there you are.

Tim, take it away.

Thank you for the record, Tim Worley, with planning and planning, development and sustainability.

We are here to discuss create and subdivision in target range, orchard homes.

Which is a proposal from CRATE and appraisal, represented by Ken Jenkins of

Montana, Northwest Company for eight residential lots and one utility lots.
Just a little bit history, which I'll go into more depth in in just a little bit.
This project dates back a couple of years.
It went to planning board on July 19th, 2022 and the board of County Commissioners heard it on.
I believe it was August 4th of that same year.
The record essentially has been kept open from that point to today with the introduction of new information.
The subdivision is located at the corner of 3rd and Clements and again in in target range.
Just put a bead on it there.
This is a zoomed in image of the property.
There are actually three radio towers on the property that have since been removed.
Talking again about 8 residential lots and one utility lot served by a cul-de-sac Rd.
There will be 4.56 acres of common area.
The growth policy recommends a density in this area of two homes per acre.
That's out of the 2019 land use element.
The 2010 Target Range plan recommends a lesser density actually have one home per acre.
The density of this project ends up being about 1.2 or one dwelling per 1.2 acres gross density.
The zoning, which actually predates the current zoning because this is essentially a grandfathered in project because it's basically 2 plus years old.
The zoning was CR2, which amounts to two dwelling units per acre, and again, the application was submitted before the new zoning regulations.
Create an Ave is the cul-de-sac Rd that's proposed to provide access to the subdivision.
There was a variance required to allow for access from Clements, which is the road of greater classification rather than walk or drive, which is the road immediately to the South.
Staff supports this access because, uh, public works felt it was a safe access point.
There's a little bit of of a question of having it so close to the big curve there at 3rd and Clements, but public works was supportive of this access point.

There's a second variance need to because there's no through connection provided to the South to walk or drive, which is required by our subdivision regulations.

Staff does recommend denial of this variance, and if that variance got denied, the connection would have to be punched through to walk or drive, which actually is a public road.

Now the big issue with this project going back a couple years is the issue of channel channel migration.

This subdivision butts up against the southernmost channel of the Clark Fork River. And what we've referenced particularly is the channel Migration zone study that was basically facilitated by the water quality district of Missoula County.

It was put together by DTM Consulting and Karen Boyd of applied geomorphology. It's not been adopted by the county, but we feel it's essentially best available science. The river portion of the property in question is in what's called the historic migration zone, and that's what you see in blue.

Much of the landlord portion of the property is in what's called the erosion Hazard area or EHA.

That's that orange colored area.

Just to give a definition of the erosion hazard area, it's the erosion buffer area.

The distance between an active stream bank where a river is likely to erode based on historic rates of movement, the erosion Hazard area of the CMZ, or channel migration zone is generated by applying the erosion buffer width to the active channel bank line and what it amounts to in this location is about a 580 foot width.

Some comments from a couple years ago from the water quality district.

It commented that seven of the 10 lots are anticipated to be subject to extensive erosion based on this 580 foot erosion hazard area width.

Some of the lots could be fully lost to channel migration.

And part of our concern wasn't only what the CMZ study indicated that some of the downstream examples we've seen of erosion adjacent to the South Bank of the Clark Fork River, particularly immediately downstream at 719 Walker and the portion of the property that shows a little bit of erosion for creating subdivision is right here.

Uh, this is a graphic that we put together a couple years ago that shows between 2014 and 2022 some fairly dramatic riverbank erosion.

If you compare the 2014 slide to 2022 and how much ground has been lost in that

period of time.

So as far as mitigation of impacts are concerned, going back a couple years into the original application, the applicant acknowledges that hardening solutions for the eroding riverbanks such as rip rap will have a negative impact on other properties and plus rip wrap is prohibited by the floodplain regulations.

Questions.

The presence of existing homes in the erosion Hazard area might call for a comprehensive solution, but we're not aware of a comprehensive solution that would work for the entire neighborhood.

Because you can't have a hardened solution for multiple properties based on the floodplain regulations.

So the options really left to you include things like product protective setbacks and notification to future home buyers.

So getting back to what we talked about with the previous subdivision, one of the state law criteria include mitigation of impacts to public health and safety.

Staff conclusion a couple years ago was the impacts were not mitigated, particularly on the public health and safety front.

Because of this channel migration issue and staff's original recommendation was for subdivision denial at that time.

So what the applicant requested at the original August 4th, 2022 Commissioner hearing was a two month delay which allowed for time to gather information about the specific erosion hazard on this property.

So the Commissioners took or were instructed to take public comment and continue the hearing to October 6th of that same year, and other continued hearings included December 8th, 2022, April 27th, 2023.

In June 22nd, 2023 and on June 22nd of 2023, the county commissioners reviewed a completed geotechnical analysis that the applicant provided.

The Commissioners deemed this new information to be relevant and credible, which per state law was something that they needed to do, considering new information was introduced into the public record for a subdivision.

So basically, staff and Montana Northwest agreed to return to the public hearing process and that's why we're here tonight with the geotechnical analysis and the geotechnical analysis does have an opportunity to present an opportunity to inform

the decision about channel migration and its impact on the subdivision.

And I guess the big question to be answered is can the erosion hazard area be reduced from 580 feet to 200 feet?

And I would encourage you to take a look at the staff memo for updates in findings and also the geotechnical analysis documents in question.

So the issue is again the erosion hazard area buffer is about a 580 foot width.

It's this orange area here.

This red dot is where the subdivision is.

The big question is, can this be reduced to about 200 feet?

This is a provision that was allowed for in the CMZ study.

If the materials in this area were like a hardened terrace type of material.

That could be demonstrated through an on site analysis.

So the conclusions of the geotechnical analysis analysis was that mature terraced materials do characterize the subdivision property.

The materials are less erodible than more recently the potted deposited.

Excuse me, alluvial materials and the soils on the property, the grantsdale silt loam soils corroborate the mature terraced materials. Conclusion.

And a mature terraced material would argue for a reduced, EH, a width from perhaps from 580 feet to 200 feet.

So again, this is what we're talking about, where reducing potentially reducing the erosion hazard area from this full 580 foot width to a 200 foot width, which would impact less of the subdivision area.

So if we zoom in a little bit, this is a graphic provided by representatives of the developer.

The 200 foot width would eliminate this is the the 580 foot extent right here that would be slimmed down to this dashed line right here.

Staff concluded that an independent verification of the geotechnical analysis was appropriate and again I would refer you to the staff memo for our findings on that.

So we contracted with a company that conduct conducts geotechnical analysis and that was Tetra Tech in particular.

They agreed with the alluvial terrace conclusion that all W arrived at with the original geotechnical analysis.

But they also stated that riverbank Erodibility and channel hydraulics need to be

considered.

Essentially their conclusion, and I'm kind of fast forwarding through without going into great detail what their conclusions were, but lacking riverbank erodibility and channel hydraulics information, the conservative yet prudent approach is to retain the 580 foot erosion hazard area.

So staff would not alter our original recommendation for subdivision denial as a result of that.

We did do a more recent agency comment to see if we could hear anything different regarding the subdivision, and we did hear from a handful of agencies and departments and these are just summaries and these are available as part of the record if you want to dig in a little bit more deeply the water quality district agrees with Tetra tech conclusions and that reducing the erosion hazard area buffer width is too risky.

Environmental health concluded that sanitation review may continue without a new application, so the original application for the subdivision.

I believe with some alteration could continue.

They did mention, however, that shallow groundwater and channel migration present develop development risk and uncertainty.

And again, as I mentioned earlier on in the presentation, public works reinforce the fact that they support the proposed access location for the cul-de-sac road and they didn't have any particular comment on the channel migration issue.

The conservation district commented more recently within the last day or so that even a 200 foot channel migration consideration results and no riparian set back for LOT 7, which is the North westernmost lot, and that this lot remains vulnerable to channel migration.

Just some public comments that we received.

Most of these were on Missoula County voice.

There's ongoing concern about the blind curve, which consists of Clements and 3rd in the winter.

Umm, we heard that cars tend to slide off the off the road.

Uh, when the conditions are slick and there's been some fences that have been taken out as a result.

Umm, we've heard that Walker Drive is a decent access to the South and we had

some residents encourage access to Walker.

Uh.

The cul-de-sac, when constructed, might conflict with Clements.

There's a non motorized path along the West side of Clements and that there might be a conflict between motorists and pedestrians as a result.

We heard that shallow groundwater in the area impacts crawl spaces.

We even heard that from folks across.

Clements on the east side there?

Umm, we heard that this will impact wildlife and the local bird population?

One resident asked the question will herbicides be used in the common area?

Will the public have access to that common area?

So here are our recommended motions.

They remain the same from the original planning board presentation.

And that concludes my presentation and I'll be available if you have any questions.

Yeah, just one second.

I'll bring you up here or come on up.

I'll just UM, thank you, Tim and my apologies.

I said you were from the city for some reason.

No problem.

OK, alright, we have.

I'm sorry, I forgotten your name.

Brian Throckmorton with 406 engineering.

That's right, Brian, with 406.

Go ahead, Brian.

Alright, let's see here.

I think I need to be made a presenter.

OK, one standby.

OK.

So yeah, not to belabor anything else about subdivision, I guess you know our big talking point is gonna be the channel migration studies.

I don't wanna give definitely a lot more history on that.

The steps that we've taken.

Umm.

And then also have all W talk a little bit as well in the middle of this to kind of dispute a little bit of of what we've seen in the past.

So those kind of looking at the subdivision itself, let's try and go to presentation mode here.

That, you know, Tim showed the property location, but one thing I do want to point out, I know that the channel migration studies in effect, but if you can see this property is in the middle of a lot of their houses.

So it's kind of a blank spot in amongst a lot of other houses.

So this isn't, you know, we're not just putting this out on an island in the middle of nowhere where we have to take care of a problem that we're creating.

Umm. So the way this channel migration study works, they review the large chunks of the river and then in those big chunks they put overarching, you know, estimates on reaches of river miles of river.

So, you know, looking at this this, this example is reach 6.

It's almost 5 miles long and basically through that whole section you're saying that average property within a five mile stretch and we all know 5 miles is a long talking change, you know should be 580 feet.

So they do this in in multiple their areas the the channel migration study was basically the Bitterroot River and the Clark Fork River through Missoula County.

In essence, so just want you know, that's a big part.

That's what the 580 feet isn't site specific.

It is this big overarching, you know, look at an area and the averages that creates not just a small area, but you know with that the study recognizes that.

So when you look up in the upper corner, there's a note in the study that talks about this is retreated data, not site specific, and that really if you wanna look at site specific, we need to look at more data for that and what that really is.

So you know, we took that as an and there are other examples.

One example I showed here is you know this is you guys saw this recently with the Spire subdivision, but in East Missoula, there's a 300 foot channel migration buffer on that river.

But if you look at these two pictures, that river hasn't moved since 1955.

But yet the the overarching reach that's a 10 mile section that they added a 300 foot buffer to when that truly isn't needed through there because the study recognizes

the ability to go look at site specific data and run them that data in, in, in conjunction with the CMZ study itself.

So one part that they called out specifically, the Tim did highlight was this 200 foot terrace buffer.

So they the study took the time to actually look at, you know, what specifically in this area could happen and what does that really mean?

And they've listened.

The 200 foot buffer so you know when you read what they said on.

That is, it's older, so it's mature, so it has a different erosion than the rest of the area that they studied, but they lack sufficient measurements into the terrorist materials to really understand that.

And that and site specific erosion in that area.

So what we really looked at doing was, OK, so the study already sets that up.

Can we go find the site specific information on the material that's requested in the study as well as you know, rates of erosion that we need to determine is 200 foot necessary.

So we reached out to all West and I got Scott on the line.

So I'm gonna, if I quit sharing, Scott would like to then step in and and he can work.

Show you guys site.

Specifically, what we came up with to to basically address this part of the CMZ.

Can you make Scott Marshall?

OK.

Thank you.

SM Scott Marshall 1:25:03

There, I think I'm bringing it up now.

Do you guys see it?

AR Analeshia Rodriguez 1:25:08

Yes, we can.

SM Scott Marshall 1:25:09

OK, so I'm Scott Marshall.

AR **Analeshia Rodriguez** 1:25:11

Thank you.

SM **Scott Marshall** 1:25:12

I'm with all W testing.

I'm an engineering geologist and part-time Geo from Morphologist and what I wanted to do is just kind of review and and show you specifically the geotechnical work that we did on the crate and subdivision site.

So what we did specifically?

Was we create, we did it actual field investigation.

You know, a lot of these studies are done with existing data and and don't really, you know, get down and look specifically at the soils and the soils subsurface.

So we dug 7 test pits on the site.

So we could look at and get a better understanding of the soils, and specifically we were targeting whether these are mature terrorist deposits, right?

So to do that, I wanted to just show you a few pictures of the actual test bit.

So you can get a handle on what we're what we were looking at in the study that we performed.

So this is a quick picture of test pit number one and these soils are gravel soils and as part of our investigation we did density testing.

So we actually pull a sample of this material and ran a Proctor on it.

So that would be its maximum density.

It could achieve, you know, and we do that so we could compare additional readings on the soil to see what it's density is, how compact it is, how resistant it would be to erosion.

And in this case, a lot of these soils were determined to be at between 80 and 85% of their maximum compaction.

Umm.

In addition to that, you know, we look at other features in the soil that this is actually test pit 5 and it shows these gravel soils below and then some finer grained soils above.

What's interesting here is that we have a calici layer formed, which is a cementing of

the soil when the soil is cemented is much more resistant to erosion.

OK.

So and then a couple more pictures here.

Same thing test pit 6 again.

I'm gravel soils, but it's holding a fairly good side wall, which means it's a tight soil, again with a relative lower Rd ability.

Umm, another test pit a test pit.

Three that I believe is more central on the project.

Same kind of thing.

These calici layers have developed within the soil, which give it a cementing and again a lower roadability.

So through the test bits through our initial investigation, the indicators of an older mature terrorist deposit from the test, that's our nuclear density testing of the insight you soil in the test pits indicate compaction of between 880 and 95%.

So for you guys out there, in comparison, when we're actually building roads or anything, all we're ever looking for is 95%.

So it's actually pretty dense soil and would definitely be.

Classified as a mature terrorist deposit. Umm.

And then the localized colegi deposits are cementing again holding the soils together better than just the local riverbank deposits.

And then the side side walls of the test pit holds up a vertical as well.

So this these actual physical investigation of test pits is coupled with you know the NRCS soils mapping which this is a a quick little map you pull up on the web and it shows the grantsdale loam over in this area of the project and then more recent river bank deposits over here.

And so this is definitely supporting information to what we found in the test beds.

And this is actually a breakdown from the soil survey and where it states right here, the setting is stream terrorist deposits again supporting data.

So the next thing we did out there and I did this a little bit later after the Tetra Tech review is I went out and was specifically looked at the erosion of the bank most adjacent to the site.

Umm So what I did is I looked at a longer period of time.

Everybody's been looking at a fairly short period of time and I think it's important to

look at as long a period as you can to get good averages of erosion.
So I pulled up this Google Earth image which we can see clearly.
This is the riverbanks position in 2002 and then pulled up the 2023 aerial photograph.
And you could see the riverbank position in 23.
The distance between those two is 36 feet.
Uh, over a 21 year period.
Uh, which comes out to just 1.7 feet per year.
And that 1.7 feet per year over 100 years is only 170 feet of bank erosion.
If it was realized so my argument there is, that's well under the requested 200 foot set back and that would actually last 125 years.
You know, again, if that Rosen was actually realized.
So sort of in conclusion, here all West, we presented definitive data.
We actually collected physical data.
Observations, arguments, and conclusions that the creating subdivision site is a mature terrorist deposit and landform.
Erosion rates determined that the closest active stream bank support the 200 foot setback.
These data fulfill the suggested 200 foot buffer in reach 6 terrace of the 8 EHA buffer as indicated in Figure 45, which Brian presented and in section 4.7, geologic controls and mitigation of migration rate in the CMZ report.
So our assertion is the subject vision should be approved so that concludes my my presentation.

AR **Analeshia Rodriguez** 1:32:09

Thanks Scott.

Umm.

I I gonna take back over if I can.

So you know that looking at the two things that in the CMZ that are requested to reduce the 200 foot, that's what all went out and concluded that that we are the 200 foot buffer is should be used because now we have the information that they lacked previously at least for our site.

Just like when we look before the notes on the site, specific call out that that is more

overriding than the REACH data that would be for for the entire, you know, almost 5 miles of the of the CMZ.

So just wanted to show, I think Tim showed this before kind of effects.

What that looked like on the subdivision again, the dotted line would be our 200 foot buffer.

We would make sure we had everything on the other side of that, leaving a clear area to the river, sitting back 200 feet.

So I I wanna talk a little bit more.

This has a lot of information on this slide, but I went a little further than what Scott did.

I took this is 1972, so this is the river image from 1972.

The blue line that you can see here is the overlay from the CMZ channel study.

So it's a digitized overlay of where the rivers actually moved on a 1971 photo.

So the red dotted line to help because it's a black and white photo and there's lines.

The red dotted line just follows the 1971 or 1972 Riverbend gives you just so you can generally see what that looks like.

So when you look at, you know on the edge of the property, when you look at the red dotted compared to where the property is, since 1972 we've moved 97 feet.

So you know that's not quite, that's not 2 feet a year.

And when you look at this channel migration study that 580 feet is what they say, the river will move over 100 years.

So that's the idea.

All these data is basically on 100 year time frame, so that's that's the channel migration says one thing else that I really wanna point out that is interesting about this is if you can see this big black dashed line that's kind of the area that the active, the active rival channel comes in.

So even from 1971 you can see as I trace this, that's the active River channel.

This river channel doesn't even flow.

It doesn't flow to this day.

You can see in 2019 it ended right there, but the 580 feet is off of a river channel that doesn't even flow.

So when you take into account how much the river has moved off of the non active channel, that affects the vast majority of the subdivision, it's 12 feet since 1972.

So when we start looking at the site specifics, the 580 feet really shouldn't apply to the majority of the subdivision.

The 200 feet is a much more comprehensive line that should be used especially when you look at where the active River channel is and where the 580 feet should have been off of that not off of a channel that is basically dead water when you right now. So, you know, kind of the last thing I wanted to point out is you know we've gone over all this.

So what does this really mean?

I wanted to show on this slide the houses that are within even 200 feet, but especially within 580 feet of the river.

So if we did nothing for this entire area, even if you did the 200 feet and you did nothing, you're going to say 12 houses are going to wash away in the river.

You know that that is one of those things and I can't imagine we're going to do that if if the 200 feet is wrong and the 580 feet is right, then we're gonna be 39 houses in this area that we'll just wash away to the river.

And as we talked about four times, right, you can't just mitigate one house because what happens is you just push it down to your neighbors.

So if you're Hard Rock and we see this in a lot of satellite photos, if you Hard Rock just your riverfront age, you basically start to create a peninsula around yourself.

There's eddies that create on both sides, so if we're truly gonna actually not let all these neighbors and let this neighborhood wash away at some point, we got to step in and we got to mitigate, you know, one or if you're gonna do one, we we need to mitigate all the houses.

Now, I think we're gonna set ours far enough back and we've showed enough data that even without mitigation, we're fine.

But again, at some point these houses, I don't think we're gonna let him wash away. So that's for mine.

I think Ken is gonna come up and talk a little bit more, but I'm happy to answer any questions you guys have on saying.

I think Scott will stay on the line as well.

So great.

Thank you, Brian.

And what that computer?

Watch.

Of course. Yeah.

Yeah, I'll see here for.

All right, just introduce yourself.

For the record, please, for the record, Ken Jenkins with Montana Northwest Company, I just wanna hit on a couple of more general topics here.

Umm this is.

Very technical question that we're trying to figure out here.

The study that our clients commissioned did the field work.

Field work that was suggested in the CMZ study, by the way, ohm, and we found the terrorist material and essentially we we did what the study says you need to do to reduce that buffer to 200 feet.

The answer is very black and white.

And yet.

The counties is is essentially rejecting that study.

The Tetra Tech study did no field work and throws in a hypothetical what if the channels change?

I think that it it's as I wanna say a few things about the study itself.

The study was done under the false premise that there's not already a city of Missoula here.

The study was done as if.

Over time, over 100 years over 1000 years, there would be no human intervention whatsoever.

As Brian just pointed out, this property where that the subdivision sits on is surrounded upstream and downstream by existing subdivisions and existing homes, and this is the United States of America.

We don't sit back for 100 years and watch cities wash down a river.

That just doesn't happen, and So what you get with a study that was purposely commissioned as if there's not a city here is also a false premise of a hazard.

That would be allowed to happen.

It it just.

But I don't think that you're going to allow the West End of 3rd St and the North End of Clements for several 100 feet to wash down the river.

Those are very important county access roads to a lot of our town.
And existing homes on either side mitigation would happen.
And probably and you know what we're talking about here, Missoula County would no longer be in charge.
It would be FEMA and the core of engineers, and they would fix this.
So I I just think the application of this study that was never intended to be a regulatory document.
Even after we've proven that using the guidelines in the study, our subdivision is fine.
It it just seems like we're taking what would have been a beautiful subdivision until the CMZ came out halfway through the process and nixing the entire property.
Just doesn't seem like the right thing to do.
I would also say in the interest of public health and safety, we see highways widened, public infrastructure projects.
In no case though.
Take highway widening.
It happens all the time.
In the interest of public health and safety, in the interest of reducing hazards, there is the condemnation process.
At least the land owners at least get market value for what they have, what they're forced to give up Missoula County implementing this study is taking the entire property that was proposed for this subdivision and rendering it worthless without any compensation whatsoever in the name of public health and safety.
I don't think that's right.
Umm, we are also denying a subdivision under the premise that this problem could not be mitigated and that absolutely is not true.
The problem with mitigation, physical mitigation on the ground.
If the channel were ever to migrate.
Into the residential part of this property.
The mitigation of one single property or one little stretch of the river causes problems elsewhere, but the problem that would be caused elsewhere also is going to take out a bunch of other houses, so it would be a more neighborhood or a global solution to the problem our client is willing to waive the right to protest and on Rs ID specifically geared toward as needed for riverbank stabilization.

We don't think that will ever happen, but they are willing to waive the right to protect protest so that these lot owners, along with the rest of the neighborhood and probably along with some ohm, some help from government expertise.

Umm would be willing to step up and do their part if it became a problem.

I I really think that's about all I have.

I I think implementation there's a lot of flaws in this study.

There's a 300 foot setback all the way through downtown Missoula.

There's a 300 foot setback out through E Missoula in a channel that hasn't moved one inch in the last probably since the the ice dam broke.

So.

To apply that to this one little piece of property of 580 foot with no compensation whatsoever to the landowners, it's it's an improper use of a flood study.

Thank you.

Great.

Thank you, Sir.

Appreciate your comments and your time here tonight, OK?

Standard.

Umm, where are we at?

We have anybody else coming up?

And think you're good, Brian, you guys.

OK, you guys have.

Yeah.

Well, we'll get to that round.

I think there's a need for another quick five minute recess here just to hit the bathroom here real quick.

So we're going to take just a quick recess, maybe under 5 if we can get everybody back here in time and then we'll jump into if board members have anything.

If not, we'll get into public comment.

Rick's calling it an old guy, brick.

There's no better than I am.

Alright, I got a dead battery here.

OK, is.

Everybody ready to come back?

Hey, sorry.

OK, it looks like we're seeing everybody.

We're going to read adjourn.

I believe Ken, did you want to make a final or Ryan wanted had a final quick comment there and then I think we'll move to public comment unless you guys have something burning to ask board members, the won't last thing I guess you wanted to point out is you know we realized last time the variance for the cul-de-sac is going to be denied.

So we've already redrawn, but one thing Tim did ask, so that we kept everything the same because it was a continuation.

So you're going to probably have to vote on the variance for the cul-de-sac, but we that's not a big deal, and it actually doesn't change the lot layout at all.

So you can see, you know, our civil plans that connecting down to Walker Drive is something that we've already drawn up in our are pretty good with.

So just so you guys know, but I think, Tim, correct me if I'm wrong, but it's we have to leave those in because as a continuation, right, I think at the time we felt that it was best just to leave the subdivision as is and then a condition of approval if this were to get approved, would be the mechanism to connect through down to Walker as opposed to redesigning or you might get kind of caught in a loop of ohh, we need to take that back in front of another hearing.

Yeah.

And and we won't even change a lot.

Layouts.

Our Rd can just turn so it works pretty good, just as the definitely for you guys.

OK, great.

That answers a few questions I had.

Ohm. OK.

Planning board members, any clarifying questions?

Any burning needs?

Otherwise, we can jump into public comment and then.

Sorry, I'm having mic difficulties here.

OK, I'm not seeing any hands from board members.

Excuse me.

OK, so not seeing anything from folks on the board.
We're gonna go ahead and move to public comment.
So this is a time when anybody inside or here wants to make public comment.
You can please do so if you're joining us online.
Oh, we forgot this in the last public comment area.
You put it up, but I didn't read it.
Oh boy, can I just skip it again.
So anybody out there needs to call in.
You can call in via the instructions on the screen, or if anybody here and house wants to make a public comment.
Go ahead, ma'am, if you'd like to just come on up to the podium, please state your name for the record and spell it as well.
My name is Mrs Theodora.
Theodora McKee MCKE we live at 4022 S 3rd St West.
We have lived there for approximately 15 years.
During that time, we've had.
The state police have been there five cars into our front yard, knocking down our chain link fence.
We have that on record and and state police reports they're either drunk, it's a 35 mile per hour or they just are just out of control and we have \$1000 deductible.
OK, we should put this on 3 minutes and I'll try not to be verbal and we've had to pay it every time.
My concern is public safety.
When you make that turn public, works doesn't seem to have an issue with it.
When you make that turn at the point of inflection is only when you can start seeing straight.
Because the houses on the interior of the curve have 6 foot fences and 2030 foot trees.
So when you're approaching that blind corner, you can't see until you get to the point of inflection.
If you understand what I'm saying.
And then you have more cars coming out on Creighton.
But they don't.

If that's too scary for them, at least they could go through Walker.
That's what I hope you approve today gives people an alternative.
If you got a car full of kids, you're not going to want to go out in the winter time when it's icy.
I've got a history, 5 different accidents.
It's too close to their curve and it's bad curve, so please push through Walker and let people have a choice.
That's all I have to say.
Great.
Thank you.
We appreciate you being here tonight and sitting through few hours of another hearing.
OK.
Well, we got anybody online.
I don't see anybody.
OK, OK.
It just a second here.
While it makes some notes.
Why am I?
OK, not seeing anybody else online or here in house.
We will go ahead and close public comment.
For this hearing, and that friends and neighbors brings us to a motion to get us going here with our discussion.
So Tim, if you could bring up your?
Motions.
OK.
And guess we'll just take these in order.
So that seemed best to everybody.
OK.
Alright.
Anybody wanna jump on it?
I can.
I can take that first one.

Alright, go for it.

Danny, I moved to recommend approval of the variance from section 3.4 point 6.2, which requires access off Walker Drive as the road of lesser classification.

Motion made by Danny.

Do we have a second?

I'll second it.

Second, him by Erick.

OK.

Gosh, go ahead Rick.

Ohh sorry I didn't know.

My mic was on.

I'm new at this being in person stuff. Umm.

Yeah, this one seems to make sense, especially when you consider that they are connecting and.

The bigger question is motion three, so I'll just leave it at that.

OK.

And I guess I wanna get a little clarification.

So this variance requires access off of Walker Drive and then the next one.

Chairs to as the denial require.

Yeah.

Please please explain that.

Yeah, the essence of motion number one is basically to allow for the cul-de-sac as as the main access point off of Clements.

So Brent O'Connor from County Public Works actually viewed the site and is supportive of that called the SAC access point.

So that's number one, but #2 is basically a requirement in the subdivision regulations to make the through connection to Walker to the South.

The subdivision regulations require that, and the original proposal was just to end in that cul-de-sac, as opposed to pulling it down and providing the connection to Walker.

So the the motion #2 is the recommendation essentially to make that through connection.

OK, alright.

Go ahead Danny.

Maybe I'll say this in a different way.

To clarify, Tim, in the form of a question.

If we don't have a cul de SAC and we have a through connection, is the first variance applicable?

We thought the variance one was applicable in the sense that to basically empower the cul-de-sac.

So speak if you don't have very and I'm not sure if I'm answering this fully, but you need variance one to actually have that access point from the East, because Walker alone could do the job.

Go ahead, Lynn.

LD **Lynn Davis** 2:01:04

But doesn't.

Uh subdivision need to access points.

AR **Analeshia Rodriguez** 2:01:08

Yeah, that's kind of where I was.

Connectivity and two access points.

Yeah.

That's why we felt that though we hear the concern about the curve, the 3rd and Clements curve to only have one way out to the South, I think isn't optimal.

Is that required to?

It's not required, right?

Well, technically our regulations require it for major subdivisions in the wildland urban interface.

That's the distinction.

There we go.

OK, it's really a good idea for any large subdivision have to weigh in and out.

OK.

Anybody else any questions?

For this motion.

Alright, alright, not seeing anything.

Let's go ahead and go to a roll call.

Vote.

Please roll call vote Len Davis.

LD **Lynn Davis** 2:02:08
No.

AR **Analeshia Rodriguez** 2:02:12
Shane Morrissey.

SM **Shane Morrissey** 2:02:15
Yes.

AR **Analeshia Rodriguez** 2:02:17
Josh Shrader.

J **Joshua** 2:02:19
Yes.

AR **Analeshia Rodriguez** 2:02:22
Danny oberhauser? Yes.
Recall yes, shamakhi.
Yes, and the motion passes with five yeses.
One. No.
OK.
Anybody wanna take a stab at #2?
I I can keep going here on this one.
I moved to recommend.
Ohh sorry, I just got a screen pop up in front of me here.
It's alright, I have it printed.
I moved to recommend denial of a variance from section 3.4 point 6.3, which requires
a through connection to Walker Drive.
Create motion made by Danny.

Do we have a second?

I'll second it.

Second, it by Rick, OK.

Any discussion needed questions, if they haven't already been answered.

Ohh Shane, go ahead.

SM **Shane Morrissey** 2:03:29

I just wanna sorry I was not paying as much attention to Denny's motion as I needed to.

I is it.

Did you word it exactly the way it was on screen?

You're recommending denial.

AR **Analeshia Rodriguez** 2:03:45

I believe I did.

SM **Shane Morrissey** 2:03:47

OK, perfect.

Thank you.

AR **Analeshia Rodriguez** 2:03:50

Even though there's a big white thing in the middle.

All right, not seeing anything.

From board members.

And everybody's clear on how this is all working.

OK, I'm seeing nods of heads.

Alright, let's go to a roll call vote.

Roll call vote Lynn Davis.

LD **Lynn Davis** 2:04:19

Yes.

AR **Analeshia Rodriguez** 2:04:23
Shane Morrissey.

SM **Shane Morrissey** 2:04:25
Yes.

AR **Analeshia Rodriguez** 2:04:27
Josh Raider.

J **Joshua** 2:04:29
Yes.

AR **Analeshia Rodriguez** 2:04:32
Danny oberhauser?
Yes, Rick hall?
Yes, shamakhi.
Yes.
And it is unanimous.
The motion passes.
Great.
Thank you.
Alright, #3.
Anybody else besides Danny or we're just going to let the new guy do it?
I'll, I'll take it.
Go ahead, Danny.
I moved to recommend creating subdivision subdivision be denied based on the findings of facts and conclusion of law and the staff report as amended.
I'll second it again.
Motion made by Danny, seconded by Rick.
And then just to make sure everybody's clear, I a yes vote is for denial and a no vote is for support of the subdivision.
Alright, go ahead, Danny.

Let me this off, alright.

I think maybe the technical aspect of this is making the thought process is challenging.

I think I I acknowledge what that applicants representatives are saying about their their always geotechnical investigation and you know acknowledge the fact that there is a mature terrorist deposit there.

Umm, but I I think that's only one piece of the puzzle.

Umm, you know the hydrology of the river being maybe the missing?

Facts that the county commissioners are going to have to make their final decision based on.

I I think everyone can acknowledge that the results of that geotech show that there is probably a slower erosion, but where I'm seeing it disconnect is by how much.

That's what we don't know.

So while there's a.

Very high altitude study for a channel migration zone in place that seems to be.

The best available data that we need to make a decision based off of at the same time it has a provision to reduce that 580 down to 200.

Well, in my mind that's the same very high altitude.

Determination of a study that doesn't seem to be all that well thought out.

So on one hand, it's conservative at 580.

On the other hand, it's saying you can reduce it to 200, but neither of those are really based off concrete evidence in my opinion.

So for based on making a decision about, you know, reasonably minimizing potential impacts, I don't know if we can reasonably make that decision and say yes, that 200 feet makes more sense than 580.

Umm, so that's where my thought processes right now.

I don't, I guess completely separate a question maybe for staff.

Is there anything besides the channel migration zone that would limit development?

You know, zoning, are there riparian area setbacks that we haven't talked about that could further potentially limit this development in the future if it is approved?

That's a question I could answer.

We felt that since the subdivision was in the door ahead of the new zoning being implemented, it's essentially grandfathered in per the old zoning.

So we wouldn't subject it to the buffers that you find in the new zoning.

Does that get at your question OK.

Yeah, it does.

I think I'll maybe have some more questions for their own.

OK.

Alright, Rick, you're up.

You know, this is a tough one for me because.

No, you know, I mean, I'm not too swayed by the argument that we've built in the CMZ in the past, and uh, we're going to bail out everyone that is in the zone should the channel move.

But I am kind of swayed by the fact that saying you can't build in a 580 zone is not a taking, you know, ohm.

I guess that's not a question for us really, but if we start and start as a planning board saying it's a no build area when people purchase the property prior to even the study.

I'm just.

Yeah, I'm having some some real issues with that and but at the same time, I mean, there's a reason we studied the CMD Z and you know, I understand what the the study is saying.

The study, one of the one of the criticisms of the study, is yes, you've done a A soil study of that bank, but you haven't done a soil study of the other bank.

And if the other bank is even less erodible than than the this bank, then there will be even more channel migration.

But you know the channel migration is really hard to know.

You know, it's just a.

But I will tell you, if I bought a house and knew it was going to be floating down the river and 120 years, I probably would not buy that house.

But who knows?

So I'm just having some real difficulties with with the denial and I guess the question is we're just.

Based on the application that's before us, right, which is that part of it would even be in the 200 foot zone.

That correct sliver?

Yeah.

Like I.

Yeah, I think the northwest corner of Lot 7 would end up in the 200 foot.

Houses, but no houses, right?

OK, great.

Thanks, Rick.

Let's see.

I have Josh and then Shane.

J Joshua 2:11:22

I agree with the observations of both both Danny and Rick.

Umm, you know the applicant talked also about averages of erosion, but I think if that southern stem of the river ever became the main stem, we would see significant higher averages of erosion.

Umm.

And I don't think it's a question of if it does, it's a matter of when that becomes the main stem.

Nobody knows when that will occur, but pretty confident that it will in some point in time and I represent the the Conservation District Board on this board and.

We do see with some frequency properties that have been built where they shouldn't have and they come to us for a 310 permit precisely because the water is knocking at their door and they need to do something to mitigate that.

And so it's not all theoretical.

Yeah, it happens in real life where properties are threatened because the river changes course.

They didn't think it was gonna be there.

And lo and behold, they're between a rock and a hard place.

And they need to do something about it.

And they come to request a 310 permit.

So I intend to support staff's recommendation and vote in alignment with what the conservation district.

Boards point of view, which would be, you know in support of the motion or to deny the the subdivision.

And it doesn't seem fair right that other people can build beforehand in that area. But I think that they're gonna have a problem sooner or later in that area. And the other issue is is that you know if this development would have come after the rezone county rezone, they wouldn't meet the set back requirements. So. That's where my head's at right now.

AR **Analeshia Rodriguez** 2:13:43

Great.

Thank you, Josh.

Go ahead, Shane, and then Lynn.

SM **Shane Morrissey** 2:13:49

Umm.

Yeah.

Well, just just stole a whole bunch of my Thunder there.

I think that Danny made a bunch of really good points and then I think Josh hit most of my high notes.

Umm, I mean, you know, we've looked at, you know, in the presentation we've looked at, you know, areas of the river that haven't moved, but this is an area of the river that we've clearly demonstrated has moved.

And I'm not.

I agree with Josh.

You know the the law of averages might not apply here and I'm not ohm.

I I'm not an expert in this and so I need to defer to the experts on this, it and.

And I guess I suppose I don't necessarily see this as a taking there.

There's a request out here for subdivision.

Umm.

And it's before us to either approve it or deny it, and it's still a plot of land.

But it might not be, umm, developable to the, you know, extent that they that the developer wants to develop it.

But umm, suppose I don't necessarily agree with the stance that this could be a taking umm and.

In Lot 7, does still concern me that you know, Radley pointed it out.

10 pointed it out.

It it still falls within, you know this area of the 200 feet and seems to not have been rectified and so it leaves questions in my mind about what else hasn't been addressed I suppose so.

I intend to support the motion on the floor.

For denial.

AR

Analeshia Rodriguez 2:15:54

Great.

Thank you, Shane.

Go ahead, Lynn.

LD

Lynn Davis 2:16:01

So I agree with what's been said so far, and I just would add that planning for mitigation is is not a good plan.

It's.

Yeah, it's just doesn't make sense to me too approve the subdivision based on mitigating it because other homes would need to be mitigated.

I that the right thing to do here I think is to, you know, not build.

Or not approved the subdivision so that we're not building in an area that has potential that would need to be mitigated or later.

So that's my main reason for denial or for approval of the motion, which would be denying the subdivision.

AR

Analeshia Rodriguez 2:16:47

Great.

Thank you, Lynn.

Danny.

Go ahead.

Uh, I just wanted to speak to Mrs Mckees concern about the corner there at 3rd and Clements.

I I take that corner twice a day and I completely understand your point of concern there.

And as a board, I think we should just on the record say that the the Public Works Department should take a close look at that.

Umm to the subdivision application perspective that isn't really in the scope I think of this application.

Were were reviewing the proposed access and not the existing.

You know, conditions of that 90 degree turn.

So I hope that public works takes your comment seriously because it is a it's a blind corner, certainly.

Yeah.

Absolutely.

Umm, I'll just take that as a good segue for myself.

I also drive this road at least a couple times a day.

I have a lease ground out here that we produce food off of.

And I would agree with Danny.

I think it would be good for public works to just reevaluate it and just make sure that it that it it's still safe.

Because that is a tough spot, I think, and I would support this a lot more with the through to Walker St I think that makes a lot of sense.

All right, do support it with that.

OK, I got a little bit of a hypothetical because I I share a quite a bit of Rick's feelings as far as like this is a real conundrum.

Because it is a really tough piece of land to try and to develop and I think I have some empathy for the developer as far as like trying to figure that out and the owners, umm, so I I guess I'm just curious.

It is there a like a way to get this to the end zone like I mean, have you guys talked about other possibilities, Tim, like, I mean I don't, I just like it seems to have hate to have the door just slammed you know like because of all these you know development in the past and then CMZ and there's just so many things like do you see a scenario of like what can make it to the end zone or is that just too hypothetical for you project on?

It may be a bit too hypothetical.

I mean a different design, which obviously isn't before you tonight might get it across the finish line, but we'd be prepared.

You know, we're staff and we'd be prepared to get it to a finish line if the county commissioners ultimately wanted to approve the subdivision.

I mean, we don't have any recommended conditions because we're recommending denial, but we could get it there.

We made recommendations on variances that get it halfway there as far as access is concerned, but.

I don't know that there are any mitigations.

We did investigate that.

I'm there are any on the ground mitigations that really change the way we would look at this?

OK, alright.

Well, thanks for taking a stab at it.

I know that doesn't necessarily help.

With this but it.

And if they were to try, and would that be a new plan and then would no longer be grandfathered in?

Yes, but there's always potential along the eastern portion of the property.

Easy to say, of course, but again we can if we got to the point where the county commissioners wanted to approve it, we could, you know, add recommended conditions and we could get it to that finish line if and we will do that if that's their preference.

OK.

Alright, I won't take up too much of our more time here.

I'm just curious.

Anything else from other board members?

I just wanted to add one thing and that is that whether it's a taking or not is not really our business.

You know, that's really a the business of the city attorney or County Council.

I just threw it out there because it is a concern of mine.

So absolutely.

Thank you for the clarification.

I think that was that's important.

That's true.

OK.

Anything else from board members?

OK, let's go ahead and roll call vote please.

OK people. Umm.

It's getting awful late.

What do you got, Brian?

I guess the struggle I see in this is you guys are following the recommendations of the CMZ right with 580 feet.

But then when we go through and show a provision in the CMZ that says XYZ, these are, it's just like falling subdivision regulations and we go meet those provisions with a document that you guys are following now.

And we prove those as stated in that document.

That seems to get pushed aside.

So you're following the this document for one thing, but there's a whole page dedicated to this that we go prove, and then that doesn't get followed.

And it's like we don't like that.

So we're gonna set that aside, but we're gonna read the rest of this document.

That's a struggle for me because I think I highlighted in there exactly if you.

If we find this information, we get to use 200 feet.

Were you in?

Found that information, but then we don't get used 200 feet, but we still have to go to the rest of the document applies.

But I think if you guys are looking at this, I would say let's apply either the whole document which is that's part of it or not the document at all.

That's the struggle that I guess I'm looking at here because I feel like we fall.

What was said?

Absolutely.

Thank you.

I appreciate your point.

OK.

Anybody else before we settle in.

OK, roll call vote.

Please roll call vote Lynn Davis.

LD Lynn Davis 2:23:33
Yes.

AR Analeshia Rodriguez 2:23:36
Shane Morrissey.

SM Shane Morrissey 2:23:38
Yes.

AR Analeshia Rodriguez 2:23:40
Josh Schrader.

J Joshua 2:23:42
Yes.

AR Analeshia Rodriguez 2:23:44
Danny Obel wiser?
Yes, Rick hall.
Yes, Shawn McCoy.
No, and it is unanimous.
The motion passes with five yeses. OneNote.
So not quite unanimous, but close.
No worries.
OK.
And with that, that brings us to the end of the that public hearing for this evening.
And want to thank everybody for coming out tonight.
And joining us on this once again very late evening, although we're doing pretty good, it's not 11:00 o'clock here.
Ohm. OK.
You know, just your final point, Brian, I think you have a really good point and it's one of the reasons why I voted the way I did, which really isn't much more than a signal ideally to the county commissioners to take a closer look at this.

But that's the argument I would be bringing to them.
Umm, you know, you guys are in a tough spot.
I don't know how you keep getting these tough ones, but.
By the river.
Yeah.
Anything on that?
Yeah.
But thanks and you know, good luck and hopefully we'll get something figured out.
OK, everybody, let's see what we got left.
Really, we've got not much.
I don't think we have any committee reports.
Yeah.
You ohh you.
Did you go?
Ohh great.
I went to TPC.
OK, Great Community report.
Well, they approved the Unified Work Program, which is basically their budget.
The only change is the scale back outsourcing to not deplete reserves and they added rail planning since Commissioner Strohmeyer was there.
So that's been added to the consultancy fees.
They also approved the letter of support for a grant application to build 15 to 20 community charging stations, and it's just a grant application.
So that was approved and that was it.
Great.
Thank you.
Do you folks, do you have a question or anything?
Died the subdivision.
Yes, ultimately, yes.
It well, uh, sorry.
I'm having a new little extra curricular conversation here folks.
Ultimately, there won't be a subdivision for now, just nothing's gonna happen.
If there is a subdivision, more than likely it'll connect with Walker.

OK.

All right.

You're welcome.

Thanks for being here.

So late?

OK.

Really that wraps it up.

If it wasn't so late, I was gonna have Danny introduce himself a little bit, but I think we can grill them in the bathrooms.

Ohhh, alright, Rick's got all the information.

So unless I see everybody jumping up and down or Danny really wants to take the mic, I think we'll let everybody go home.

OK, I think we're getting agreement on that.

So we're gonna adjourn tonight's meeting.

Thank you everybody.

Appreciate all your guys time and another late night.

Yeah, the 10:00 o'clock.

J **Joshua** 2:27:19

Goodnight everybody.

LD **Lynn Davis** 2:27:21

Yeah.

Welcome, Danny.

AR **Analeshia Rodriguez** 2:27:24

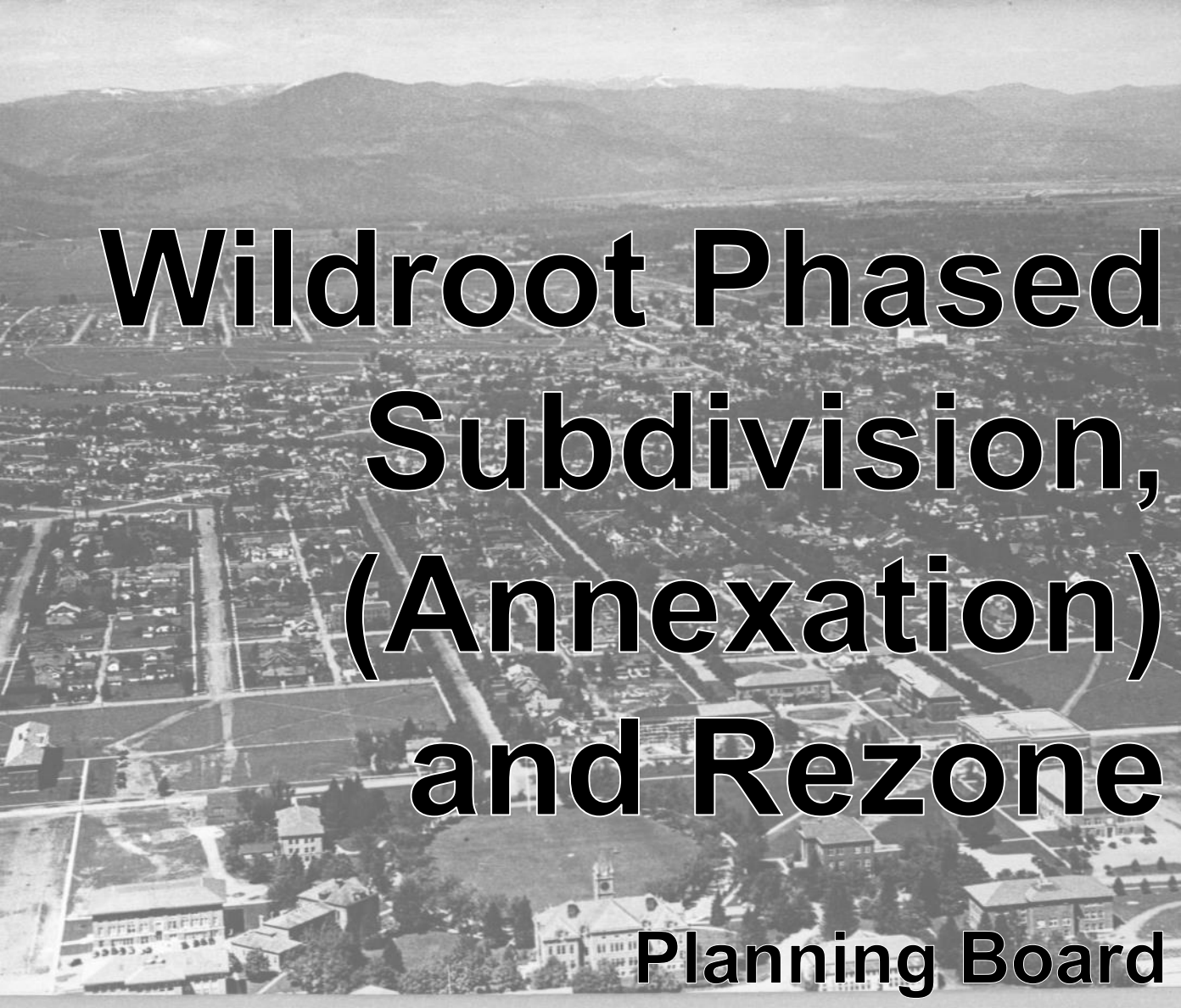
Thank you.

Have a good night everybody.

LD **Lynn Davis** 2:27:26

Thanks.

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Wildroot Phased Subdivision, (Annexation) and Rezone

Planning Board

Tara Porcari
Community Planning, Development, & Innovation
August 20, 2024



Items for Consideration



Planning Board will vote on **8 motions** recommending City Council to adopt/deny and approve/conditionally approve/deny the following items:

- An **ordinance to rezone** from RM1-35, RM0.5, R8, and B2-1 (plus Hillview Heights Overlay on a portion of the site) to RM0.5, RM1-35, and R5.4, removing the Hillview Heights Overlay.
- A **variance request** for one dead-end street.
- Three **variance requests** for streets to exceed the maximum allowed block length of 480 feet.
- A **variance request** for one sidewalk instead of two on a portion of Rimel Road.
- A **variance request** to allow five lots to have primary vehicle access via an alley instead of a street
- The Wildroot Phased Subdivision **preliminary plat application**

The Planning Board does not have a role in annexation and zoning upon annexation

Subject Property



Existing Conditions – Steep Slopes



R5.4 Slopes Table

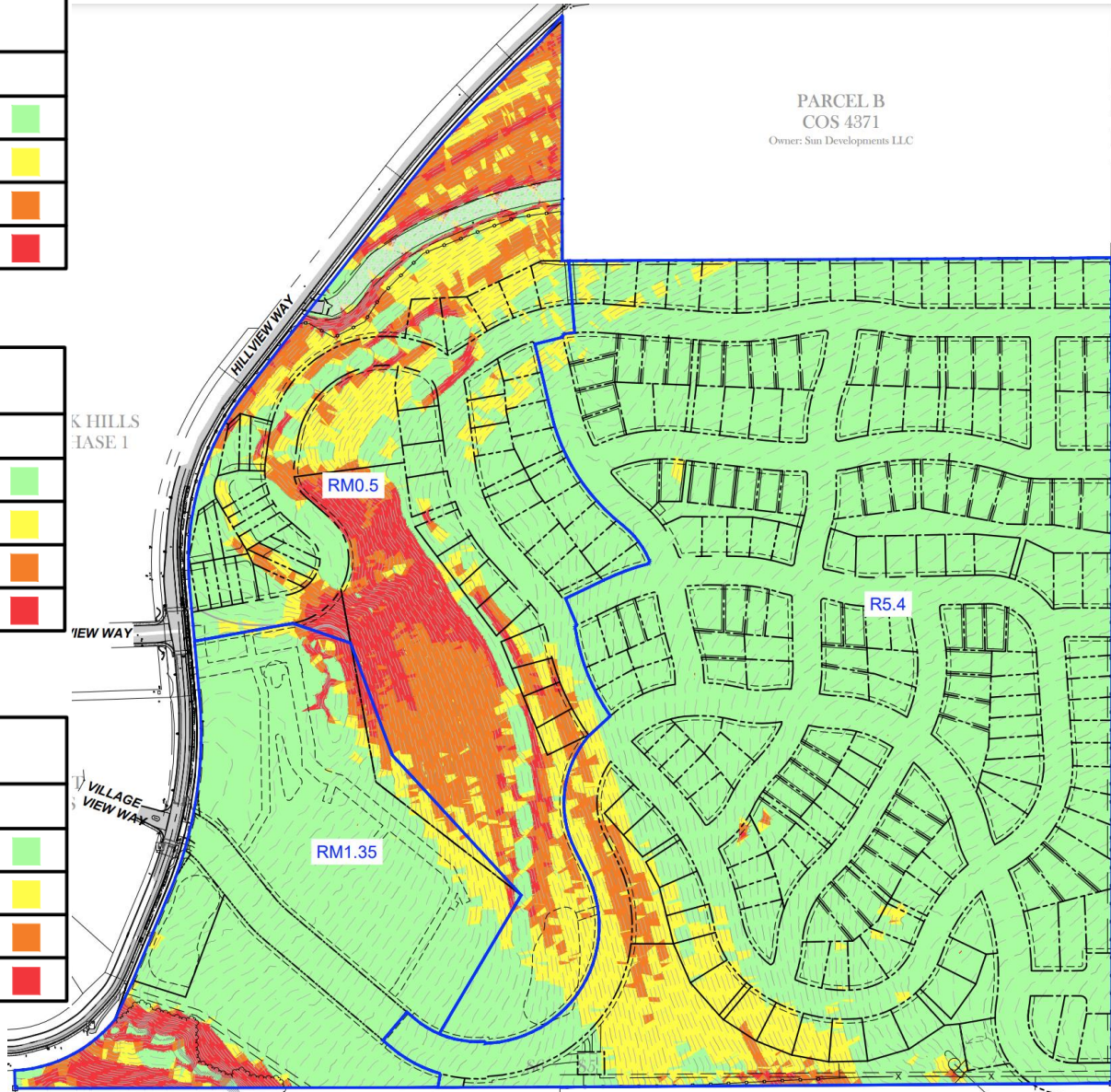
Number	Minimum Slope	Maximum Slope	Area (AC)	Color
1	0.00%	15.00%	54.15	Light Green
2	15.00%	20.00%	5.08	Yellow
3	20.00%	25.00%	1.15	Orange
4	25.00%	100.00%	0.06	Red

RM0.5 Slopes Table

Number	Minimum Slope	Maximum Slope	Area (AC)	Color
1	0.00%	15.00%	12.01	Light Green
2	15.00%	20.00%	6.37	Yellow
3	20.00%	25.00%	6.41	Orange
4	25.00%	100.00%	3.90	Red

RM1.35 Slopes Table

Number	Minimum Slope	Maximum Slope	Area (AC)	Color
1	0.00%	15.00%	13.76	Light Green
2	15.00%	20.00%	1.08	Yellow
3	20.00%	25.00%	0.52	Orange
4	25.00%	100.00%	1.47	Red



Proposed Preliminary Plat



PRELIMINARY PLAT OF WILDROOT

LOCATED IN THE SW 1/4 OF SECTION 5 AND THE SE1/4 OF SECTION 6, TOWNSHIP 12 NORTH, RANGE 19 WEST,
P.M.M., CITY OF MISSOULA, COUNTY OF MISSOULA, STATE OF MONTANA.

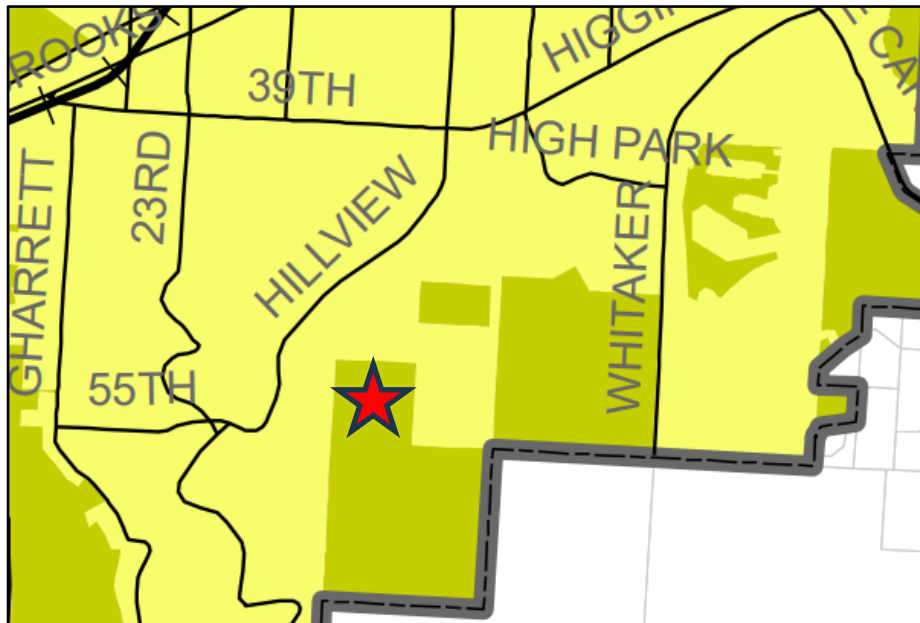


- 248 lots (1 MF lot, 21 townhome lots, 226 SFR lots)
- 450 planned units
- New internal subdivision roads
- Two new public parks totaling 4.13 acres
- Access from Hillview Way and Rimel Rd
- City water and sewer connections from Hillview Way
- Stormwater contained onsite

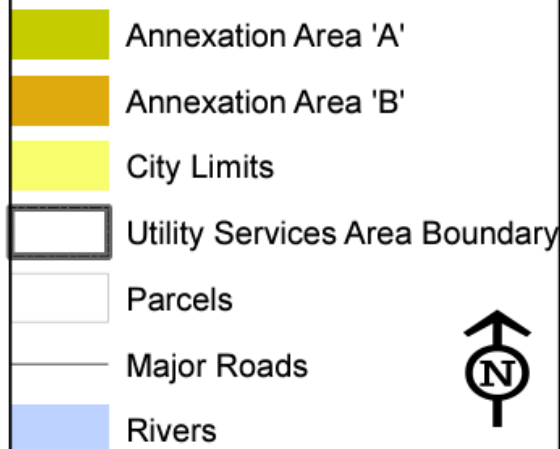


LEGEND	
PHASE 1	12/31/2026
PHASE 2	12/31/2027
PHASE 3	12/31/2030
PHASE 4	12/31/2034
PHASE 5	12/31/2038
PHASE 6	12/31/2042
PHASE 7	12/31/2044

Annexation

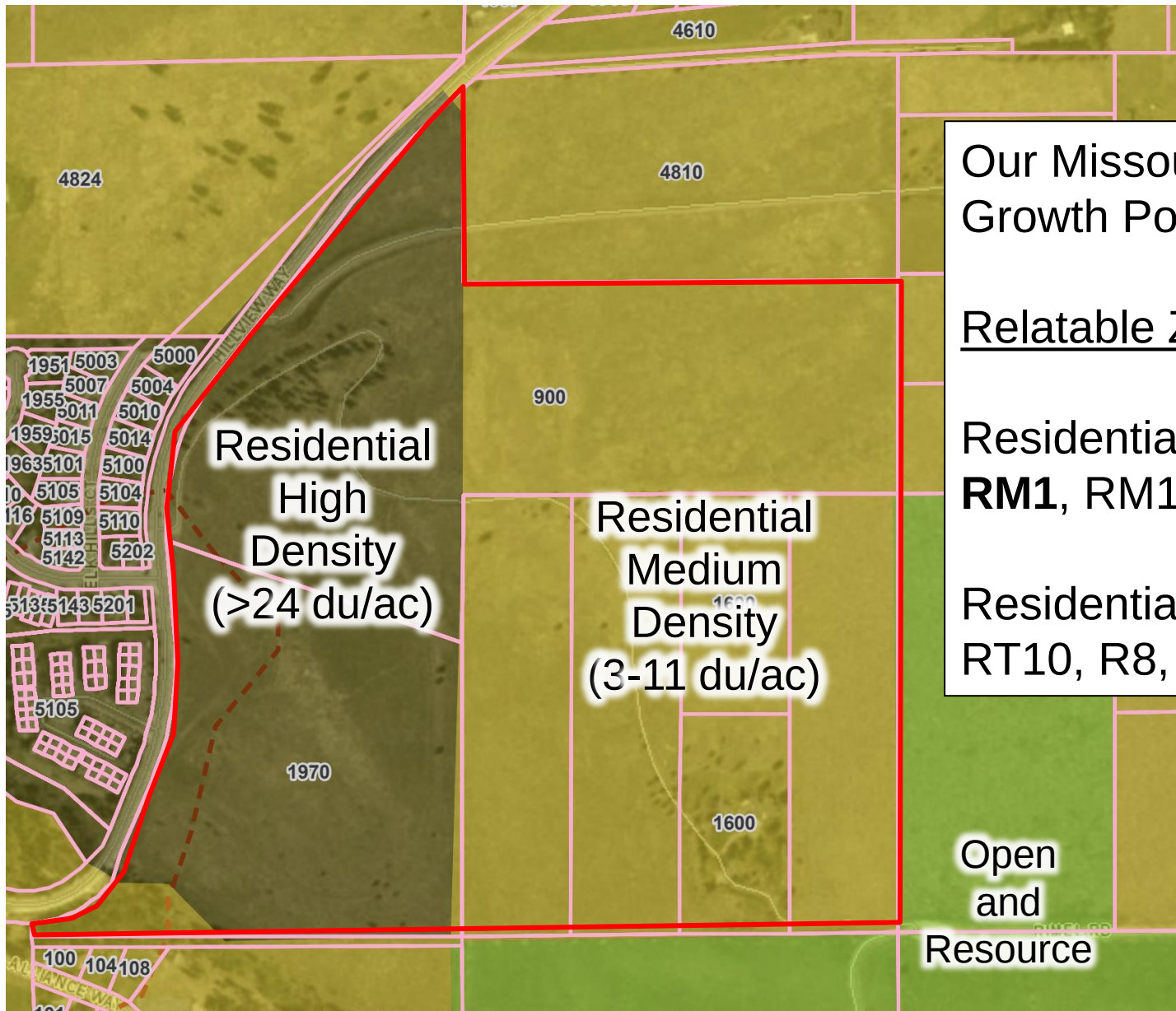


Legend



1. The landowners petitioned to annex a portion of the subject property into City limits, with zoning upon annexation of R5.4.
2. The property is located in Annexation Area 'A'. Land in Annexation Area 'A' largely the guidelines of the City's annexation policy.
3. The property is located in the City's Utility Service Area.
4. Conditions of annexation are added to ensure City standards for development are met.

Growth Policy Land Use Designations



Our Missoula 2035 City
Growth Policy

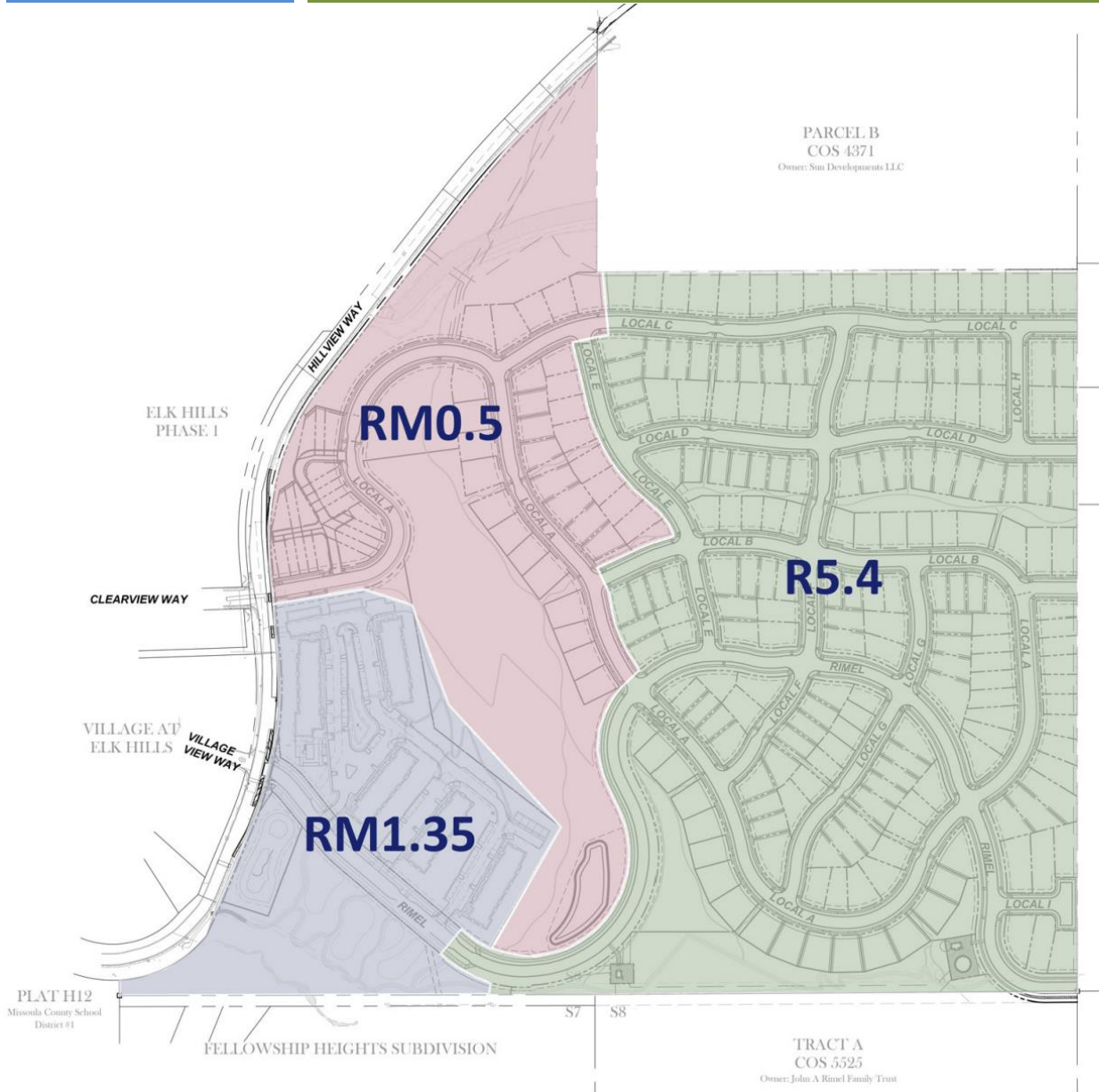
Relatable Zoning Districts:

Residential High =
RM1, RM1.5, RM0.5

Residential Medium =
RT10, R8, **R5.4, RT5.4**

Open
and
Resource

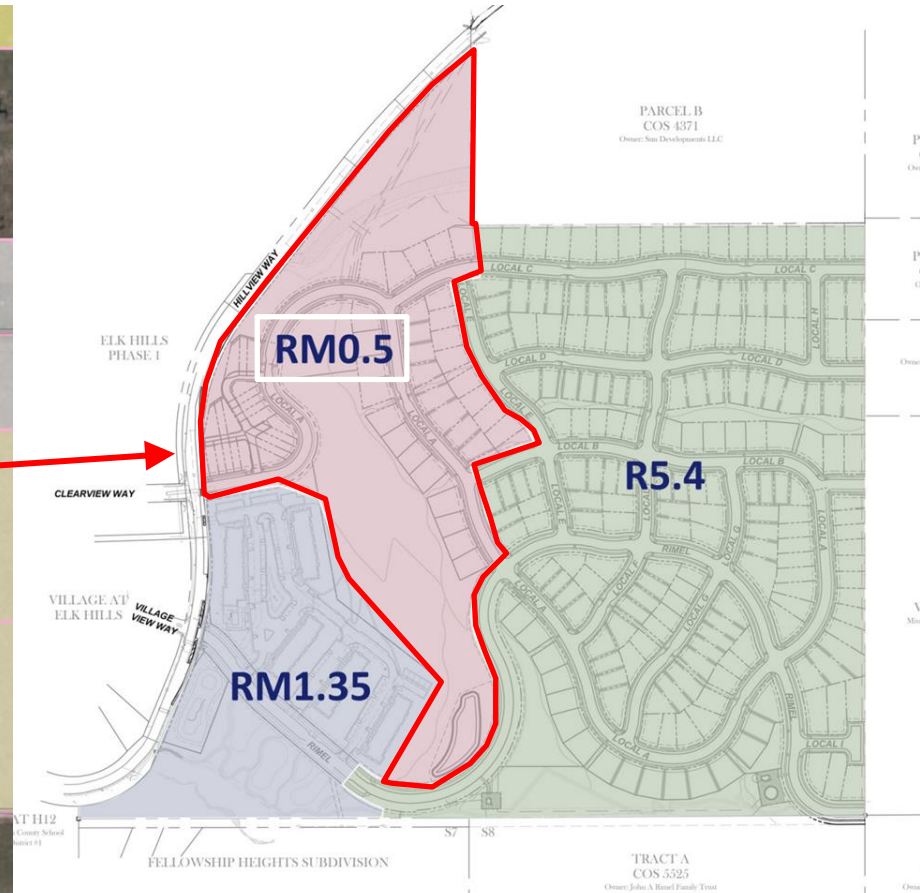
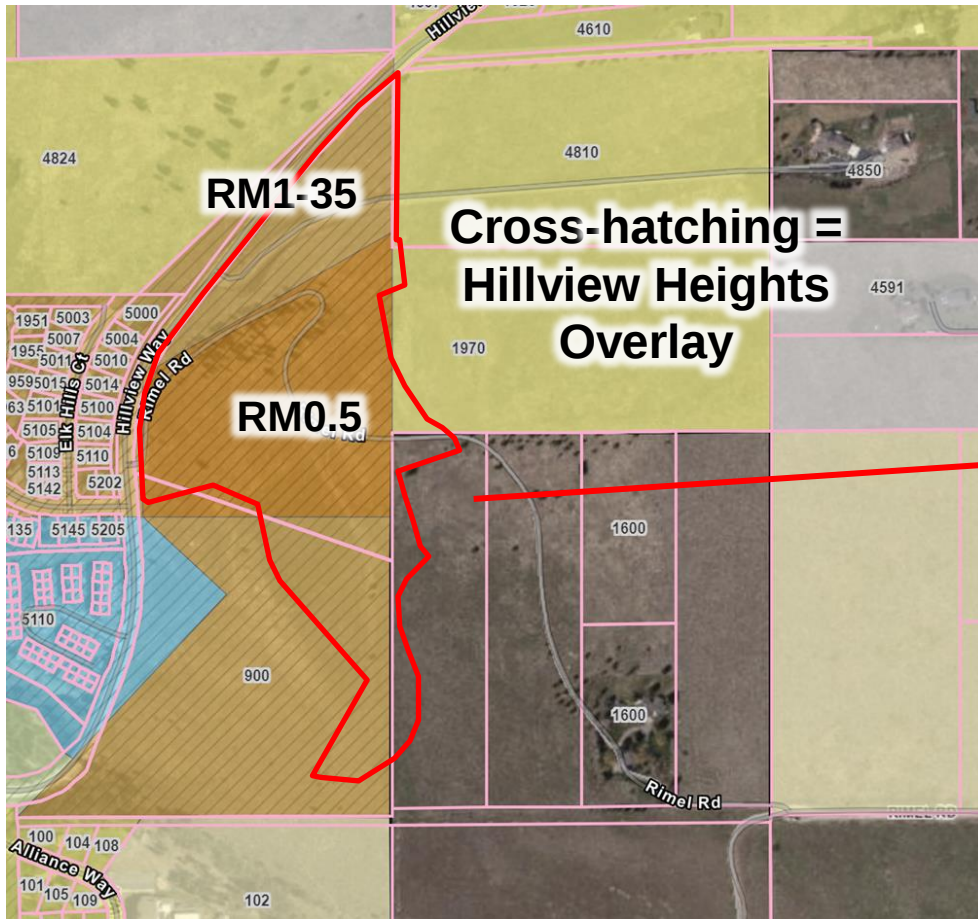
Proposed Zoning



Removes Hillview Heights Overlay from western portion of property

- Overlay currently caps development at 9.9 units per acre
- Removal simplifies zoning and allows for up to 87 units for RM0.5 and 43 units per acre for RM1-35
- With this proposal 8.66 units/acre for multi-family is max. density so no impact as platted

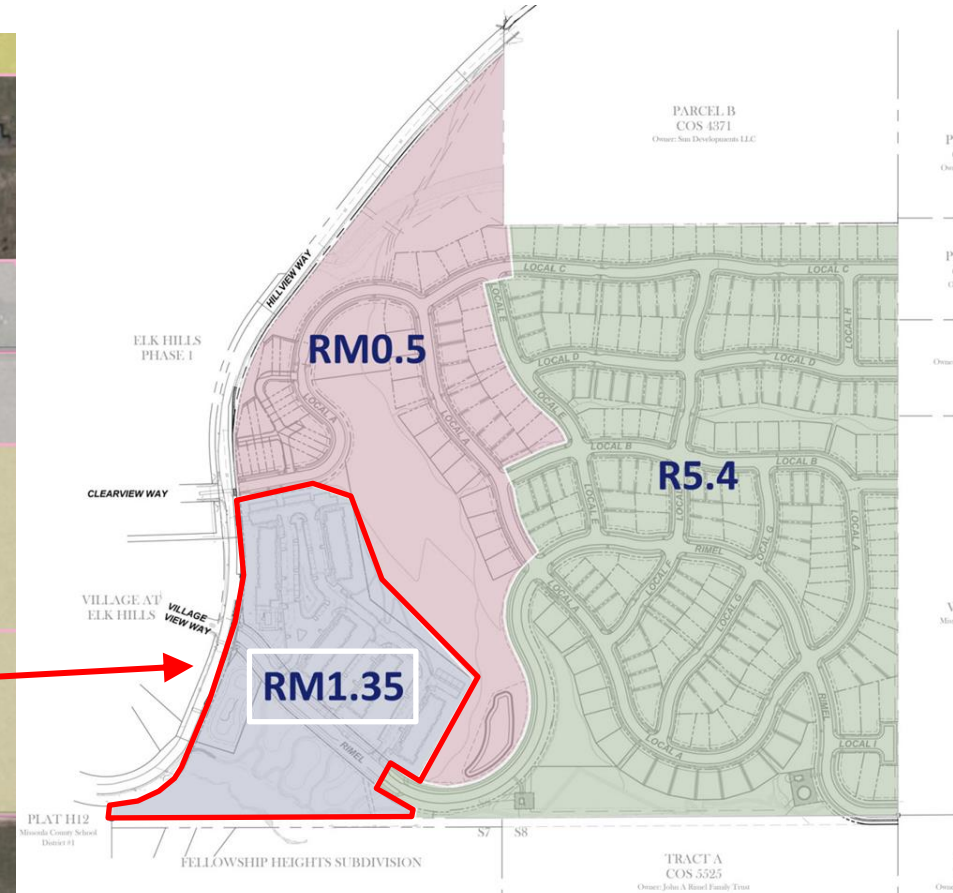
Rezoning Request



Zoning Comparison



	RM1-35	RM0.5
Minimum Area per Unit	1,000 SF	500 SF
Permitted Residential Building Types	Detached house Lot Line House 2-unit House (Duplex) 2-unit Townhouse 3+-unit Townhouse Multi-dwelling house Multi-dwelling building Mixed-use building	Detached house Lot Line House 2-unit House (Duplex) 2-unit Townhouse 3+-unit Townhouse Multi-dwelling house Multi-dwelling building Mixed-use building
Setbacks	Front: 20 feet Side: 7.5 feet <i>(no side setback for shared/party wall)</i> Street Side: 10 feet Rear: 20 feet	Front: 20 feet Side: 7.5 feet <i>(no side setback for shared/party wall)</i> Street Side: 10 feet Rear: 10 feet
Maximum Height	35 feet	125 feet

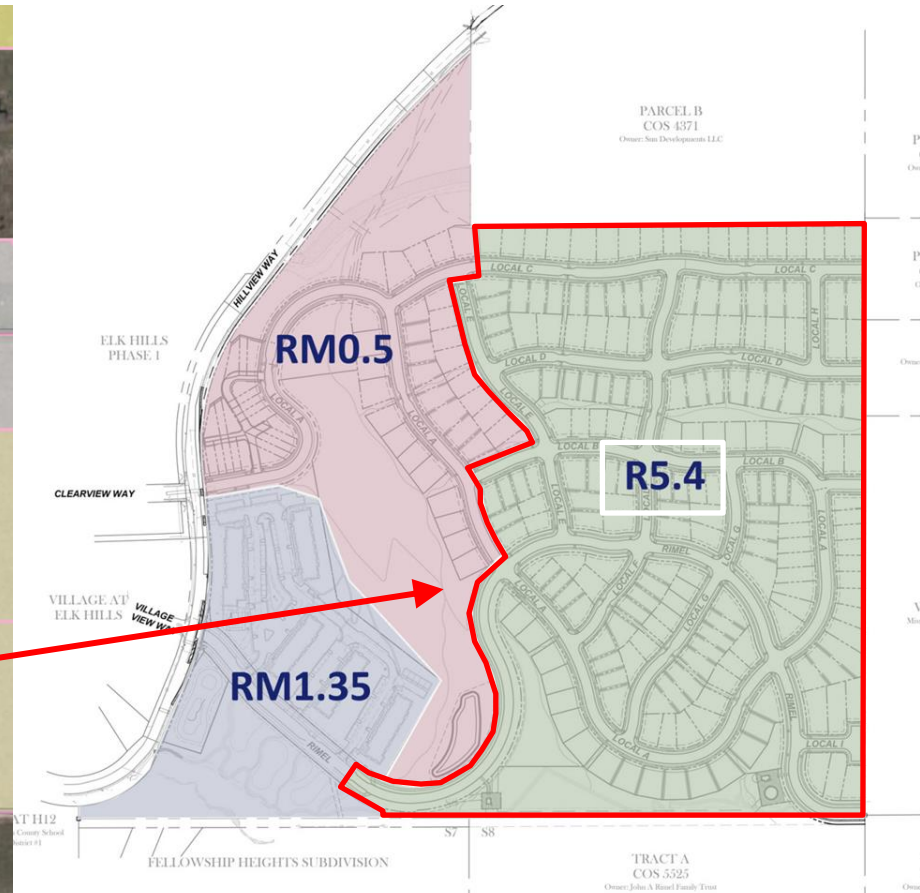
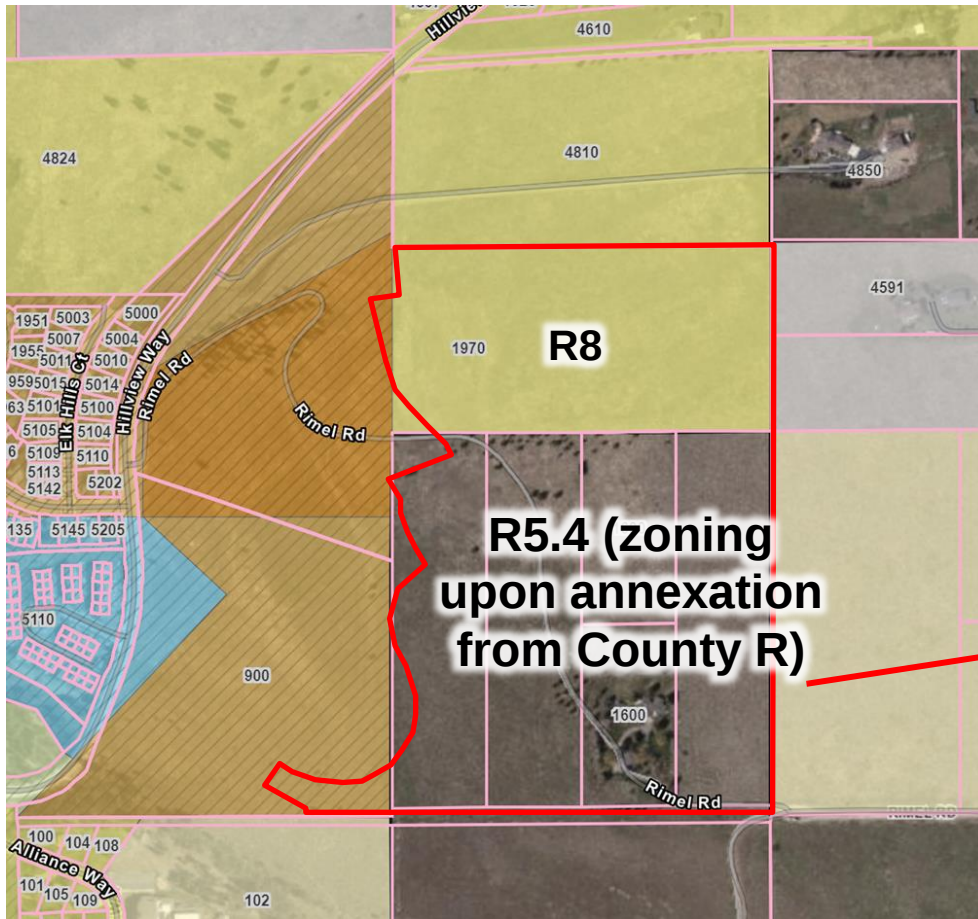


Zoning Comparison



	B2-1	RM1-35
Minimum Area per Unit	1,000 SF <i>(none if perm afford)</i>	1,000 SF
Permitted Residential Building Types	Detached house Lot Line House 2-unit House (Duplex) 2-unit Townhouse 3+-unit Townhouse Multi-dwelling house Multi-dwelling building Mixed-use building <i>Vertical mixed-use buildings</i>	Detached house Lot Line House 2-unit House (Duplex) 2-unit Townhouse 3+-unit Townhouse Multi-dwelling house Multi-dwelling building Mixed-use building
Setbacks	Front and street side: Match actual setback of abutting R-zoned district Side: Same required setback of abutting R-zoned district <i>(no side setback for shared/party wall)</i> Rear: 25% parcel depth (max. 20 feet) <i>*none if not abutting an R district</i>	Front: 20 feet Side: 7.5 feet <i>(no side setback for shared/party wall)</i> Street Side: 10 feet Rear: 20 feet
Maximum Height	<i>40</i> or 35, depending on distance from R district-abutting property line	35 feet

Rezoning Request



Zoning Comparison



	R8	R5.4
Minimum Area per Unit	8,000 SF	5,400 SF
Permitted Residential Building Types	Detached house Lot line house Mixed-use building	Detached house Lot line house Mixed-use building
Setbacks	Front: 20 feet Side: 7.5 feet Street Side: 10 feet Rear: 20 feet	Front: 20 feet Side: 7.5 feet Street Side: 10 feet Rear: 20 feet
Maximum Height	30 or 35 feet, depending on roof pitch	30 or 35 feet, depending on roof pitch

Rezoning Review Criteria



- 1) Whether the proposed zoning amendment is consistent with MCA § 76-2-304:
 - a. Whether the zoning is made in accordance with a growth policy;
 - b. Whether the zoning is designed to secure safety from fire and other dangers;
 - c. Whether the zoning is designed to promote public health, public safety, and the general welfare;
 - d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. Whether the zoning considers the reasonable provision of adequate light and air;
 - f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;
 - g. Whether the zoning considers the promotion of compatible urban growth;
 - h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
 - i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.
- 2) Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
- 3) Whether the proposed zoning amendment is in the best interests of the city as a whole.

- 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

- Historically used for pasture grazing, but not for at least the last 40 years
- Almost all of the property contains soil types designated as farmland of local importance, but not prime farmland
- No working agricultural lands – neither City or County land use plans call for agricultural production on this property
- Property has no associated water rights and does not contain ditches canals, or other water conveyances

Local services include provisions for:

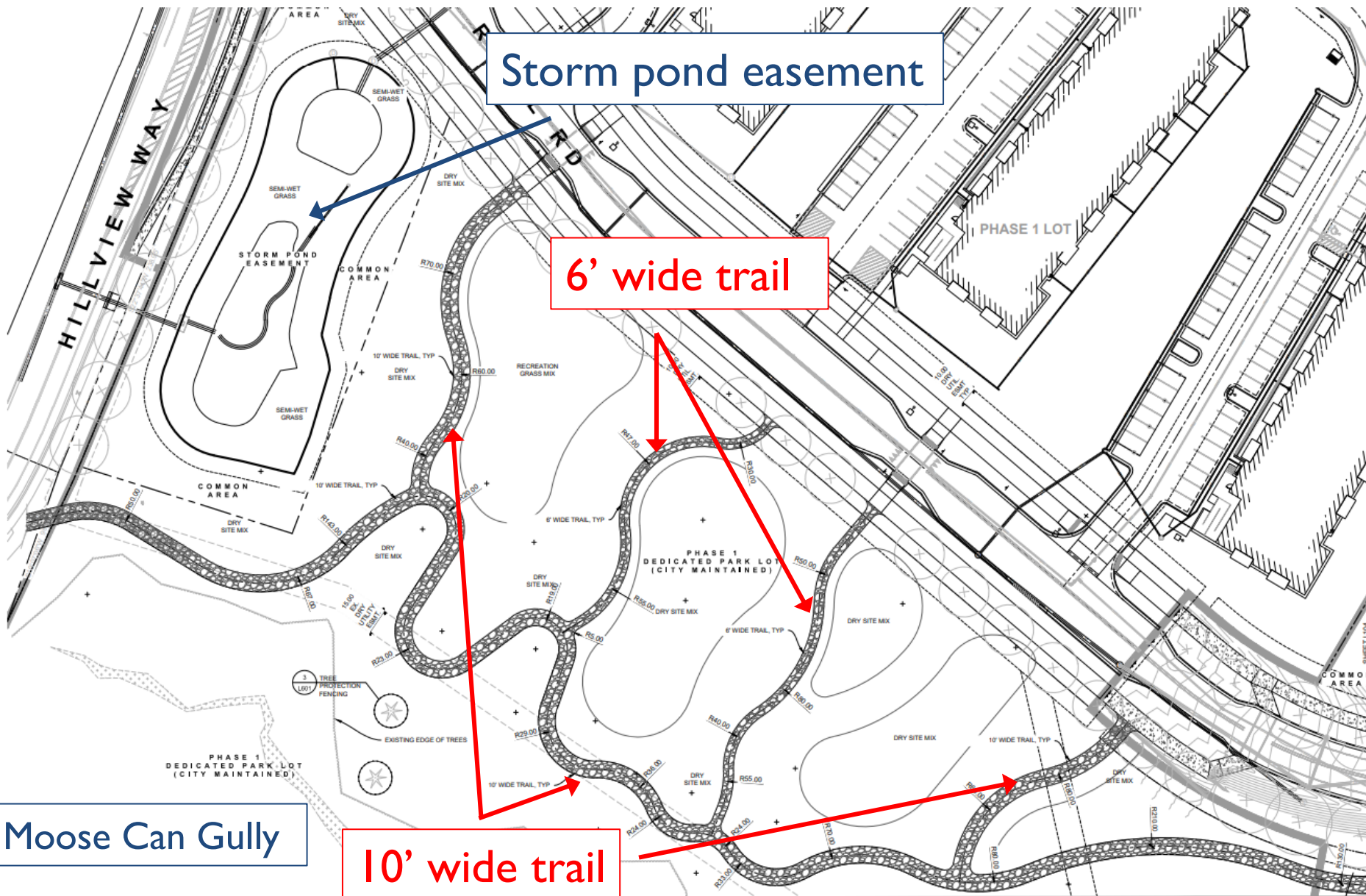
Water & Sewer: All lots will connect to City utilities

Solid Waste: Solid waste disposal by Republic Services

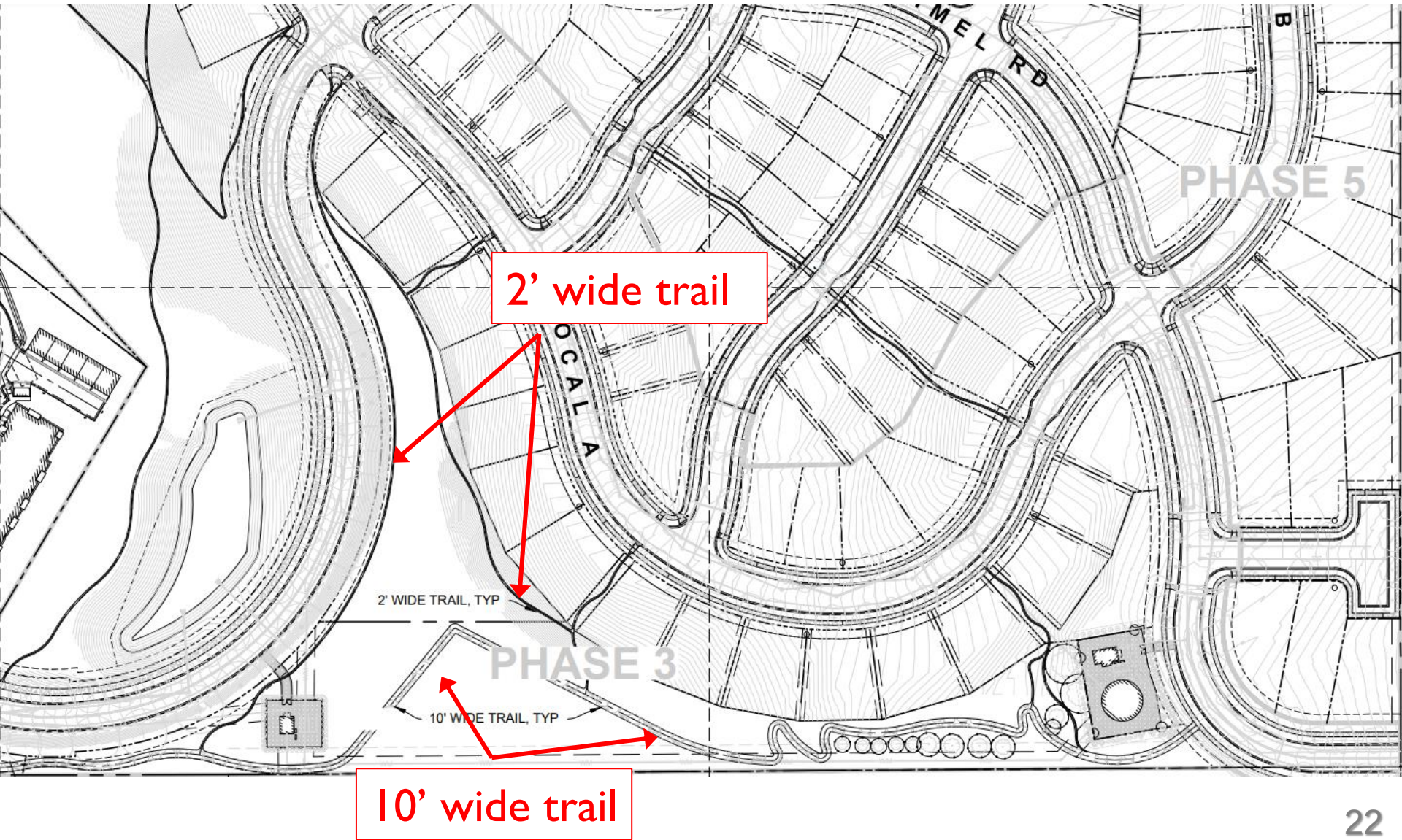
Fire & Law Enforcement Services: Provided by City Police and Fire. Phased installation of fire hydrants.

Impacts to Schools: Up to 135 new school-age children estimated for Russell Elementary, Washington Middle, and Sentinel High School Districts.

Parks & Recreation: Two large parks to be dedicated to the City and managed by City Parks & Rec. for recreation and conservation. Additional Common Area. Trails throughout the subdivision and landscaped boulevards with street trees.



Dedicated Parkland



Transportation Elements:

- All internal streets and alleys to be built by the developer in phases with two connections to Hillview Way.
- Proposal includes updates to Hillview Way and design of proposed roundabout at Hillview and Rimel.
- Outside of variance requests, all constructed up to City subdivision and engineering standards
- Non-motorized infrastructure available on site and bus stops available nearby
- SID No. 549 inclusion

- Located in floodplain classification Zone X Shaded (0.2% annual chance), area of minimal flood hazard.
- Riparian Resource Management Plan designates the riparian area surrounding Moose Can Gully, but no activities are proposed for that portion of the site. Dedicated parkland also acts as buffer from development activities.
- Application includes weed management and landscaping plan.
- Trees to be planted in parks and by lot owners at construction
- Property contains wildlife habitat.
- Existing structures were not found to be of significant historic value, and have been photographed and documented

- Slopes at or above 15% - hillside density worksheet included with application and no build zones identified on plat.
- Stormwater to be contained on-site.
- No development in the floodplain or sloped area along the river
- In the Wildland Urban Interface – recommended condition to include fire protection guidelines in the covenants.
- In the Air Stagnation Zone – prohibition on wood-burning devices and other mitigation included in the covenants.
- In the Utility Services Area Boundary and will connect to City sewer and water
- New fire hydrants to be installed throughout by phase
- Ingress/egress routes provided for residents

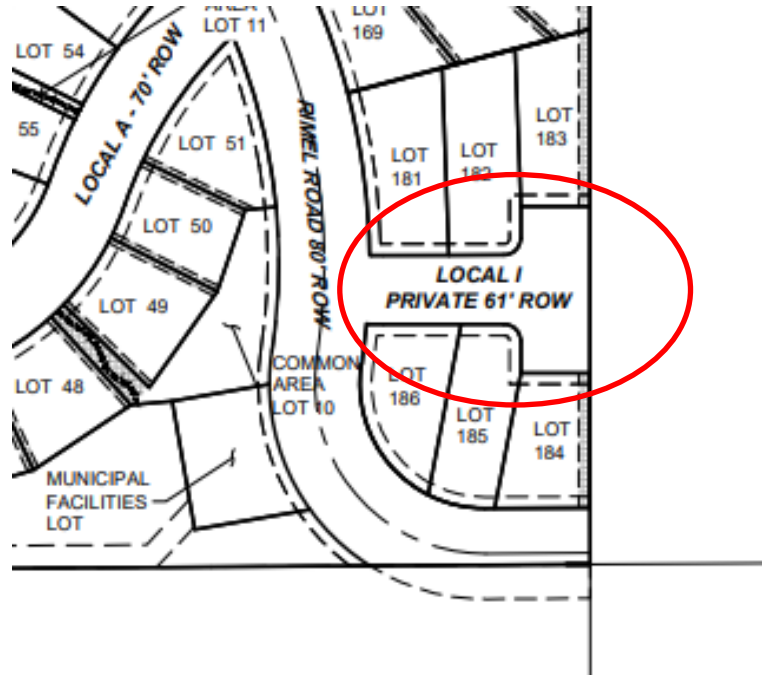
Variance Review Criteria



1. 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.
2. 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.
3. The hardship has not been created by the applicant or the applicant's agent or assigns.
4. 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; or
 - Violate the provisions of the zoning ordinance or any variance granted to those regulations or the Growth Policy.

Article 3, Section 3-020.5: Dead-end streets are prohibited.

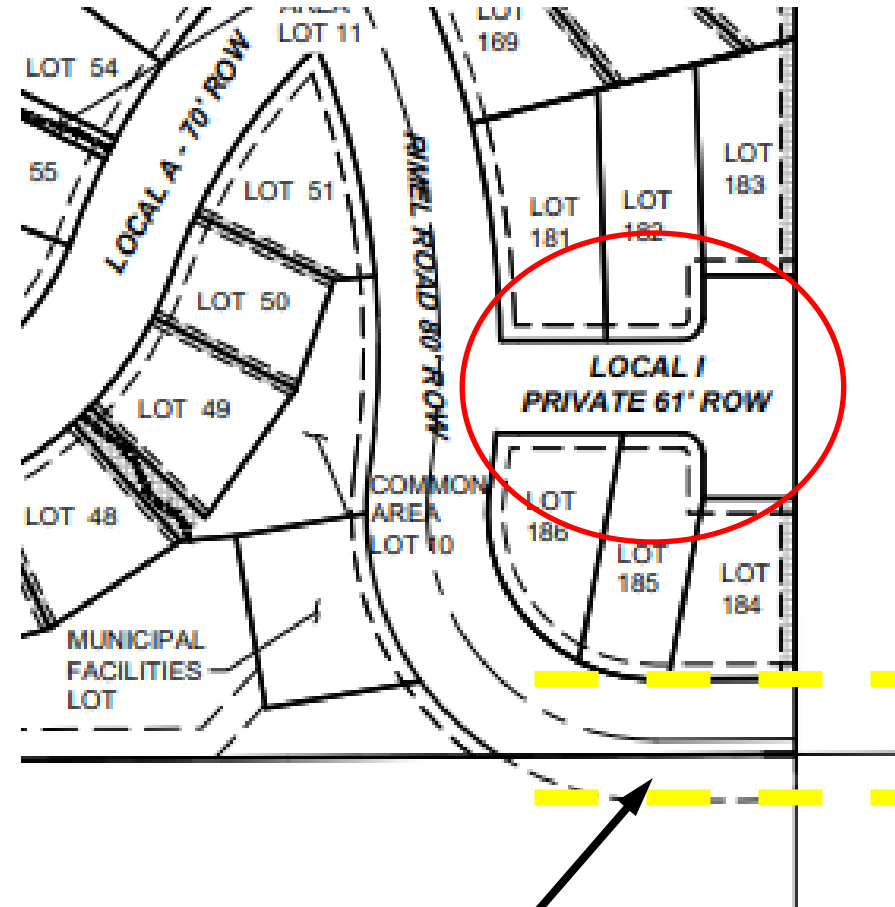
Request: Local I is proposed as a dead-end street in the form of a hammerhead turnaround.



Variance Request #1: Dead-End Streets



- Allows for Rimel Rd to connect to Public Highway Easement (per COS 5525) and works with steep slopes/maximizes lots
- Rimel Road must maintain appropriate collector street profile with steep slopes
- All lots must be accessed from a public or private road
- Meets limiting depth of 150' per fire code, which is adequate for emergency services



Historic Public Highway
Easement connecting to Rimel Rd

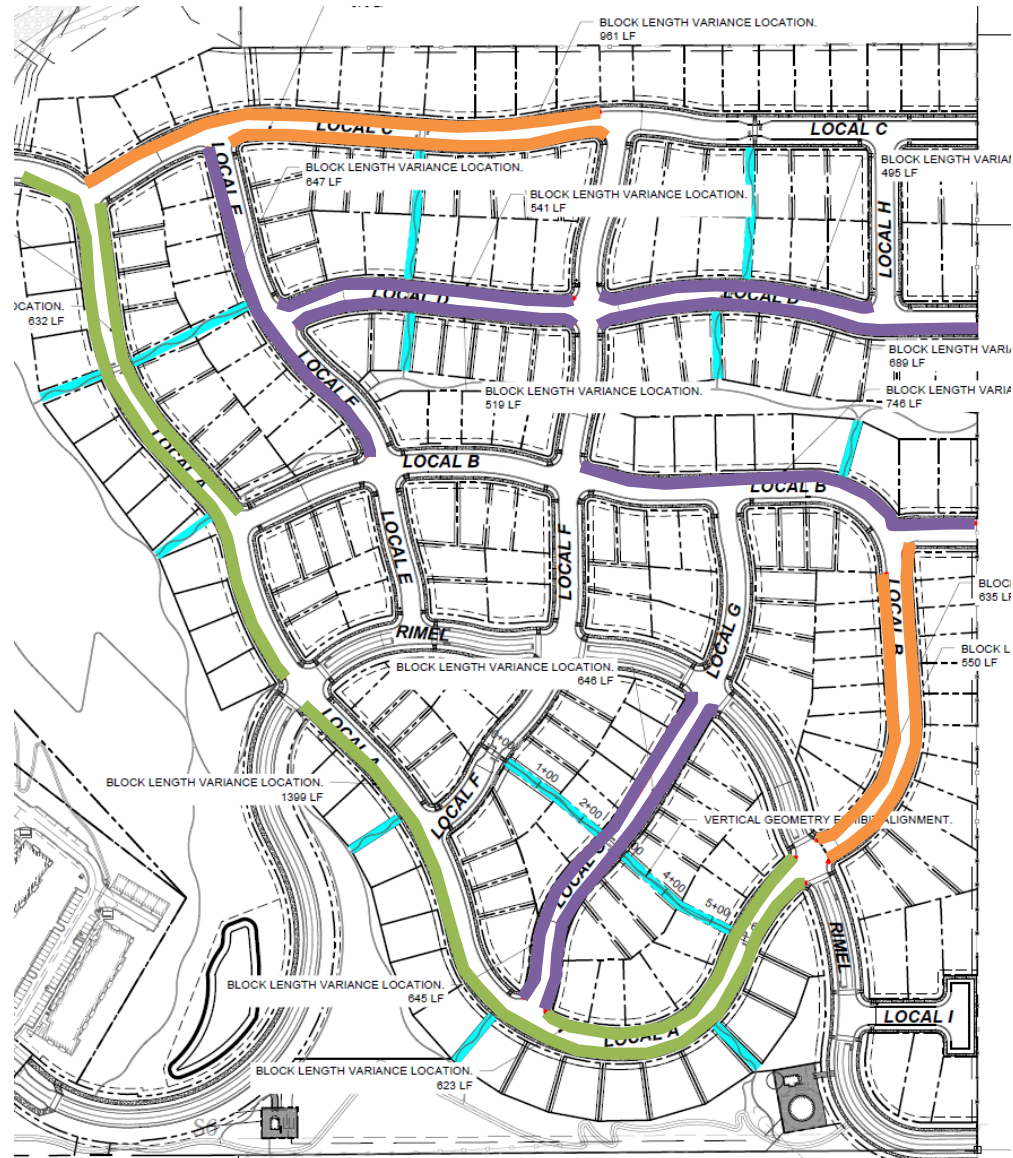
Variance Requests #2-4: Block Length



Article 3, Section 3-030.2.A(2): Blocks may not exceed a maximum length of 480 feet.

Request: Exceed 480 feet on multiple blocks, grouped in 3 sections:

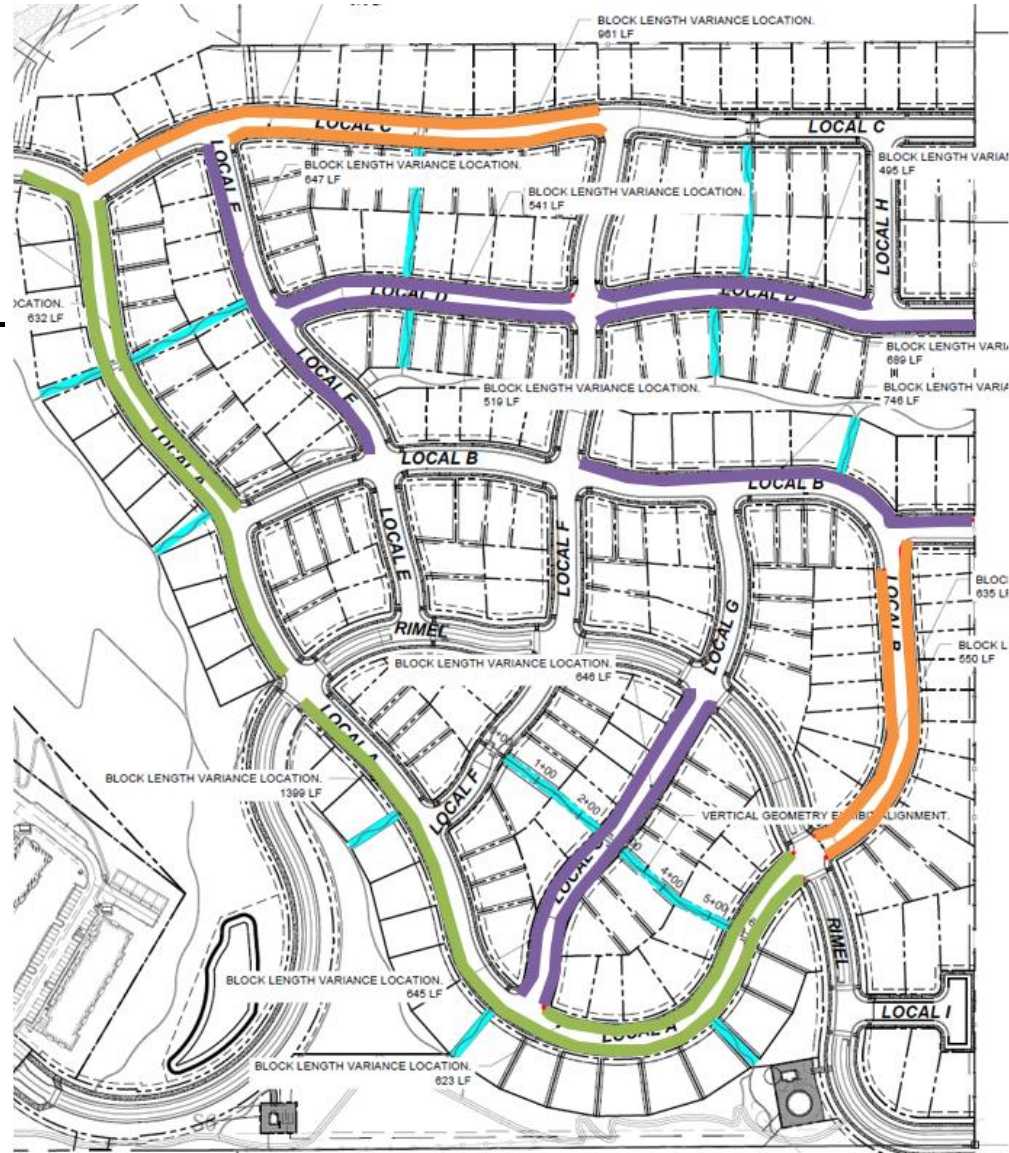
- Local A 
- Local B (east/west), D, E, and G 
- Local B (north/south) and C 



*Mid-block pedestrian connections 

Variance Requests #2-4: Block Length

- Variances proposed in response to intense slopes and challenges with the build-out of rights-of-ways
- Includes mid-block crossings wherever possible to mitigate effects on pedestrian connectivity
- Local B is only block affecting internal connectivity without mitigation (550 feet)

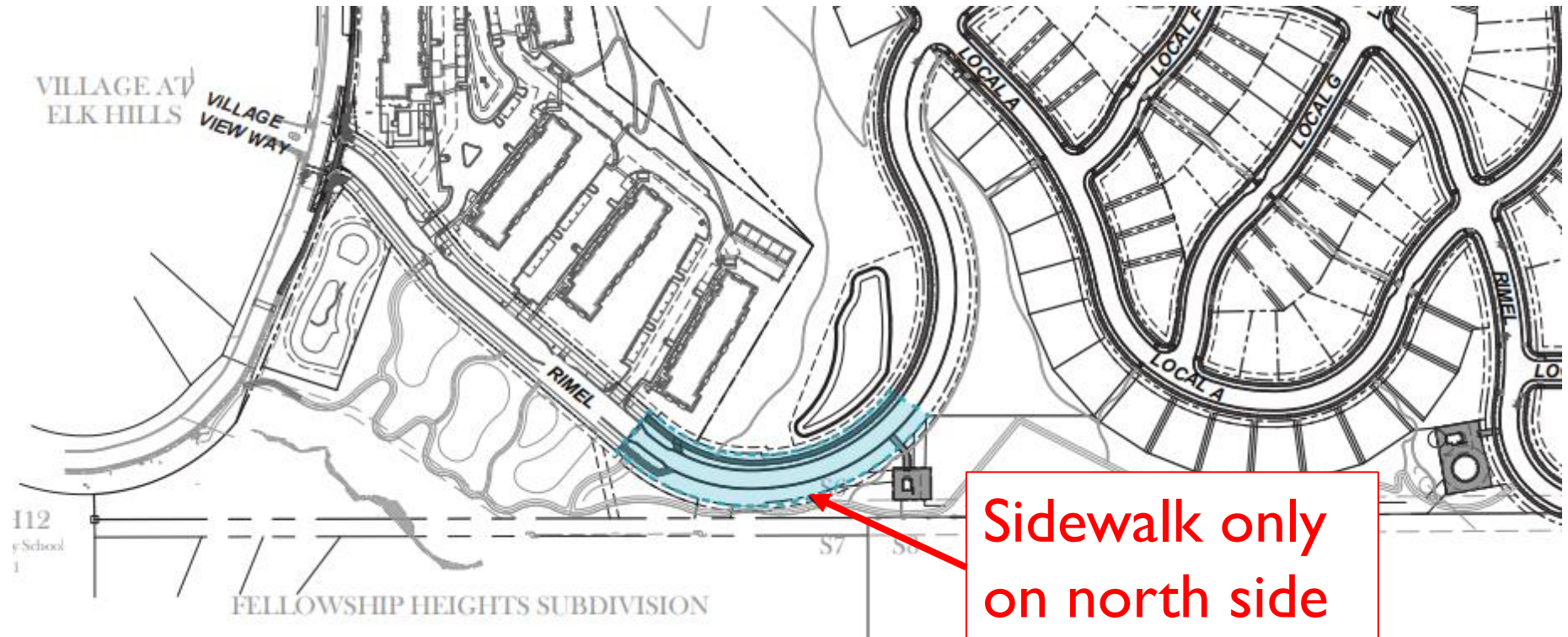


Variance Request #5: One Sidewalk on Collector



Article 3, Section 3-020.2.B, Table .2A: Requires a 5-foot sidewalk and 7-foot boulevard on both sides of Urban Collectors

Request: One sidewalk instead of two along Rimel Road for approximately 450 feet



Variance Request #5: One Sidewalk on Collector



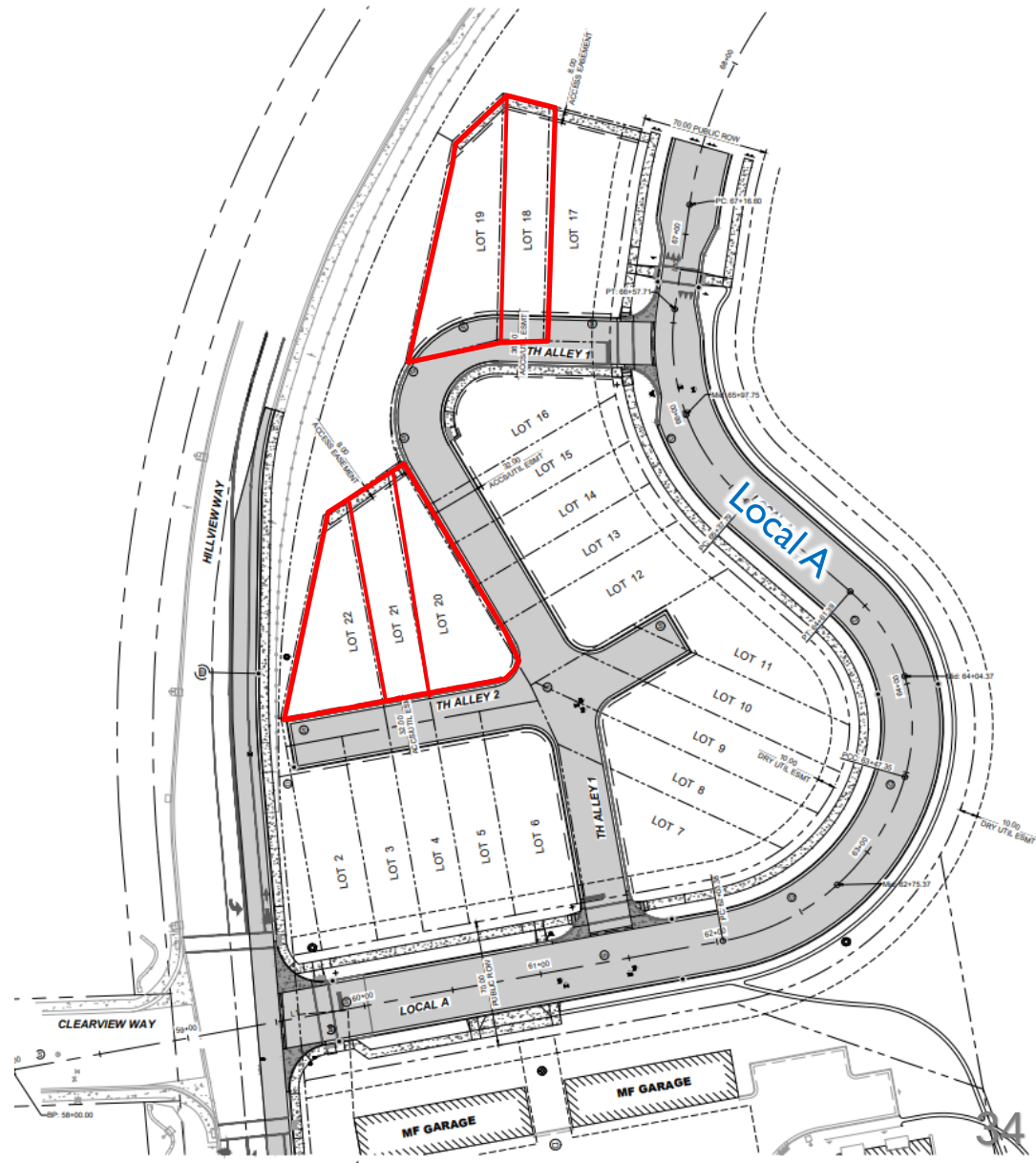
- Variances proposed in response to Rimel Road layout (impacted by steep slopes)
- South side of Rimel Rd includes a 20-foot cut slope and additional width needed for sidewalk/boulevard (12 feet) would compromise provision of Moose Can Gully trail, which is a priority

Variance Request #6: Lot Access to Street/Road



Article 3, Section 3-030.1.C(3): Each lot must abut a public or private street or road

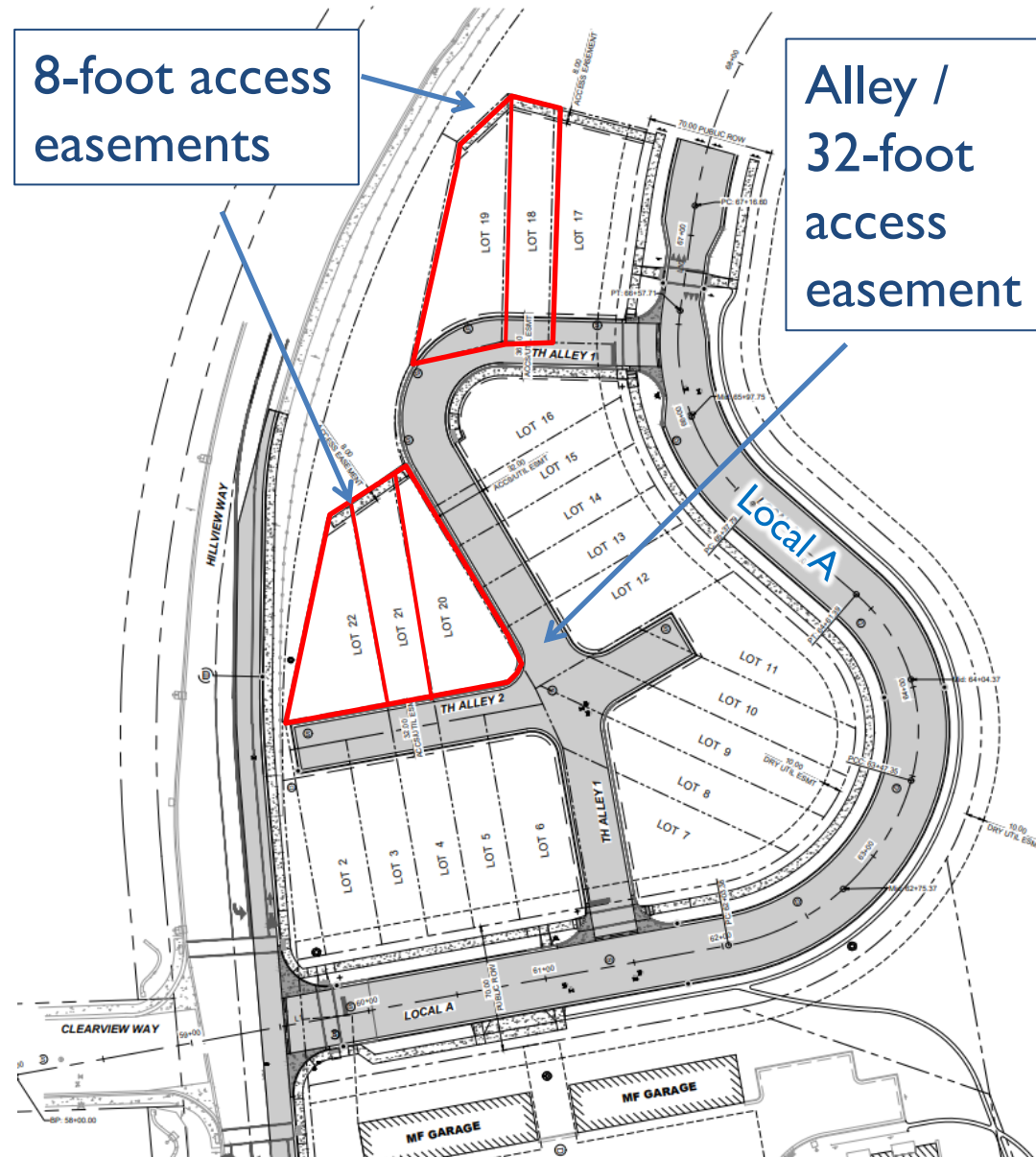
Request: Lots 18-22 will not abut a public or private street or road and instead be accessed by an alley/public access easement and pedestrian access easements



Variance Request #6: Lot Access to Street/Road



- Variance requested due to:
 - Steep slopes - Local A had to be designed to fit steep hillside, while at an appropriate grade)
 - Townhome units face the public realm and maintain garage access
- Mitigation by public access easements for pedestrians and vehicles



Recommended Conditions of Approval



Staff has included 48 recommended conditions of approval. Shown below are conditions of significance:

- The subdivider shall design and provide preliminary construction drawings for the future Hillview Way and Rimel Road roundabout to the City of Missoula, subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 2.
- The subdivider shall provide a maintenance agreement for the hammerhead turnaround at “Local I”, subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 5.
- The subdivider shall dedicate a 10-foot right-of-way easement to the City of Missoula adjacent to Hillview Way, subject to review and approval of the City Attorney and Public Works & Mobility, prior to final plat approval of Phase I.

Recommended Conditions of Approval



- The following statement shall appear on the face of the final plat, in the Development Covenants, and on each instrument of conveyance, subject to review and approval by Public Works & Mobility and Community Planning, Development & Innovation, prior to final plat approval: “All owners of Wildroot Subdivision Lots not included in Special Improvement District (“SID”) 549 along Hillview Way, Rimel Road, and all other internal local streets within the subdivision shall waive the right to protest being included in SID 549 and further agree to pay the impact fee as described in Chapter 15.68 Hillview Way Special Improvement District No. 549 Impact Fee whether or not the parent parcel of land prior to the subdivision was included in SID 549. The impact fee payments shall be based on the requirements as described in the Special Improvement Agreement recorded as document #201504924 in Book 942, Page 7 in the records of Missoula County.”

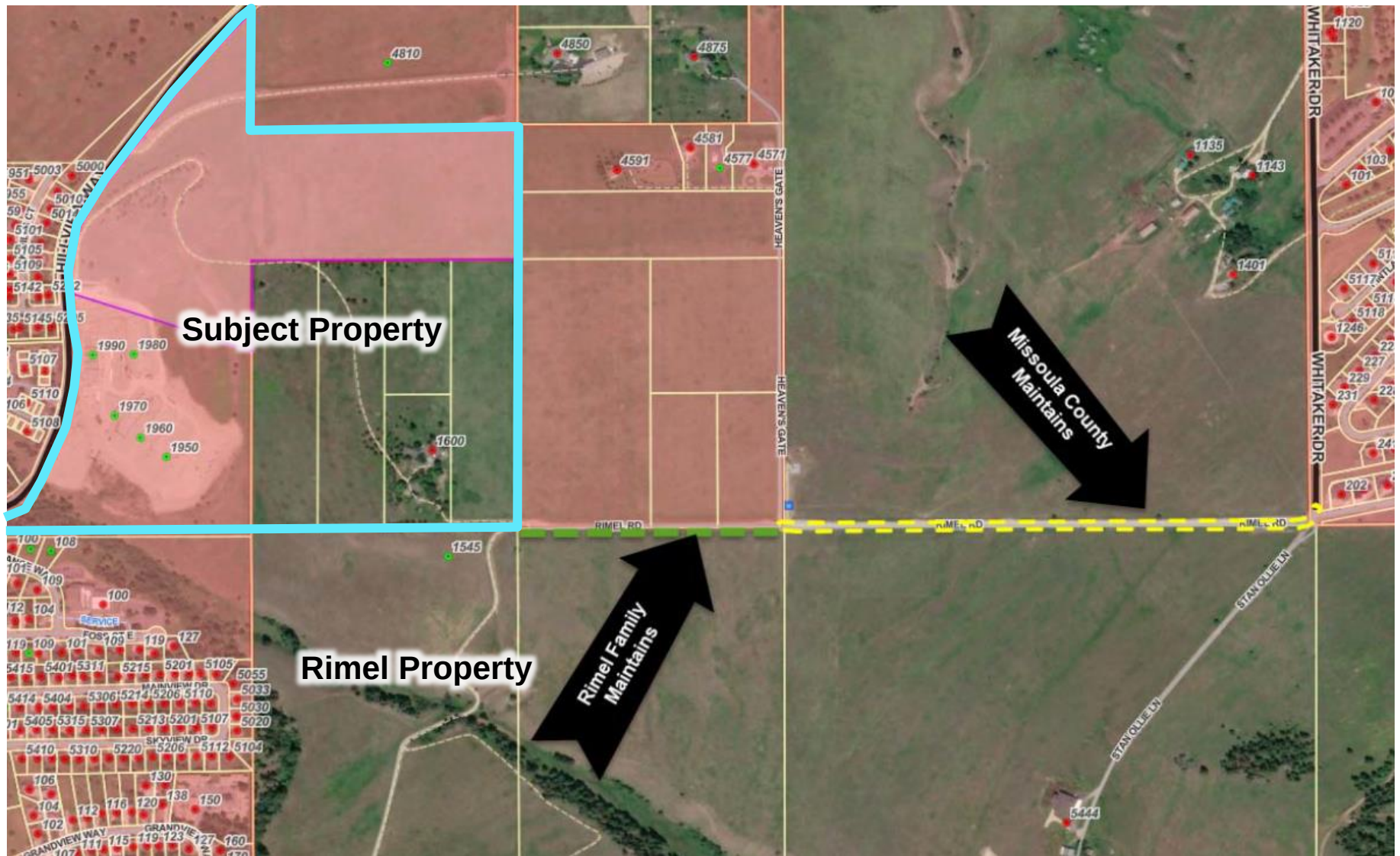
Recommended Conditions of Approval



- The subdivider shall enter into a Development Agreement with Missoula Parks and Recreation to establish expectations and timing of City Parkland improvements, as included in the Phasing Plan, prior to Phase I final plat approval.
- The subdivider shall include language in the Development Covenants that maintenance of all formal Common Areas not considered dedicated Parkland be performed by a Homeowners Association (HOA), so as to ensure quality open space, subject to review and approval by Community Planning, Development & Innovation, prior to final plat approval of Phase I.

From Micah Dalbey, lead pastor at Alliance Church: We welcome this new development and look forward to serving future residents in any way that we can. Our aim as a church has always been to serve and love Missoula and its people well, so we are excited for more housing options (which is obviously a need) but also for the opportunity to add value to the lives of individual people who move to this area. Ad to the city council – thank you for your leadership and for all the work you do behind the scenes.

Public Comment



Recommended Motions



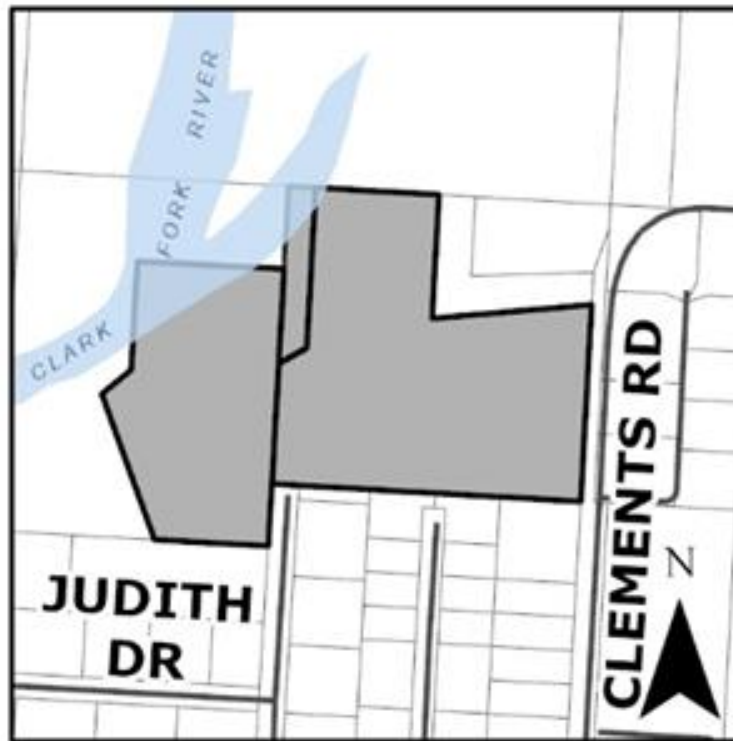
1. Recommend City Council **approve** the adoption of an ordinance to rezone the subject property as shown and legally described in Exhibits A and B from RM1-35 Residential (multi-dwelling), RM0.5 Residential (multi-dwelling), R8 Residential, and B2-1 Community Business with a Hillview Heights Overlay to RM0.5 Residential (multi-dwelling), RM1-35 Residential (multi-dwelling), and R5.4 Residential, removing the Hillview Heights Overlay from its entirety
2. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-020.5 to allow the construction of a hammerhead turnaround in the street “Local I”.
3. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the street area of “Local A”.
4. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the area of streets “Local B (east/west), Local D, Local E, and Local G”.

Recommended Motions



5. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.2.A(2) to allow a block length in excess of 480 feet in the area of streets “Local B (north/south) and Local C”.
6. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-020.2.B to allow approximately 450 linear feet of Rimel Road to be constructed with a sidewalk on only the north side of the street.
7. Recommend City Council **approve** a variance from City Subdivision Regulations Article 3, Section 3-030.1.C(3) to allow proposed Phase 2 Lots 18, 19, 20, 21, and 22 to be accessed via the alley and Common Area.
8. Recommend City Council **approve** the Wildroot Phased 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.

Creighton Subdivision



A Proposal from Creighton Appraisal, P.C.

Represented by Ken Jenkins,
Montana Northwest Company

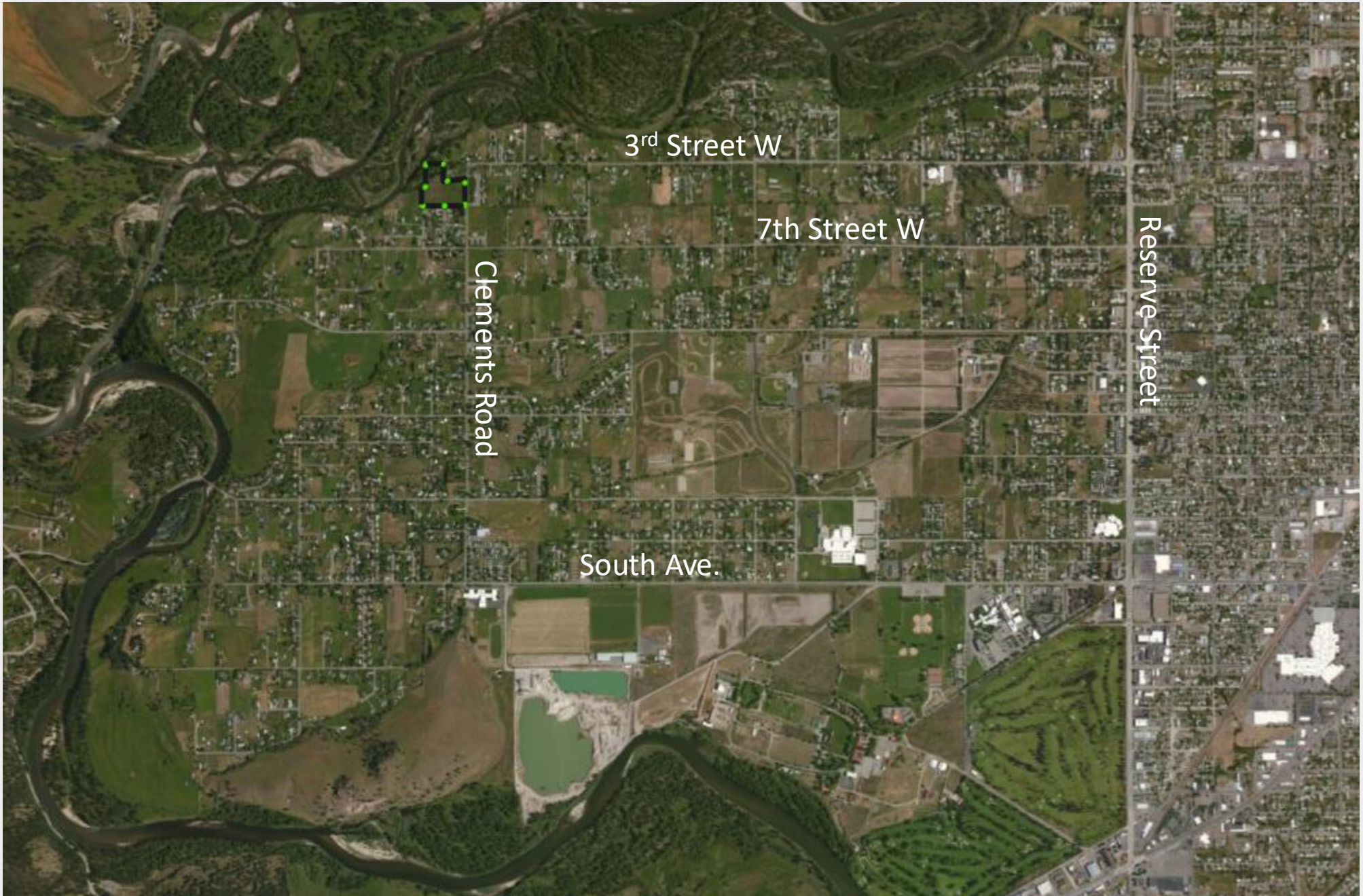
Proposal: Major Subdivision



- Eight residential lots
- One utility lot

Subdivision History

- Went to Planning Board July 19, 2022; also BCC
- Record kept open, new information introduced



3rd Street W

7th Street W

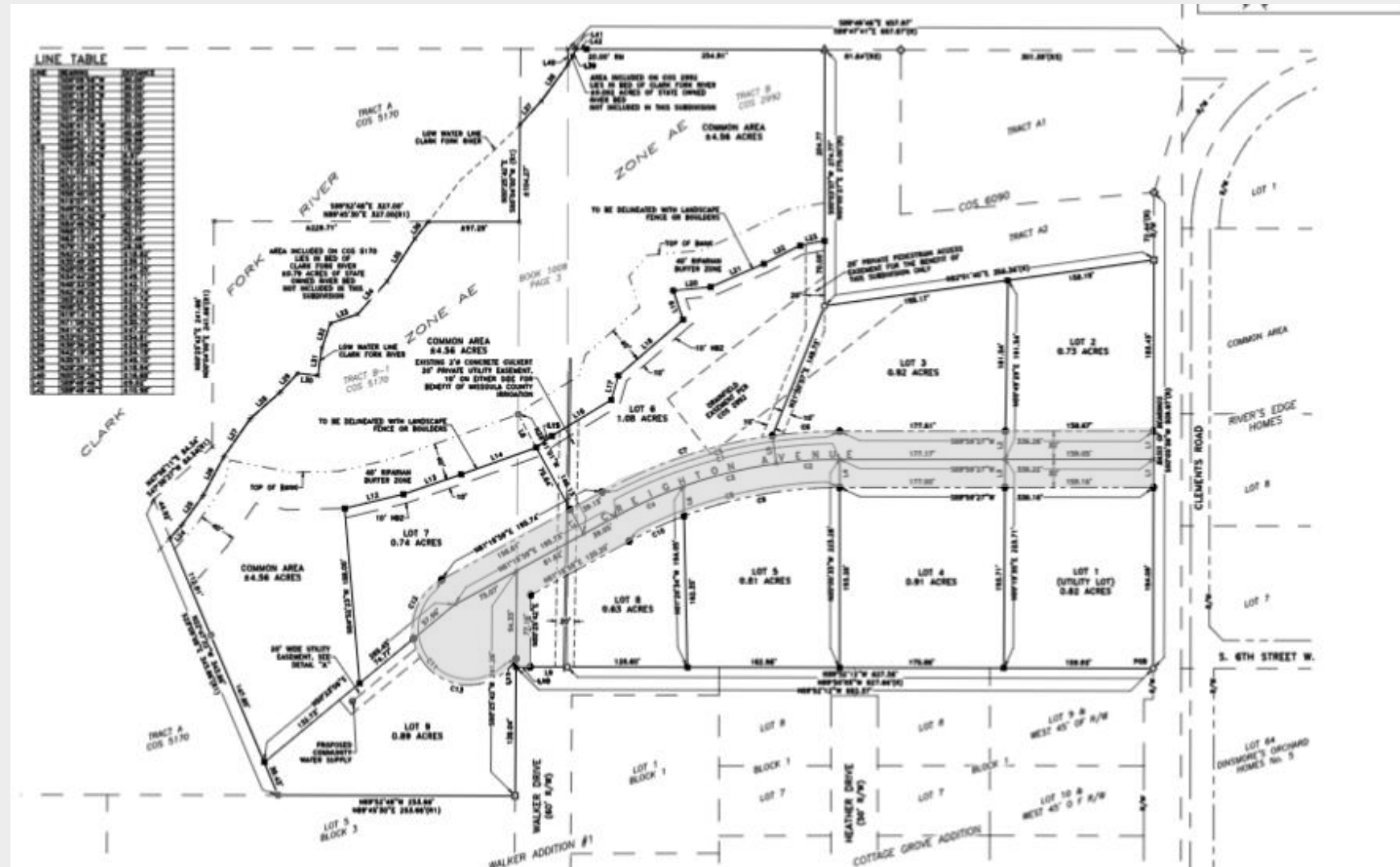
Reserve Street

Clements Road

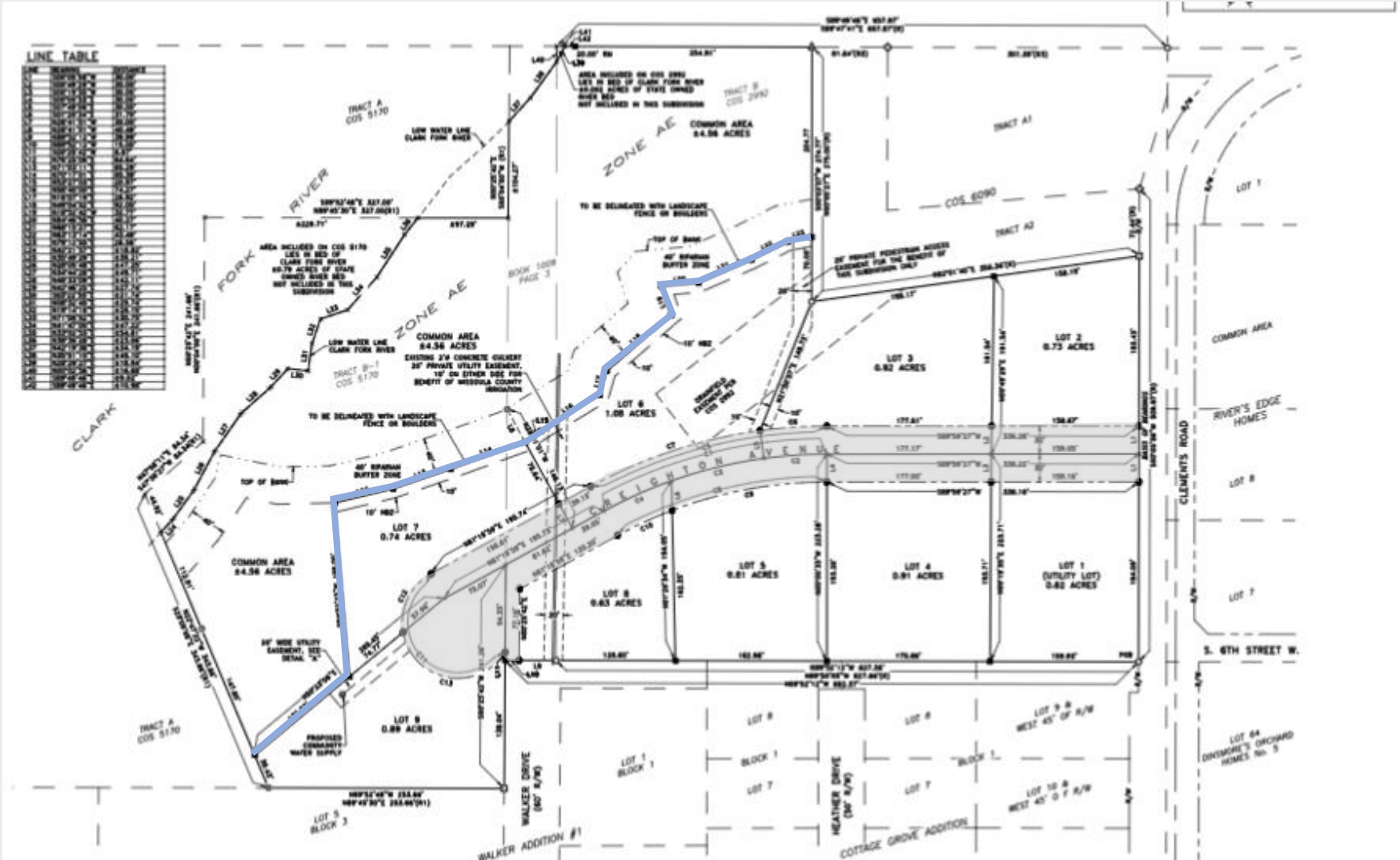
South Ave.



Eight residential lots, one utility lot



Common Area = 4.56 acres



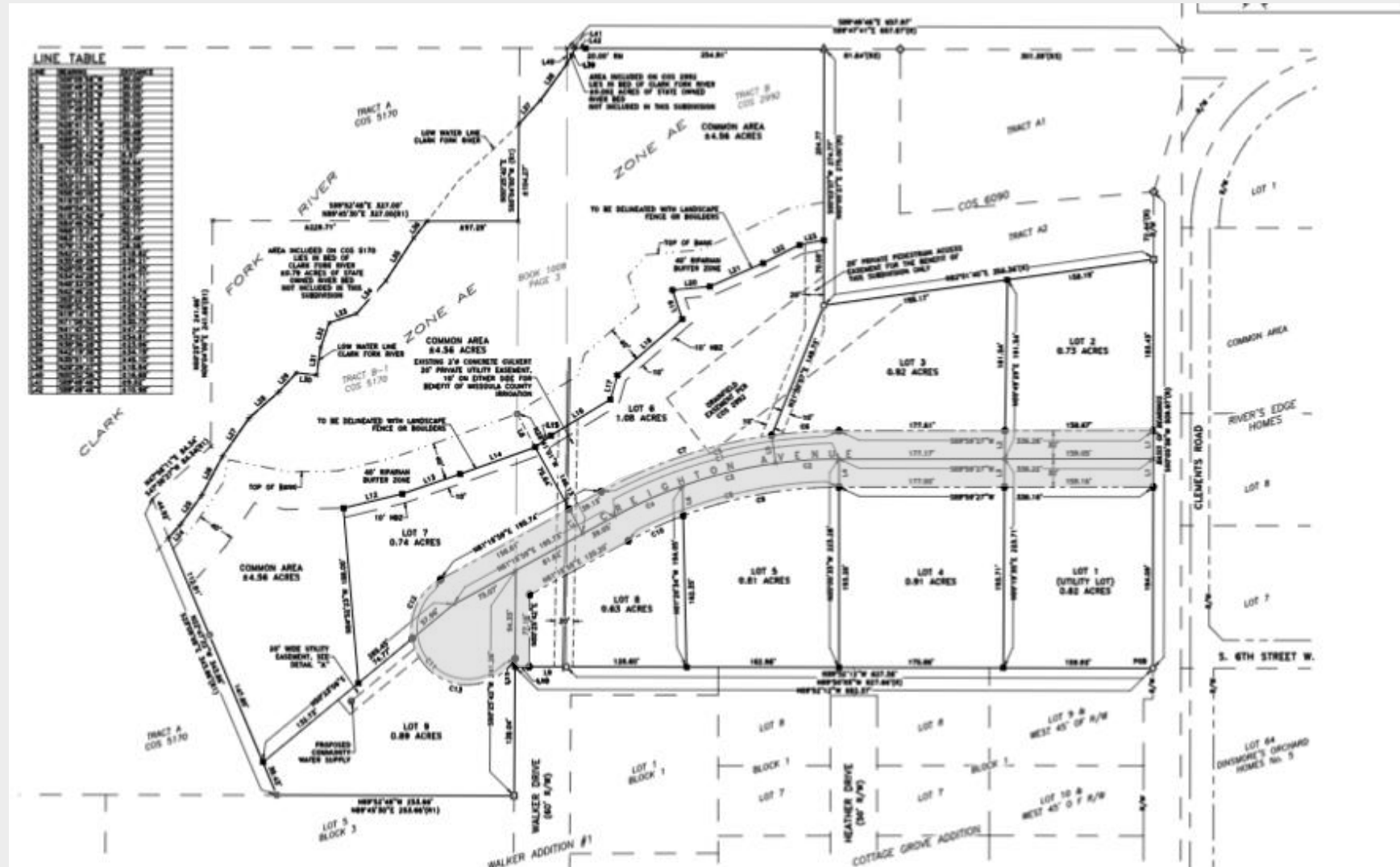
Growth Policy

- 2016 Missoula County Growth Policy
- 2019 Land Use Element: 2 homes/acre
- 2010 Target Range Plan: 1 home/acre
- 1 dwelling/1.2 acres is gross density

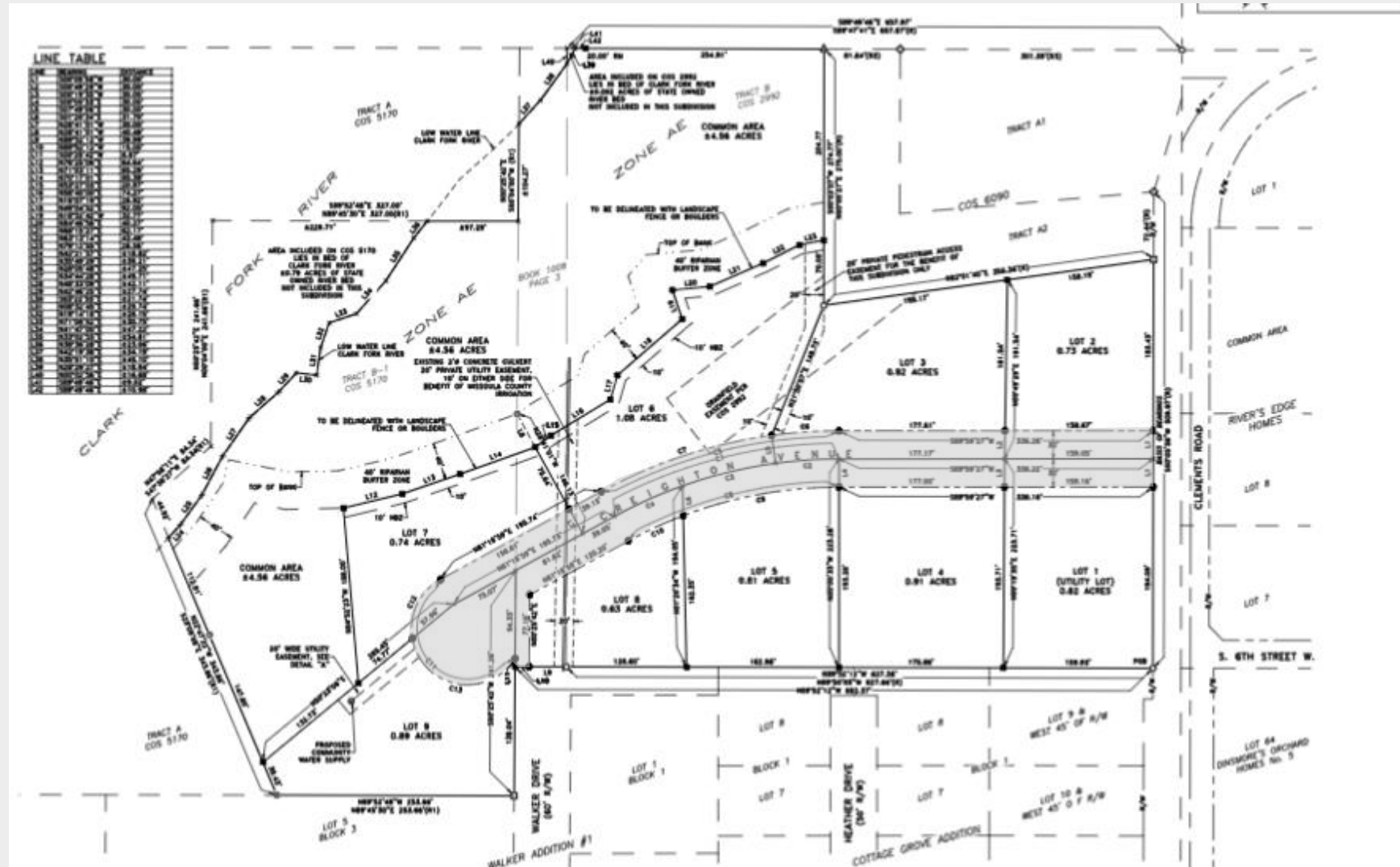
Zoning

- C-RR2, or 2 dwellings/acre
- Application submitted before new zoning regulations

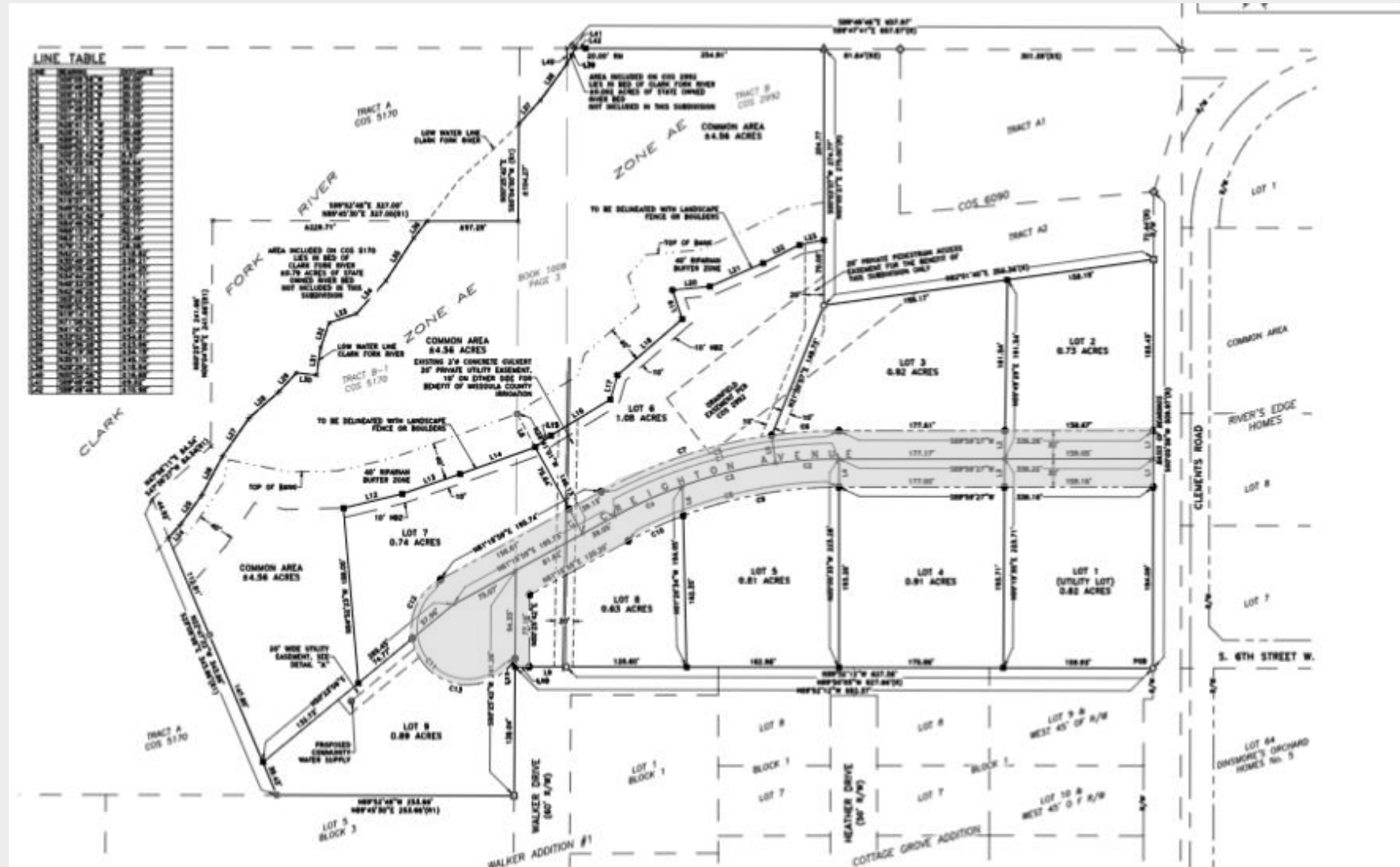
Roads: Creighton Avenue



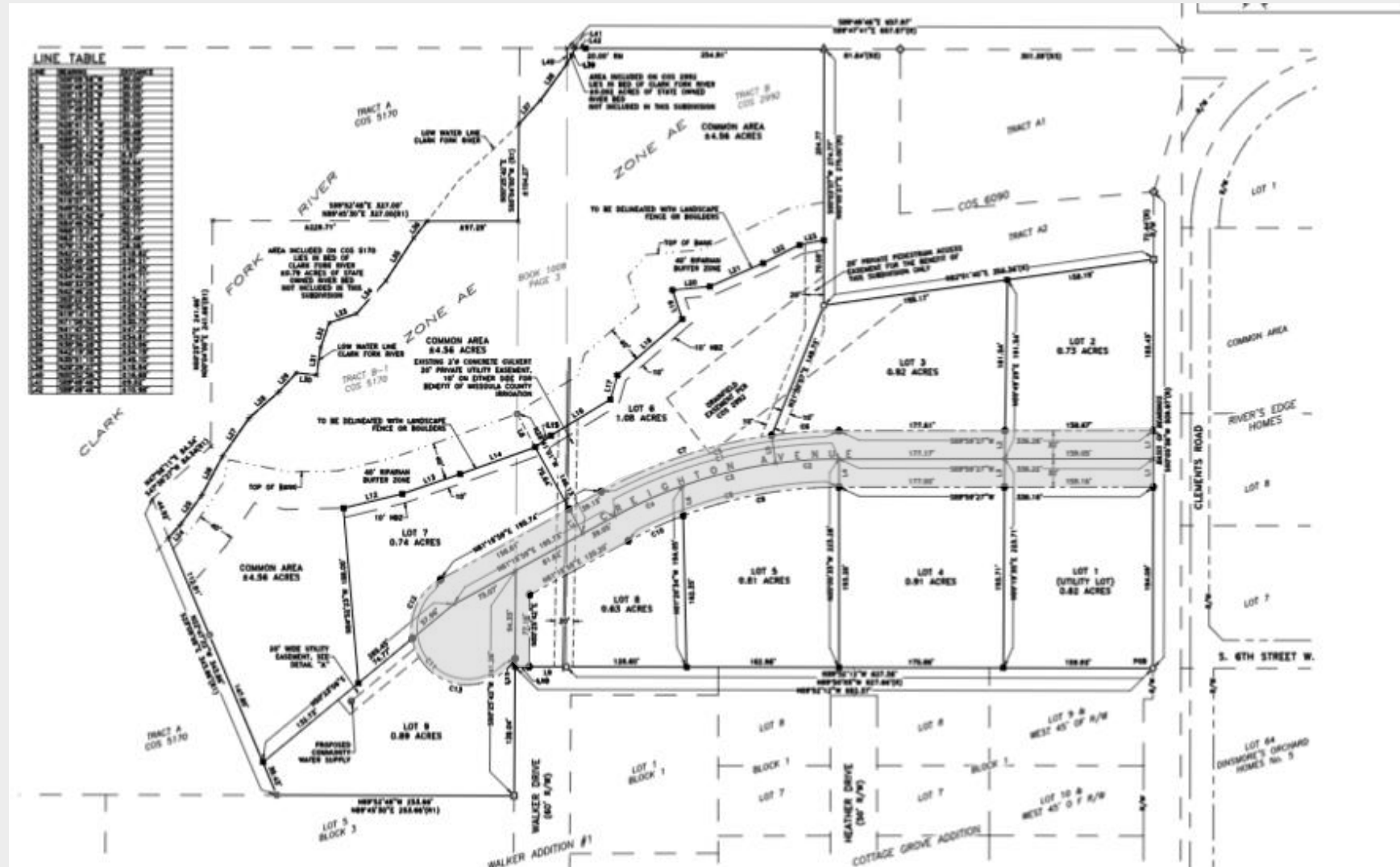
Variance: access from Clements



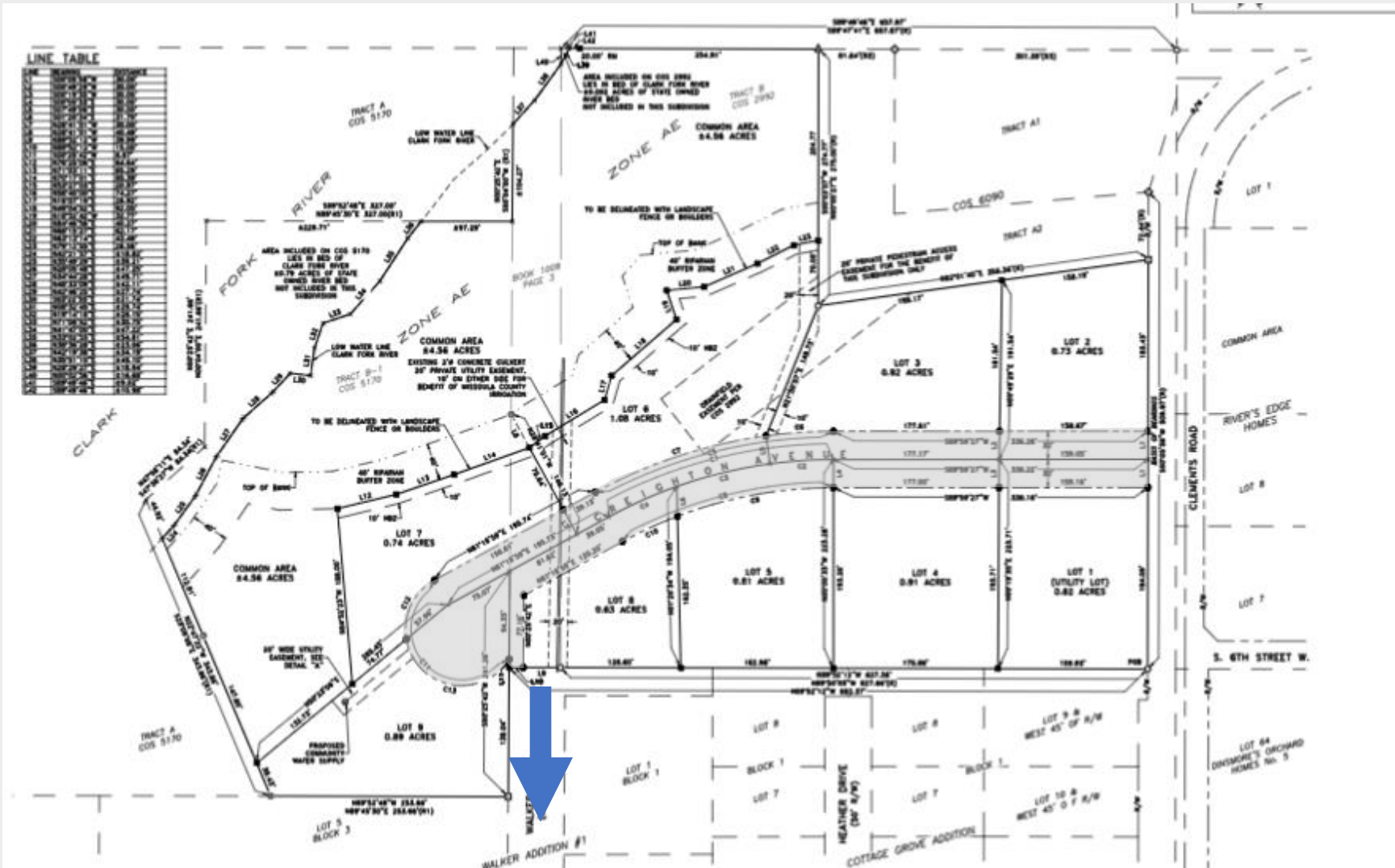
Variance: support Clements access



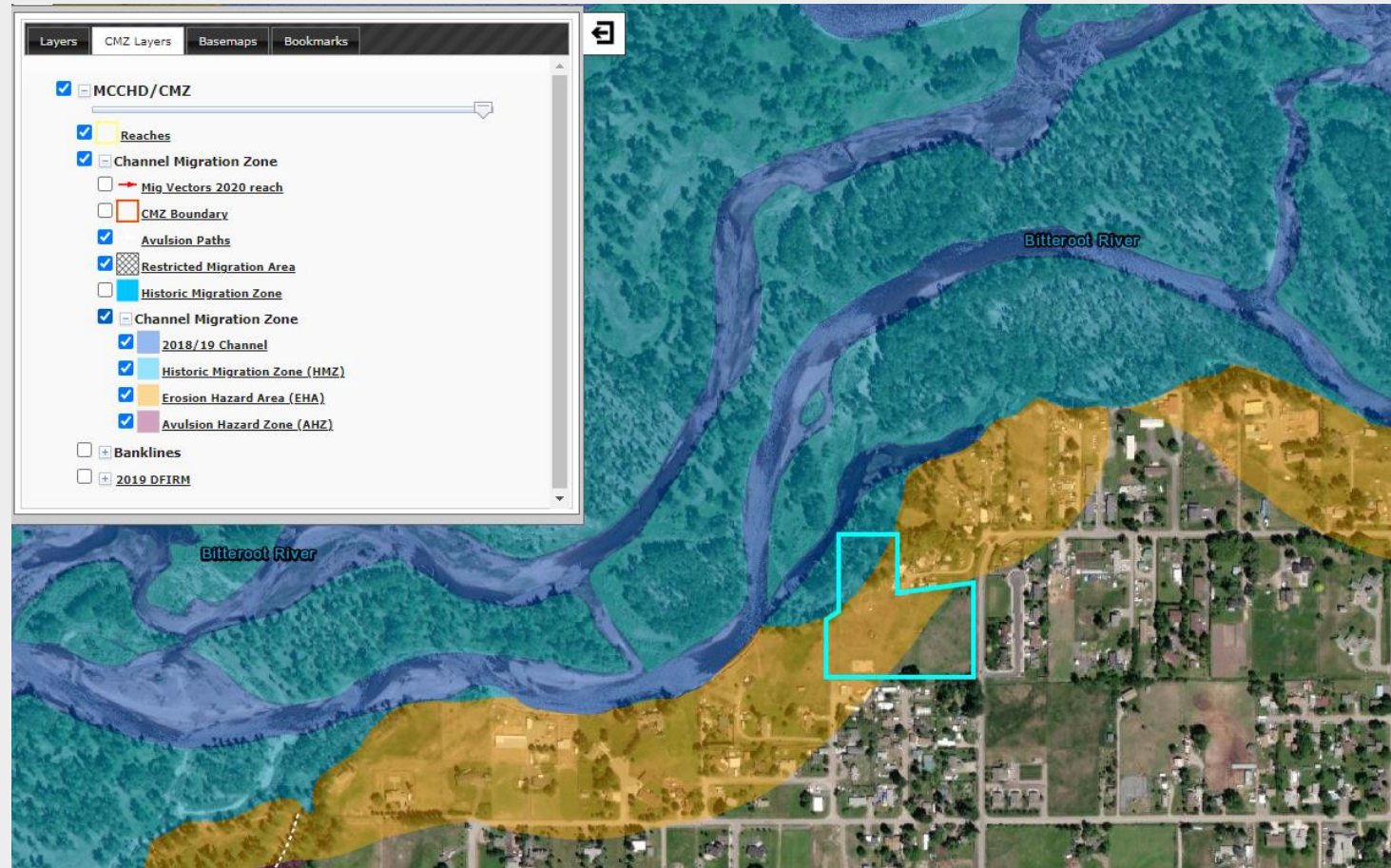
Variance: no through connection to south



Variance: recommend denial, connection would be required



Channel Migration (Clark Fork River)



March 3, 2021

Clark Fork and Bitterroot Rivers Channel Migration Mapping Missoula County



Prepared for:

Missoula City-County Health Department
310 West Alder
Missoula, Montana 59802



Prepared by:

Karin Boyd
Applied Geomorphology, Inc.
211 N Grand Ave, Suite C
Bozeman, MT 59715

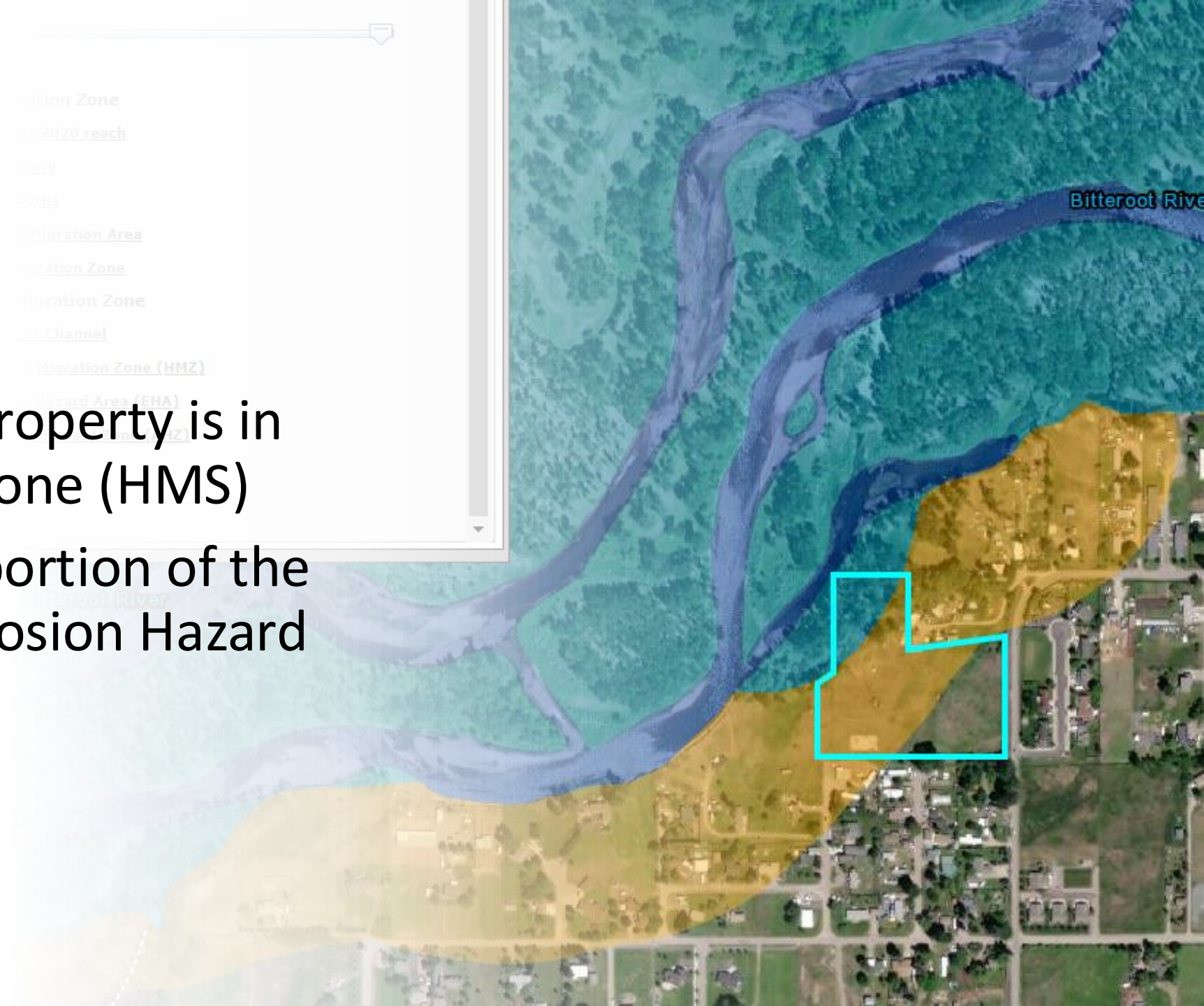


Tony Thatcher
DTM Consulting, Inc.
211 N Grand Ave, Suite D2
Bozeman, MT 59715

DTMCONSULTING
MAPPING SPECIALISTS

Channel Migration Zone (CMZ)

- “River” portion of property is in Historic Migration Zone (HMS)
- Much of landward portion of the property is in the Erosion Hazard Area (EHA)



Erosion Hazard Area



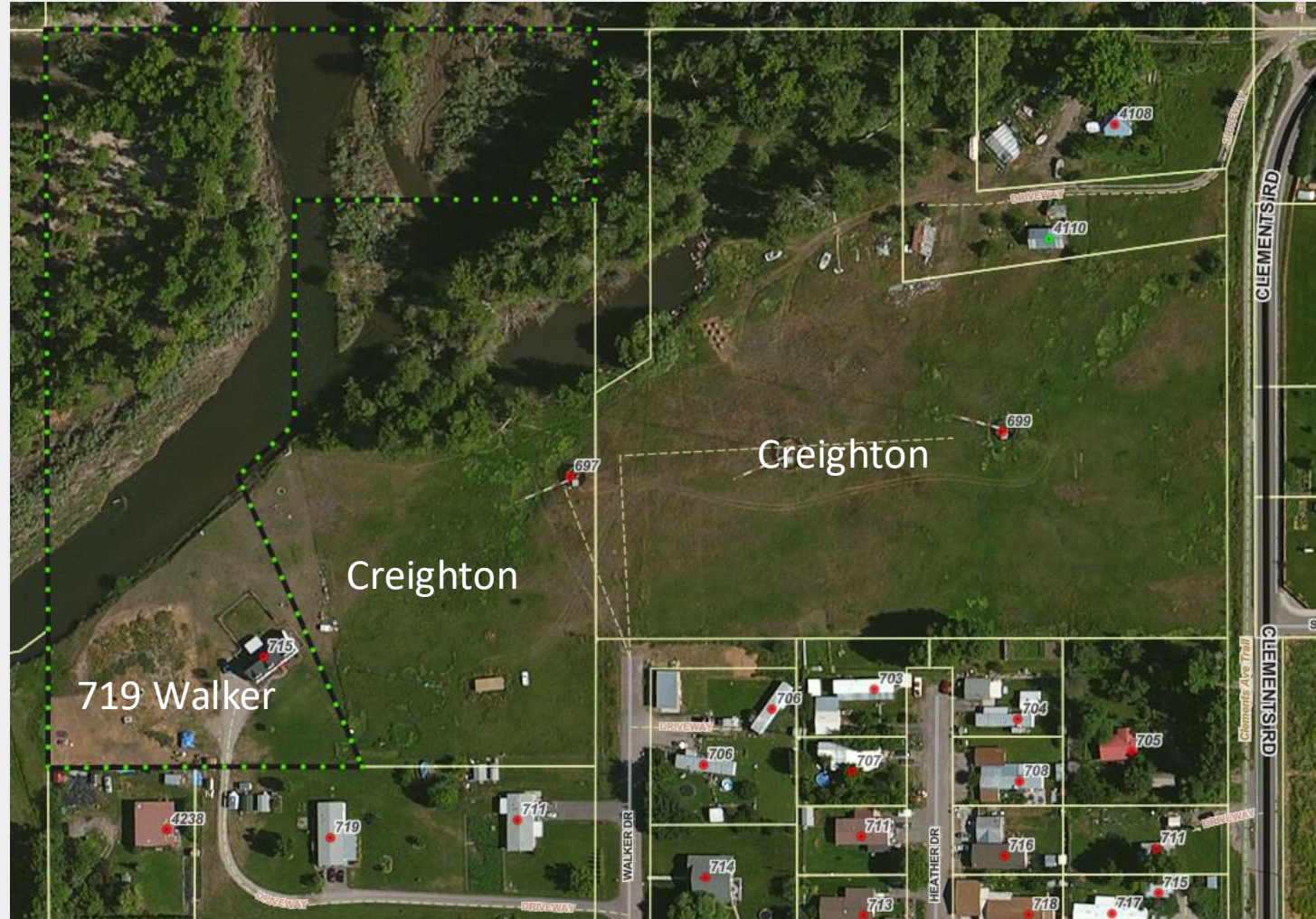
The Erosion Buffer Area is the distance beyond an active streambank where a river is likely to erode based on historic rates of movement. The Erosion Hazard Area of the CMZ is generated by applying the erosion buffer width to the active channel bankline.

Water Quality District

The Water Quality District comments that 7 of the 10* lots are anticipated to be subject to extensive erosion. Some of the lots could be fully lost to channel migration.

*Lot 10 has been eliminated

Downstream examples



Erosion immediately downstream



2014



2022

Mitigation of Impacts

- Applicant acknowledges that hardening solutions for the eroding riverbank, such as riprap, will have a negative impact on other properties
- Floodplain Regulations: riprap prohibited
- The presence of existing homes in the Erosion Hazard Area: a comprehensive solution?
- No comprehensive solution planned

Options

- Protective setbacks
- Notification to future home buyers

State Law Obligation

- Reasonably minimize potentially significant adverse impacts on public health and safety
- Staff conclusion: impacts not mitigated
- Staff recommended subdivision denial

Applicant request – original BCC hearing

- Two-month delay
- Time needed to gather information about specific erosion hazard on this property

Staff Recommendation (Process)

- Take public comment
- Continue hearing to October 6th

Other continued hearings

- December 8, 2022, April 27, 2023, June 22, 2023
- June 22, 2023: County Commissioners reviewed a completed geotechnical analysis
- Commissioners deemed this new information to be relevant and credible

Next Steps

- Staff and MTNWCo: return to public hearing process with geotechnical analysis
- Geotech analysis: inform decision about channel migration, and its impact on the subdivision
- **Can erosion hazard area be reduced from 580' to 200'?**
- See staff memo for updates and geotech documents

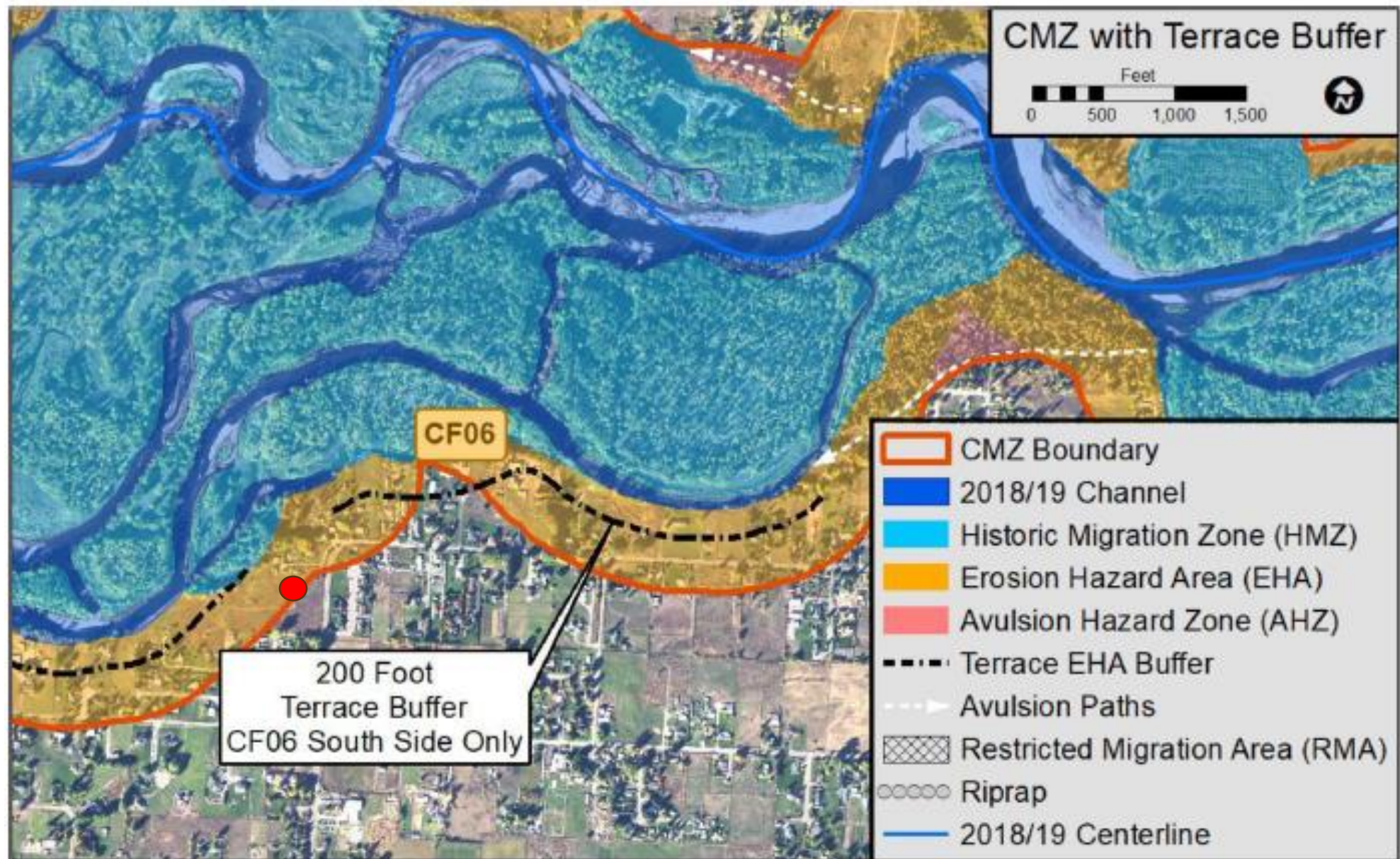


Figure 1. Channel Migration Zone (CMZ) and Erosion Hazard Area (EHA) with 200-foot terrace buffer shown.

Geotech Analysis Conclusions

- Mature terrace materials characterize subdivision property
- Materials are less erodible than more recently deposited alluvial materials
- Grantsdale soils corroborate the mature terrace conclusion
- Mature terrace argues for a reduced Erosion Hazard Area (EHA) width

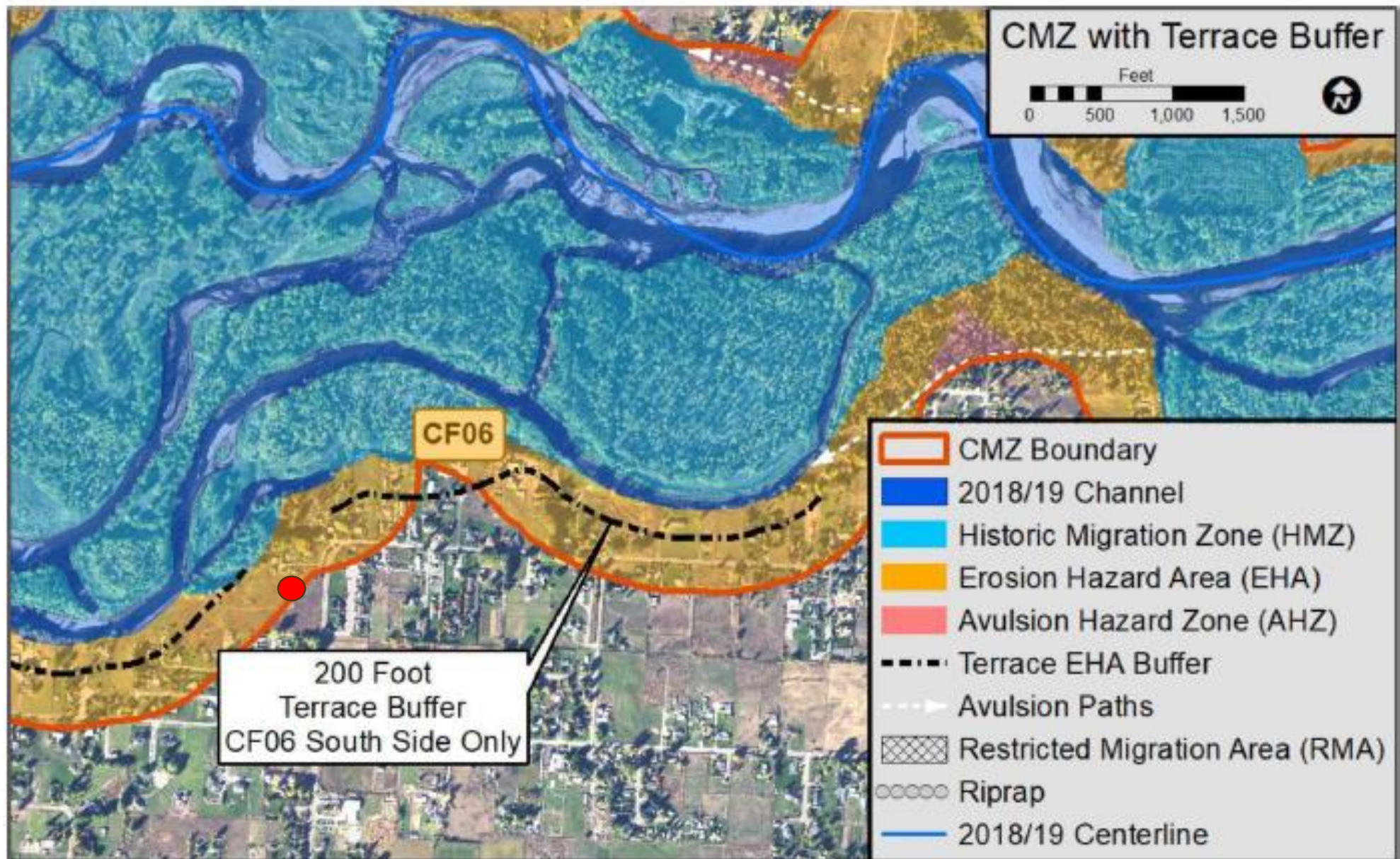


Figure 1. Channel Migration Zone (CMZ) and Erosion Hazard Area (EHA) with 200-foot terrace buffer shown.



Review Approach

- Staff concluded that independent verification of geotech was appropriate (see staff memo)
- We contracted with a company that conducts geotech analyses
- Agreed with alluvial terrace conclusion
- Riverbank erodibility and channel hydraulics need to be considered

Conclusion

- Lacking riverbank erodibility and channel hydraulics info, the “conservative yet prudent” approach is to retain the 580’ erosion hazard area.

Staff Recommendation

- Denial of subdivision

Agency Comment

- Water Quality District: Agree with Tetra Tech's conclusions; reducing the EHA buffer width is too risky
- Environmental Health: sanitation review may continue without a new application; shallow groundwater and channel migration present development risk and uncertainty

Agency Comment

- Water Quality District: Agree with Tetra Tech's conclusions; reducing the EHA buffer width is too risky
- Environmental Health: sanitation review may continue without a new application; shallow groundwater and channel migration present development risk and uncertainty
- Public Works: supports proposed access location

Agency Comment

- Conservation District: even a 200' channel migration results in no riparian setback for Lot 7; this lot remains vulnerable to channel migration

Public Comment

- Concern over blind curve
- Cars slide off road on curve during winter
- Walker Drive is better access
- Cul-de-sac might conflict with Clements non-motorized path

Public Comment

- Shallow groundwater impacts crawlspaces
- This will impact wildlife and local bird population
- Will herbicides be used on common area? Will public have access?

Recommended Motions

1. I move to recommend approval of the variance from Section 3.4.6.2, which requires access off Walker Drive as the road of lesser classification.
2. I move to recommend denial of the variance from Section 3.4.6.3, which requires a through connection to Walker Drive.
3. I move to recommend Creighton Subdivision be denied, based on the findings of fact and conclusions of law in the staff report as amended.