



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: January 21, 2025, 6:00 p.m.

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

Members in Attendance: Danny Tenenbaum (City Alternate), James Fountain (County Alternate), Josh Schroeder (Conservation District), Lynn Davis (City Appt), Rick Hall (County Appt), Tung Pham (Mayor), Shane Morrissey (City Appt), and Sean McCoy (County Appt).

Members Absent: Derek Kanwischer (City Appt), Peter Bensen (County Appt), Danny Oberweiser (County Appt)

I. CALL TO ORDER [Time stamp – 1:22]

Sean McCoy called the meeting to order at 6:02 p.m.

II. ROLL CALL [Time stamp – 1:41]

Analeshia Rodriguez called the roll. Six regular members were present. Danny Tenenbaum and James Fountain were promoted to voting members for the evening. A quorum was met.

III. APPROVAL OF MINUTES [Time stamp – 3:39]

Shane Morrissey moved, and Danny Tenenbaum seconded approval of the November 19, 2024, and December 3, 2024, minutes as written. The motion passed by unanimous voice vote.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 7:21]

There were no public comments on non-agenda items.

V. STAFF ANNOUNCEMENTS [Time stamp – 10:03]

There were no staff announcements.

VI. PUBLIC HEARINGS [Time stamp – 10:13]

A. Matt Heimel, Planner III/ Floodplain Administrator, Planning, Development & Sustainability - 9772 Waldo Road Zoning Amendment

STAFF PRESENTATION

Matt Heimel, Planner III and Floodplain Administrator with Missoula County Planning, Development & Sustainability, presented on a zoning amendment for a 10-acre vacant property at 9772 Waldo Rd near Highway 93 and Interstate 90 in Missoula County. Originally unzoned, the property was assigned a Commercial Center zoning in 2020 to allow connection to City sewer services, but with a condition of

approval that new structures must elevate their lowest floor two feet above the highest adjacent grade to mitigate sheet flooding hazards. The proposal was to amend the existing zoning condition. The owner stated they found the elevation requirement challenging for development and asked to amend the zoning condition so that flood risks can be addressed through a detailed stormwater management plan rather than by elevating all structures.

As part of the application process, the owner contracted with a private engineering firm to prepare a hydrological analysis of the property and upstream drainage area. Staff shared this analysis evaluated two key storm scenarios: a 100-year, 24-hour storm under normal (non-frozen) ground conditions and a 100-year, 24-hour storm on frozen ground (which tends to create more surface runoff and higher peak flows).

Staff stated they could not support entirely removing the elevation requirement. They proposed a modified zoning condition that would prohibit the construction of basements due to known groundwater concerns and would require a professional engineer to demonstrate, prior to any development permit, that stormwater improvements would be sufficient to prevent subsurface and surface inundation of structures. In addition, the permit application would need an analysis and plan from a licensed engineer that includes the standard stormwater review for onsite used by Missoula County, while utilizing the 100-year, 24-hour rain-on-snow hydrology model, or another technically reasonable approved method. Staff added Missoula County Public Works supported this request, while Missoula Public Health had raised concerns over drainage and water quality in the area. Staff noted outstanding non-compliance issues with the property's sanitation approval must also be resolved before development. Concerns about sheet flooding and the NewFields study were also raised.

Paul Forsting, a Senior Planner with IMEG, ensured that they would employ a standard stormwater management system (detention or retention ponds) designed for a "rain-on-snow" scenario, which would exceed the typical 100-year storm requirements.

See PowerPoint presentation slides.

PUBLIC COMMENT

Ken Watt, a nearby homeowner of the subject property, provided context of a past flood event in 2019 that led to his basement flooding on his property. He expressed concern about the flow of the groundwater and urged there be a plan to manage the stream, so it doesn't cause future flooding.

Katherine Fowler, an adjacent property owner, addressed her concerns about the reoccurring groundwater flooding issues of the property. She emphasized that the issue is not a rare, extreme flooding event but a common groundwater problem that needs a more in-depth study to address existing issues of the property.

RECOMMENDED MOTION

Shane Morrissey made the following motion to approve the request, and Tung Pham seconded the motion:

I move to recommend approval to request to amend the zoning condition for property located at 9772 Waldo Road legally described as Lot 1 of Denbleyker Subdivision, based on the application, public testimony, and the findings of facts, conclusions of law, and recommended modification in the staff report.

RECOMMENDED ZONING MODIFICATION

Retain the CC Commercial Center Zoning District and modify the applicant's proposed zoning condition amendment as follows:

REJECT the following, proposed by applicant:

The development of this site shall follow Circular DEQ 8's requirement that stormwater runoff be managed through an approved design that accounts for the potential of a 100-year storm event. The peak flows of such an event could be calculated using either pre-defined results from the 01/11/2024 NewFields Hydraulic Analysis (111 CFS), or another defensible methodology that demonstrates compliance with these requirements and simulates the 100-year rain-on-snow event.

REPLACE condition with the following, recommended by staff:

The construction of basements is prohibited. Prior to Zoning Compliance Permit approval, the applicant must demonstrate that proposed grading, drainage, and stormwater improvements will be sufficient to prevent surface and groundwater inundation of structures. The zoning compliance permit application must contain an analysis and plan prepared by a professional engineer, in addition to the standard design storm administered by Missoula County, utilizing simultaneous off-site 100-year, 24-hour rain-on-snow hydrology on file with the County Planning Office or another technically reasonable methodology reviewed and approved by Missoula County.

Staff clarified the subject property is not within the FEMA designated floodplain. They confirmed the County will review the stormwater management plan under its standard permitting process. Taylor Tillman, representative of TLK Properties LLC, explained they chose to seek C-C2 zoning to pursue a different, higher-value development than storage. They emphasized approved engineering plans have already addressed drainage, and standard permitting would ensure compliance with storm water requirements. Staff shared because this zoning condition stems from an older zoning practice of the County, they do not anticipate similar amendments going to the Planning Board and weren't concerned about setting a precedent for this zoning condition amendment. David Friedlander, an engineer with IMEG, confirmed the property's drainage system and operation will be the responsibility of the owner. Tillman emphasized the zoning condition amendment is an effort to properly rezone the property and enable practical commercial development than what is currently allowed under the zoning restrictions.

Staff noted the County, and the Water Quality District also recognize groundwater issues must be managed with the property and emphasized as a result, the recommended conditions for the development include measures such as the prohibition of basement construction and required engineer certification for future property development. They also noted a drainage easement that runs diagonally across the property can be modified as needed. Board members expressed their support for the recommended motion, acknowledging both staff and the representative's efforts to address the flood mitigation issues.

VOTE

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

AYES: (8): James Fountain, Danny Tenenbaum, Lynn Davis, Rick Hall, Josh Schroeder, Tung Pham, Shane Morrissey, Sean McCoy

NAYS (0): None

B. Kristen Spadafore, Associate Planner, City of Missoula - Rezone of 2130-2136 Eaton Street and 2252-2258 W Central Avenue from RM2.7 Residential (Multi-Dwelling) to RM1-35 Residential (Multi-Dwelling) [*Time stamp – 1:19:38*]

STAFF PRESENTATION

Kristen Spadafore, Associate Planner, with the City of Missoula presented on a rezone request submitted by MS 22 LLC, represented by Montana Northwest Company. The applicant requested a rezone of 2130-2136 Eaton Street and 2252-2258 W Central Avenue from RM2.7 to RM1-35 Residential (Multi-Dwelling).

The rezoning aligns with the newly adopted Our Missoula 2045 Land Use Plan, while the current zoning is not a current relatable zoning district. It is in line with the area's designation as an Urban Residential High Place Type and promotes growth that is consistent with the character and infrastructure of the neighborhood. The area is served by City water, sewer, and emergency services, and supports higher density development. The property is close to multiple bus stops (Mountain Line Routes 2 and 8), sidewalks, and shared use paths.

Both the RM 2.7 zoning district and the proposed RM1-35 district allow the same residential building types. RM 2.7 permits up to four dwelling units. Under the proposed RM1-35 zoning, the minimum area requirement is reduced to 1,000 square feet per unit, allowing for up to 12 dwelling units

Staff concluded their presentation by highlighting the rezone aligns with the City's Land Use Plan by promoting a diverse, equitable, and resilient housing system while supporting urban growth in areas already well-served by infrastructure. The rezone is consistent with surrounding urban residential districts and is expected to enhance public health, safety, and general welfare.

Ken Jenkins, with the Montana Northwest Company, and representative of the property owner addressed the Planning Board to support the rezoning proposal. He explained that the current property is restricted by its nonconforming zoning designation. The rezoning would change the allowable density and add value to the property. He stated the rezoning is expected to encourage improvements and better integrate the property with the neighborhood's future vision.

See PowerPoint presentation slides.

PUBLIC COMMENT

No Public Comment.

REZONING MOTION

Danny Tenenbaum made the following motion to approve the request, and Tung Pham seconded the motion:

Recommend City Council approve the adoption of an ordinance to rezone the subject property located at 2130-2136 Eaton Street and 2252-2258 W Central Avenue and legally described as Lots 19-21 in Block 18 of Carline Addition Subdivision, located in Section 29, Township 13 North, Range 19 West, P.M.M. from RM2.7 Residential (Multi-Dwelling) to RM1-35 Residential (Multi-Dwelling), based on the findings of fact and conclusions of law in the staff report.

Board members inquired how similar rezoning applications will be handled as the City transitions into compliance with the new Land Use Plan. Mary McCrea, Permits and Land Use Manager with the City, suggested that rezoning applications will likely still require public hearings. She clarified the City is in the process of updating its zoning code, and once adopted, the individual rezoning applications should be less likely. Staff noted the new zoning will apply to this property when the new zoning code is adopted.

The Board expressed their support for the rezoning and highlighted the proposal's goal for promoting infill housing and making use of existing infrastructure. They suggested that projects like this, which comply with the City's Land Use Plan, could be processed administratively without the need of a public hearing to streamline redevelopment. The challenges of parking, pedestrian pathway issues, and the

absence of sidewalks adjacent to the parcel were noted as concerns. Some Board members emphasized the importance of keeping rezoning decisions within the public process to keep community involvement. They highlighted a design concern with similar types of rezones, regarding side interior setbacks for taller buildings and buildings being constructed too close to neighboring properties. They urged that this issue be addressed in the upcoming zoning code update to provide more flexibility and better protect residents' privacy. Staff clarified the exact requirements for new parking will depend on the type of development planned.

VOTE

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

AYES: (8): James Fountain, Danny Tenenbaum, Lynn Davis, Rick Hall, Josh Schroeder, Tung Pham, Shane Morrissey, Sean McCoy

NAYS (0): None

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS

No communications or presentations were reported.

VIII. COMMITTEE REPORTS

There were no committee reports.

IX. OLD BUSINESS [Time stamp – 1:53:14]

A community event for feedback on the US 93: Missoula to Florence Corridor Study was addressed.

X. NEW BUSINESS [Time stamp – 1:53:14]

The Board discussed the election of officers.

Shane Morrissey made a motion, and Danny Tenenbaum seconded to appoint Sean McCoy as President. The motion passed by unanimous voice vote.

Tung Pham made a motion, and Rick Hall seconded to appoint Shane Morrissey as Vice President. The motion passed by unanimous voice vote.

XI. COMMENTS FROM BOARD MEMBERS

No comments from Board members were reported.

XII. ADJOURNMENT [Time stamp – 1:59:13]

The meeting was adjourned at 8:00 p.m.

Missoula Consolidated Planning Board January 21, 2025 – 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/9121/media>

Missoula Consolidated Planning Board- January 21, 2025-Meeting Recording

1:17

But with that, let us call to order this Missoula Consolidated Planning Board meeting for Tuesday, January 21st, 2025 at 6:02 PM.

1:38

And with that, can we get a roll call, please?

1:44

Roll call Lynn Davis here.

1:48

Here Derek Kanwisher.

1:54

Derek is absent.

1:55

Shane Morrissey.

1:56

Here Toon Farm.

2:01

Here Danny Tenenbaum.

2:03

Here Josh Schrader.

2:06

Here, Danny Oberweiser.

2:14

Danny is absent.

2:15

Peter Benson.

2:19

Peter is absent.

2:21

Rick Hall here, James Fountain here and Sean McCoy here.

2:32

Mr.

2:33

Chair, we have 7 regular members present.

2:36

Would you like to appoint alternates Danny Tannenbaum and James Fountain as voting members for the evening, please?

2:46

And we have quorum outstanding.

2:49

Thank you, Andalicia.

2:53

And also, just to let folks know, my computer's old as the day is long.

2:59

And so if for some reason it quits, Shane's just going to pick up until I get back on.

3:04

I've been having battery issues and other things that I haven't had the chance to get fixed yet.

3:12

So if I disappear, that's why.

3:15

And let me say hi to James Fountain.

3:20

James, I haven't had an opportunity to meet you yet.

3:23

I'm hopefully we'll get to meet you at the next meeting in person.

3:27

I should be, should be there.

3:30

Welcome to the board.

3:31

Thank you.

3:35

OK, that brings us to approval of the minutes for November 19th and December 3rd.

3:43

Ideally everybody got an opportunity to review those and for those that may not remember or perhaps are new, you don't necessarily have to attend that meeting or those meetings, excuse me, to approve the minutes.

3:57

You can read through them, look for editing issues or anything that you might find in those regards.

4:04

If you don't want to vote on them, you're welcome to abstain.

4:07

There's no issues with that at all.

4:10

We just like to make sure that you know you can vote on that even though you haven't been there.

4:16

And with that, ideally everybody's had a chance to review them.

4:19

Does anybody have corrections or anything that you saw out of place?

4:28

All right, don't see anything.

4:33

And Alicia, I'm going to rely on you for in house.

4:36

If somebody raises their hand or whatnot, just holler at me or maybe I should rely on Shane.

4:43

Anybody got any suggestions on who's better to fill that role?

4:47

I can keep an eye on on the room.

4:50

OK, great.

4:51

Thank you.

4:53

OK.

4:54

If there are no corrections, we can entertain a motion.

5:02

I'll move that we approve the minutes from November 19th, 2024 and December 3rd, 2024.

5:09

Great, so I'll move by Shane.

5:11

Do we have a second?

5:12

I second.

5:14

Seconded by Danny T.

5:20

Danny, you didn't get COVID at the gym, did you?

5:23

I saw you like Tuesday.

5:27

Did I see you last Tuesday?

5:28

So far so good.

5:29

Fingers crossed, I must have caught it on the plane and I'm the only one in my family that managed to do it.

5:39

OK, we will do an up and down vote on this one.

5:44

All those in favor of approving the November 19th and December 3rd minutes, please say aye, aye aye.

5:54

Any opposed, say nay, Any abstentions hearing, none opposed and no abstentions.

6:04

Motion passes unanimously.

6:21

OK, that's going to bring us into our hearing portions.

6:26

And just to give board members a heads up, there was a little bit of a correction to our agenda down at the end there.

6:35

We're going to elect officers ostensibly that shouldn't take too long and I believe that is in new business.

6:47

So when we get to new business we'll look at doing officers everybody.

6:55

And with that, hey Sean, just I think we should do a public comment for non agenda items before we move into yes.

7:07

Thank you, Shane.

7:08

Appreciate you keeping me on task.

7:10

I'm bouncing back and forth here and I had scrolled up and I could not see that.

7:16

So with that, I will slow down and we will move to public comment on non agenda items for folks that are joining us online or in house.

7:28

Not in house, but online.

7:31

If you need to call in, staff will put up a bit of instructions which I can read off as well.

7:42

If you need to call in and they're joining us by a computer or mobile app and need to use a separate phone, you can call in at, excuse me, 406-272-4824.

8:02

The phone conference ID is 127489322# Again conference ID is 127489322#.

8:17

And then *5 to raise your hand to be recognized and *5 as well to lower your hand and then *6 to mute and then mute yourself.

8:28

And with that we will hold public comment for non agenda items.

8:34

Anything outside of our agenda items tonight.

8:38

Open here for a minute and see if we have anybody join us.

9:25

None.

9:40

All right, there's nobody in house I'm assuming correct.

9:47

All right, OK, we will go ahead and close public comment on non agenda items.

9:55

I think nobody jumped in there to make a comment.

10:00

And that brings us to staff announcements, which I do not believe we have any of tonight.

10:08

And then that brings us to our public hearings for tonight, which we have two of.

10:17

And it looks like on the agenda here we have Waldo Rd.

10:24

9772 Waldo Rd.

10:26

zoning amendment with Matt Heimel, planner with the county.

10:35

Now in our pre meeting we did Kristen first.

10:41

Do we want to how do you guys want to do this?

10:44

Were you guys planning on falling pre meeting order?

10:47

I hadn't looked at the agenda.

10:48

So I believe we're going to have Matt go first.

10:52

OK.

10:53

Sounds good.

10:53

Matt.

10:53

It's all yours.

10:58

All right, Good evening, members of the board.

10:59

My name is Matt Heimel.

11:00

I'm a planner and county floodplain administrator with Missoula County Planning, Development and Sustainability.

11:08

And I'll be presenting the staff report for this zoning amendment.

11:14

Just a moment while I pull up my PowerPoint.

11:23

There we go.

11:40

OK, So this item is being processed as a rezoning.

11:43

Specifically it's a amendment to a zoning condition for property at 9772 Waldo Rd.

11:51

The owner of this property is TLK Properties and they'll be represented by imacorp.

11:57

The applicant and the representative are are present today.

12:00

And also just a note for further in this hearing, it does look like there are a couple of people on the team's call that may be here to make comment as well.

12:12

So here's a broad aerial image with the subject property highlighted in this fabulous black and green line that you see next to Hwy.

12:24

993.

12:25

So it's about 10 acres in the north wide area.

12:29

It's north of Interstate 90.

12:31

It's adjacent to Hwy.

12:33

93 and Waldo Rd.

12:36

Here's a closer image.

12:37

The properties currently vacant property to the West is also vacant.

12:45

To the north and east.

12:47

We have some rural residential properties into the South, a little more of a suburban density.

12:56

Keep forgetting.

12:56

There's a little bit of a lag when I had to change my screen.

12:58

So the property is described in the Missoula County growth, Missoula County growth policy, particularly in the 2019 land use elements and that land use plan designated this property as a commercial center.

13:14

Land use property to the North, East and West were designated with a rural residential and agricultural and use to the South is also commercial and southwest we have a neighborhood residential land use.

13:31

This property was zoned before the other surrounding properties.

13:36

It was it went through a zoning process in 2020 just before the 2022 comprehensive zoning for the county.

13:44

And I'll, I'll explain that first zoning in just a minute.

13:48

But on a general note of zoning in the area, we have a current commercial center zoning district for the property and also for property to the South, to the north and east, we have a agricultural and rural residential zoning district.

14:04

We have what is referred to as a legacy rural zoning district on the West side.

14:09

That's that brownish color.

14:12

That is specifically a zoning district that has a residential use written and that was also enacted before the 2022 zoning.

14:23

And then to the southwest we have the neighborhood residential zoning.

14:30

So in about 2019-2020, the property was first brought to the county for a zoning review.

14:37

It was originally unzoned and the reason it was brought forward at that time was because the property needed to have zoning in order to be approved for a City of Missoula sewer.

14:47

And it was brought to the governing bodies attention throughout that process that there are some sheet flooding hazards with with with the property.

14:56

And in particular the public works director, floodplain administrator in the health department brought up some issues with rain on snow events that can cause some sheet flow on the property.

15:11

So when the property was approved for a commercial zoning at that time, a condition of approval was also placed on that zoning and that condition was in the form of structural mitigation for sheet flooding on that property.

15:28

And that required the elevation of the lowest floor for any new structures to be two feet above highest adjacent grade, which is a pretty typical kind of mitigation that we would find for a sheet flow flooding hazard.

15:47

Here's a a picture of some of the flooding that was noted in in April of 2019.

15:52

This picture I believe is specifically taken from George Cates Blvd.

15:55

a little West of the property itself.

15:58

The public packet for this item does have a wealth of photos inside and and I'd be glad to go through any of those.

16:07

There's a few videos as well in case the board would like me to go through those at any time.

16:18

So the applicant is requesting or has applied for an amendment to the zoning.

16:27

In the five years since the elevation requirement was put on the on the property, they have found that to be to have some issues in developing the property.

16:35

Now they are proposing a different method to handle that sheep low hazard.

16:41

As part of the application process over the years that we have engaged with the owner, they contracted with New Fields, a private engineering firm, to come up with a hydrological analysis of the property.

16:57

This image on the screen is just a simple site layout.

17:00

On the southern portion of the property, they label a general area of some historic flooding in in particular that she flow that was observed entering the southeast corner of the property through a culvert.

17:17

And the idea for this analysis was to quantify the amount of water or or peak discharge that would go on to the property during a particular storm event that would then be mitigated through a storm water management plan as opposed to this structural mitigation of elevating structures.

17:40

So the overall intent of the application was to move from this, elevate this requirement to elevate structures to then handle this sheet flow with a storm water plan as excuse me, there's a pop up on my screen.

17:59
OK.

18:00
So as part of the hydrological analysis, a drainage area was formulated, I believe, can't remember the number, but I think that was about 1565 acres, about 88 of which were developed.

18:14
So the idea here was to quantify again that peak discharge from an off site drainage area that would then need to be safely conveyed, detained or retained on the on the property for any sort of planning or zoning permit.

18:33
There were two scenarios looked at in the analysis which is in the packet.

18:38
The first was referred to a base case and this was what is that volume of water in a typical 100 year 24 hour non winter storm.

18:48
And scenario 2 was more similar to what we would see that causes some some of the problems for the sheep laying on the southeast corner of of the property.

18:58
That being a 100 year, 24 hour raise on rain on frozen ground.

19:03
The application or the analysis that also include a, a Heckras model that was sent to engineering at the DNRC with with the state just for a check to make sure that the model was technically reasonable using a correct modeling methods math and that and it was found to be so.

19:23
So in that analysis, we have this table just showing some of that the the peak discharge for both of those scenarios and the peak discharge for the 100 year rain event during frozen ground conditions was found to be about 111 cubic feet per second.

19:40
It's about 16% higher than your average storm event or I should say your average 100 year 24 hour store event, which by no means is necessarily an average storm.

19:55
So in the application, the primary request is to remove the OR to not have any condition on the zoning staff could not support the request, just outright remove that because one of the things we asked for that might get towards that support was for for example, maybe like a hypothetical or or a draft analysis using different impervious service coverage types.

20:21

However.

20:22

The applicant elected not to complete that kind of analysis because they're opting to essentially defer stormwater review to when an actual development is being looked at on the property.

20:39

So without that, at this time staff would recommend a modification to the condition of zoning and the modification is on the screen to translate a few parts.

20:54

One, we would prohibit the construction of basements due to groundwater concerns.

21:00

Prior to any sort of permit approval for zoning, a professional engineer would need to demonstrate that stormwater improvements would be sufficient to prevent subsurface and surface inundation of structures.

21:14

And this analysis for permit review would need to include that same 100 year 24 hour rain on frozen ground event for the off site drainage area to demonstrate that also that volume of water is handled in addition to the standard storm water review for on site.

21:36

And that is one intent that is what is intended when we refer to utilizing the simultaneous off site that we're essentially looking at 2 sort of coincidental peak peak flows for that on site and, and, and off site.

21:50

However, at the end we see that we would be open to another technically reasonable methodology.

21:55

So if we find ourselves at a point where a development is proposed on the property and there's a different an engineer looking at this and they have a different method, we can look at that.

22:10

Also note at this time the staff report did have several agency comments and public comments noted the agency comments.

22:22

One, Missoula County Public Works supports this request.

22:27

Missoula Public Health had a couple of comments.

22:30

First of all, water quality staff noted these concerns with drainage in in the area and urgent caution to be taken and appropriate methods to be taken.

22:40

And staff had also noted that there is some non compliance with a certificate of subdivision of approval through sanitation that's in the form of some drainage work that has been done.

22:52

So prior to any sort of deep development approval on the property, there would need to be a complaint Cosa and that would have to go through the appropriate review and public comments.

23:03

Also noted again, concerns with sheet flooding in the in the area.

23:09

And there are also some concerns about the the new fields study.

23:18

This image again just explains how that condition gets applied to the properties.

23:26

So in the upper right hand corner, we have, you know, this note, there's simultaneous design store events for review.

23:33

We have that off site 111 CFS rain on frozen ground, that's a drainage basin that's conveying flow to the southeast corner of the property.

23:41

And then we also have standard county on site stormwater review for the subject property itself.

23:53

So that concludes the information of that I have to present at this time and again available for any questions.

24:00

The applicant and their representative are also present.

24:03

And again, I do believe that we have some members of the public on the call.

24:08

Great.

24:08

Thank you, Matt.

24:09

Does, was there anybody from IMAG that wanted to speak to this proposal or the representatives owners?

24:20

Yeah, Yeah.

24:21

Sean Paul forsting IMAG.

24:23

I'm a hi, I'm a senior planner at IMAG.

24:27

I'm here today with David Friedlander, an engineer from IMAG, and Taylor Tillman, a representative of the ownership group.

24:36

We are in agreeance with the condition of approval that's recommended here today.

24:43

It it removes the the problematic condition in our opinion of having to fill the site in and bring it up to two feet, 2 feet above the highest adjacent grade.

24:55

Taylor and his, his group has tried to find a buyer for this site and the different groups have looked at trying to quantify how much fill that would be to, to bring in something like somebody like a supermarket.

25:07

I mean, this is a, an attractive site for somebody like a supermarket or some relatively big use.

25:12

And bringing in fill here has been on the magnitude of, you know, they've, they've mentioned, I don't, I don't know if the numbers are right, but something like \$1,000,000 or quite a bit of money.

25:21

So much so that nobody's interested in purchasing it and building it.

25:25

And really, Phil, isn't the solution here.

25:27

Storm water drainage.

25:29

We, we're confident that a standard storm drainage facility can handle the, the issue here.

25:35

The, the water on site that's, that's, that's in the picture is there's a low point and there is drainage that, that fills that low point at certain times of the year.

25:45

And with a proper drainage facility, the detention retention ponds will that'll just fill it up and they'll stay there and they'll, they'll have to be maintained and they'll have to be held on site and they won't sheep flow off the site and cause a problem for anybody else downstream.

26:01

They'll simply be maintained in a drainage facility.

26:04

And so right now as a field, there's no drainage facilities.

26:07

It fails with water when water comes on and off of it.

26:11

Really, there's a, there's a whole drainage issue for the the area Taylor was talking about just now to our group, but there when the road was built in that area and the path was built in that area.

26:22

There's all sorts of drainage issues have popped up in the area where there's, and there's pictures of it in the file of several different areas that flood now and low points on people's properties filled with water seasonally.

26:34

And once the site's developed, the whole site will be graded and there'll be different drainage facilities on the site.

26:41

No basements are allowed.

26:42

And the whole there'll be storm drainage facilities, detention ponds, retention ponds and you have to go through a series of evaluations, you have to work with public works and the DEQ and you have to as a, as a standard, you have to make sure that you can accommodate 100 year storm event within those facilities.

27:00

And you can't, what you're not allowed to do is have you have to account for that 100 year event and you can't allow water at pre development rates to exceed or pass your site on to the next site.

27:13

You can't create an impervious surface area that would then push that water in layman's terms off on to the next person.

27:21

And so you have to detain or retain that water.

27:24

And in this case, we have a condition that requires us to evaluate a rain on snow event, which really is above and beyond.

27:29

Nobody else has to do that.

27:31

So we're committing to do to handling it.

27:33

That's kind of the worst case scenario.

27:34

Rain on snow is the worst case scenario that can be can be got conjured up.

27:40

And so we're agreeing we've already done an analysis of what that would, what the flow of a rain on snow event would be.

27:46

That's what the new field study addresses and and and quantifies.

27:53

And so we've, we've agreed, we've already have the study in the, in the file and it, it, it calculates what that event would be, calculates of course, more than what 100 year event would be it, it creates a volume of water that needs to be, would need to be managed on site.

28:09

And so at the end of the day, we're glad that the county came up with a condition that gets rid of the two year 2, two feet of elevation to the highest grade.

28:17

That's a really unusual condition.

28:19

That condition only really comes up when you're in a floodplain zone with with a river where you can't that that's where you can't manage it through a stormwater facility where a river's going to come in, flood you out and stormwater facilities really wouldn't do anything in that situation.

28:33

And that's not our situation here.

28:35

This this site can be managed through a stormwater facility.

28:38

So yeah, that's.

28:40

So we're in general agreeance there and we appreciate working with the county and getting to this point where where we can hopefully have a solution in this site, which is a attractive site.

28:50

This whole area has a lot of growth potential.

28:53

The county's putting a lot of effort into seeing a lot of homes that has.

28:56

There's a lot of talk about this, the whole Y area being a growth kind of hotspot.

29:00

So we think this location in particular has got a lot of potential.

29:04

So we're excited for the only reason it hasn't been developed is because of this conditions.

29:08

We see a lot of potential in this site.

29:10

So thanks for your time and we'll we're available to answer any of your questions.

29:16

OK, great.

29:17

Thank you.

29:18

Appreciate your guys's being here and availability to answer questions.

29:24

Planning board members, anybody need anything clarified from Matt or Paul there?

29:32

Any clarifying questions before we move on to public comments?

29:37

Hey Sean, how's tune?

29:38

I just had a quick question.

29:39

The photos from 2019, can you give a sense for the scale of that, that precipitation?

29:46

Like we, we hear a lot of talk of 100 year storm and all that, but like clearly there was flooding in 2019 just for a scale.

29:53

Are you, are you asking me to bring up the photos or are you asking how, how it's, it's just for reference.

29:58

Yeah, just like was that like a particularly bad storm that would yeah.

30:04

Would that qualify as 100 year storm, whatever?

30:06

I don't know if we have that quantified as far as like a recurrence interval metric.

30:10

I think a qualitative assessments of a of a very bad storm would be appropriate for that, but I don't think we we have that like measured as that was a 100 year storm for, for, for, for reference on this.

30:28

Is that so your question there too.

30:31

Great.

30:32

Thank you.

30:32

Yes, OK, great.

30:34

Anybody else need anything clarified before we Yeah, sure.

30:39

I, I have a question.

30:40

Yeah.

30:41

Do you guys know which which flood zone that the property is in, in from the FIS?

30:48

That is a good question.

30:49

So it's so this property is technically referred to as unshaded X.

30:55

So it's actually not within a FEMA designated floodplain.

31:00

Now that said, the this area of the Y has always had a spotlight for some drainage problems, but the area at this point does not have a comprehensive flood study or floodplain map designation from FEMA for either O'Keefe Creek or the drainage on the side that this property is a part of.

31:20

Thank you.

31:20

Good question.

31:25

Anybody else need anything clarified before we jump into public comment?

31:34

Sean, I've got a question.

31:35

This is Danny.

31:36

Go ahead, Danny.

31:38

Thanks John.

31:39

Just AI guess maybe two questions.

31:41

The first question is just who will make this sign off if this condition is put in place as to whether the storm water management plan is sufficient.

31:51

So we will ultimately defer to a design engineer for it that they're they're basically putting their PE credentials on a plan that meets that the requirements for there to be no subsurface or surface inundation of of of structures and also utilize the hydrology that we have on on file.

32:12

We would have it go through our standard review process with county public works also for compliance with sanitation as as needed.

32:23

If it includes a model, which I suspect it probably would at least include some calculations, we would probably request also technical assistance from the Montana DNRC to at least check that it still meets the same assumptions in the hacker as model that was prepared by new new fields.

32:44

So the county would ultimately approve a a permit, but for, for example, planning staff reviewing it's not then going in and doing the storm water calcs.

32:55

Thanks, Matt.

32:55

My my other question is just I think I saw in the application is the proposed use a storage facility?

33:00

There's no proposed use.

33:03

No proposed use.

33:04

OK, Yeah, I do push KA storage facility was proposed and approved in 2018.

33:18

So there is actually an approved commercial project on this property that's available to be permitted and built.

33:24

We've chose to zone and do something different, but community planning services and this planning board and the board of county Commissioners unanimously approved a first phase storage unit facility for 200 units probably built out to 501st phase was approved.

33:41

We used WGM engineering to engineer the the the site.

33:46

So it's been civilly engineered, it's been professionally engineered stamped and it's been approved by the county.

33:53

So that projects already been approved.

33:56

So all of the grading drainage engineering has already been put into this property.

34:02

We just elected to try and do something different to be more conducive to the area and its growth.

34:09

Storage is great, but I think there's a higher and better use and so that's why we zoned it.

34:15

So prior to the zoning in this condition, we already have extensively engineered plans for storage that could be built and were approved by BCC and as planning board.

34:28

So there are approved plans, but our our intention is not to build storage.

34:34

And so that's why we zoned it and got it CC 2.

34:37

But unfortunately that condition with the two feet elevation somehow got on there due to the Montana department transportation built a pathway, a pedestrian pathway that goes from the Y to Houston.

34:49

And in construction of that pathway, they disrupted the area and in the fall they didn't clean up all of their construction debris.

34:58

So they left boulders, rocks, construction to be and four foot tall dirt berms in the traditional pathway where water would usually run along the southern edge onto its pathway.

35:12

So in 2019, what precipitated this condition we even though it's not in a FEMA floodplain, is that water on the rain on snow vent was already accounted for and engineered, hit all the rocks, hit all the dirt from Montana Department Transportation and essentially diverted onto their new pathway.

35:33

And so that got people talking what's going on here?

35:35

But what it was, was an anomalous event, not only the storm event, but an anomalous construction event.

35:41

And so the Montana Department transportation essentially had told us and essentially conceded that they did not prepare and finish that construction project to the point of maybe anticipating any type of spring snow runoff.

36:00

And so that's why this it all happened to the area approved storage 2018-2019 zoning the rain on storm event, MDT not doing things properly, the state taking essentially accountability for that.

36:15

So I guess in a long roundabout way, yes, storage facility was approved already for the property that's been engineered.

36:21

And so that's why we wouldn't need we're asking and we've come up with this other solution because we do have engineered plans.

36:28

We do have an engineer design and over the course of three years we've used six professional engineers and hydrologists to substantiate that.

36:37

And so that's why we're coming here saying development is not possible with that condition.

36:43

We've already had this approved once.

36:44

There's no reason why now when you zone it CC 2 that something changes.

36:49

So any, any project that is going to be planned or used in that area or anybody that decided to build something on that piece of property has to go through the same process.

37:00

If you're adding a room onto the side of your house or if you're building the 30 acre industrial complex, you have to go through a system of review.

37:08

And so permitting is the checks and balances on what can be built there.

37:12

And so that's what Matt was saying, Paul was saying as well.

37:15

So nothing's really getting past a goalie here.

37:19

And so to be completely transparent, that's what we do through the permitting process is we will go through that review.

37:26

An engineer will say this is how you handle that.

37:29

And for reference, 90% of all the pictures that are up on and have been submitted are not our property.

37:36

Everybody gets the properties confused.

37:39

We own 10 acres.

37:41

All the pictures are on the 8 acres, which is our neighbour.

37:44

So there's a little bit of confusion of what the property is.

37:47

So we just don't want that misinformation to essentially guide it in the wrong direction.

37:54

So those pictures really that's, that's not our property.

37:59

So just to clarify that.

38:00

And then any other concerns would need to be directed towards the Montana Department transportation because that's not a private property essentially question or concern.

38:12

That's something that could be directed towards the state.

38:16

Yeah.

38:16

Any other questions?

38:18

Thank you.

38:18

I appreciate that context.

38:23

OK.

38:26

Anything else board members need clarified before we move to public comment?

38:31

I see a hand up there.

38:35

I'm not sure who that is, though.

38:37

I can't see it.

38:38

Josh.

38:40

Josh.

38:40

Sean.

38:41

Great.

38:41

Josh, just a couple of quick questions.

38:46

I think one maybe for staff and two for the applicant.

38:49

Has the county approved a similar amendment like this in the past And if So what were the outcomes and then who will be responsible for the long term maintenance of the of the drainage system?

39:03

And then if, if it's shareable, just curious what the, you know, how the cost of the proposed engineered solution compares to the, you know, meeting the current zoning condition.

39:17

Sure.

39:17

This is Matt with county staff.

39:18

I'll answer the first question and I'll try to answer as much as a second as I as I can, but we'll need some some help from the applicant's representative on that.

39:29

So as far as what or how many other properties have a similar condition or gone through a process of the property immediately to the West that was in the rural zoning district, it's a it's on Waldo Road and adjacent to George Case Blvd.

39:48

That also has a requirement to elevate structures 2 feet above grade.

39:53

It's the same text as this that is a residential district and my understanding is that at least they at least have a town home exemption that is in in the works.

40:04

Now as far as similar amendments, very few if any it's it's these sort of zoning conditions are an older zoning practice for the county.

40:17

This is technically classified as a legacy district in our current zoning.

40:22

So it was a planning board would not see for example, a new rezoning with a condition like like this as part of a legislative action.

40:34

We also have this is the subject property and the property adjacent to the West are also the only, the only instances of this kind of zoning condition.

40:47

So again, I think we wouldn't see very many if any as far as responsibility for maintenance.

40:58

So the zoning review for a permit would not inherently include a long term maintenance plan.

41:05

It is standard for at least grading and drainage plans to for continued compliance with those to have some degree of maintenance also with a a Cosa through through health.

41:16

But as far as the specifics of a maintenance plan, we that would be something that we look at when we're at the time of a development review with a building permit.

41:30

And with this stage in, in the zoning, we're only looking at at the center of the zoning.

41:34

It's itself not a proposed use or or plan for aspects about the cost.

41:42

That's where I will have to defer to the applicants representative.

41:50

Yeah, Hey, David Friedlander, engineer with IMEG here.

41:55

I guess just to speak quickly to the the operations and maintenance.

41:57

So if this, you know, any development that would occur here would go through a a coaster rewrite with, you know, Missoula Public Health and DEQ as part of DEQ Circular 8, there are stipulations for creating an appropriate operations and maintenance plan for any storm infrastructure that's proposed.

42:16

And so because all that is on the property and we're not talking about, you know, we're not talking about sharing responsibility with the despite some of the water being maybe in the right of way or whatever, we're not talking about sharing responsibility with that.

42:32

All of the operation and maintenance would be on the responsibility of of the property owner.

42:35

And so that's it would just be the same as if you were developing, you know, any property anywhere in the city county and you were creating additional storm water on your site.

42:46

You're responsible for maintaining a pond or a culvert or a ditch or whatever you have there.

42:50

So, and I'll defer to Taylor on on the cost.

42:59

As Matt had mentioned, this is something that Sir, can you introduce yourself?

43:04

I'm sorry.

43:04

This is Taylor Tillman, a representative to OK Properties.

43:09

The zoning, just like I said, this is very abnormal because zoning does not get conditioned, especially conditioned with a FEMA floodplain condition.

43:20

This it orchard homes possibly, but not only is this not a river, this isn't a Creek.

43:26

This is not a stream.

43:27

This is not a spring.

43:29

In six years of ownership, we've seen water twice.

43:33

This is when you have seasonal surface runoff, possibly from snowmelt.

43:37

So in six years we've seen it twice.

43:39

One time it made it halfway down the edge.

43:41

We own 10 acres, 9.75 of that is unaffected.

43:47

So the idea that you would raise structures 2 feet for 1/4 acre where you it passes along a southern edge and then exits our property just seems very unreasonable.

44:00

It doesn't seem pragmatic and it's actually not a good engineered solution.

44:03

It's actually not engineered.

44:06

As Paul had mentioned earlier, you would do this type of flood mitigation where you can't control water.

44:12

I mean, we have the ability to convey transport, move, culvert, ditch, anything.

44:18

That's how that's how you move water places like orchard homes where we can't do that to the Clark Fork.

44:24

That's where you would see something like this.

44:26

And so there's just a misunderstanding about the amount of water there.

44:30

It's, it's, it's like I said, in six years twice it's minimal and it passes on the very southern edge of our property where they just put the bike path.

44:40

Cost wise, if you want to bring in enough fill for 10 acres, that's three and a half million dollars.

44:47

We have when we engineered this in 2018 for storage units and you picture storage units are at grade for \$35,000.

44:56

We engineered an entire design system for that property to capture any potential.

45:03

Now we say potential because sometimes you don't see water there, right?

45:07

That's why it's not in a FEMA floodplain 51 weeks out of the year, it's dry.

45:12

So you can see how this is kind of like a just way over the top and it's not applicable.

45:17

And then into 2022, the county and their their zoning regulations doesn't add conditions.

45:24

So if we didn't want to amend this today, we would rezone this in this condition, this wouldn't even be a conversation.

45:31

And so this is a way of trying to do it through just adding an amendment.

45:35

But if we rezone this tomorrow, this is this condition doesn't even exist.

45:41

And so when I would come back to the same thing saying we've already done all the engineering with WGM and then we did a \$25,000 study with I, Meg and Newfields with three of their professional hydrologists.

45:53

And so to say the least, in the entire Y area, there is no other parcel that has had the amount of engineering study and scrutiny than this parcel.

46:05

And it's been proven again and already approved by this county that there's a way to do that.

46:09

So cost wise it's just completely unreasonable.

46:13

It does it just actually doesn't make pragmatic sense and it's not applicable one through a zoning compliance review, it does it's not doesn't follow county current protocol.

46:24

So what we're doing is we're trying to say, yeah, this was a this was mistakenly put here half of that faults on the owner and the county and we're just going to make an amendment to where we're all still in the known and being transparent.

46:38

So that's what that does.

46:39

So that's the reason why we're bringing this forward so that we can actually propose and do some type of development to where something that's advantageous for the community.

46:49

Otherwise, you're essentially relegated to a house and a shop on 10 commercial acres on Hwy.

46:56

93 on a corner with two access and egresses, sewer and water and potentially a future stop light and you can't build.

47:07

So that's the reason why we came here to say we need to essentially come about this in a different direction.

47:15

And I think we've already shown this through extensive engineering and that we've complied.

47:26

Any other questions there, Sir?

47:29

Josh, you're feeling good.

47:35

Josh, you're muted I think, buddy.

47:45

Sorry about that.

47:45

Lost the window I was looking for.

47:47

Yeah, I can appreciate that.

47:50

The cost would be, yeah, significant over, you know, to maintain the current zoning condition.

47:57

So yeah, thanks for addressing that.

48:00

And also, you know that the property owner would be responsible for maintaining that drainage system over time.

48:08

Maybe just a follow up for Matt.

48:10

So just given the uniqueness of this parcel and the adjacent parcel, you're not worried about setting any type of a precedent right by, you know, with this amendment for, you know, other types of properties that are in other locations?

48:27

Thank you.

48:28

Good question.

48:29

This is Matt again with with county staff, we're not particularly concerned about an undue precedent because well, I'll give some broader context.

48:45

When the county undertook a comprehensive zoning update effective in 2022 based on the 2019 land use elements, recognition of flood hazards was heavily incorporated into that.

48:58

And some of the zones that we have throughout the county such as open and resource and agricultural districts that are set asides or essentially reserved to avoid development in areas that are prone to flooding.

49:16

In addition, through either site specific review, maybe in other cases, such as with a subdivision, the county Canada does recognize some areas that have local hazards a variety of of hazard areas, one of which is is flooding.

49:33

Notably in in subdivision that a flood hazard area can include areas that the governing body determines are subject to to flooding.

49:42

So while this is not a subdivision, my point is that recognition of flood hazards and mitigation of of impacts to public health and safety and ensuring that there is no that there will be no adverse impacts as part of county review in a in a variety of processes.

50:05

Now with regard to precedent for this specific zoning condition, for example, the only other one to my knowledge in this specific context is a meet is the property to the West.

50:17

If that property were to elect to try to amend the zoning to change the requirement, that would be the same sort of rezoning process as this, which would include due process, the opportunity for the public to weigh in and also a public hearing for the applicant and everyone to provide comment.

50:38

I do also want to make make one note, Taylor mention recognition of a mistake along the process.

50:46

I would not characterize staff's recommendation of approval as acknowledgement of a mistake in the process so much as that we acknowledge that the methodology to mitigate the sheet flood hazard on this property can be changed from structural mitigation of elevating structures to using stormwater management as it would still need to be devised in a plan and then reviewed and approved by the appropriate agencies.

51:14

So I hope that provide a little bit of context and I also hope that answered the question.

51:19

Let me know if any clarification is needed.

51:24

That's helpful.

51:25

Thank you.

51:28

OK, All right, folks.

51:30

I think we're going to we're going to move on to open it up to public comment.

51:34

If you've got more questions or things that you'd like to get answered, we will bring that in in our discussion after we get a motion on the table.

51:46

So and Alicia, if we can get the instructions up and we will open up public comment for this hearing on Waldo Road.

51:59

And if you are joining us outside via some app or your television and need to call in remotely, you can call 406-272-4824, phone conference ID 127489322# You could press *5 to raise your hand to be recognized for public comment and *5 also to lower your hand.

52:28

Use *6 to mute and unmute yourself.

52:33

And with that, we will open up the public comment.

52:38

And if there's anybody in house, just let me know.

52:41

And please don't be shy.

52:43

Come on up and state your name for the record and make your comments and we'll we'll go ahead and leave this open for a minute or two.

53:05

Greetings on the board.

53:06

My name is Ken Watt and I tried to raise my hand but it didn't work.

53:11

I also apologize.

53:13

I'm a home owner at 9778 Mellon Lane and I just want to give you guys a little background.

53:19

In 2019 there, there was about 3 feet of snow on the ground.

53:23

We had a pretty bad cold March and so we had a pretty good snowpack about almost 3 feet and in March that it kind of melted pretty quick.

53:34

And then we got a big rain event in April that you in those pictures you see, you caused that flooding.

53:40

And and like the the home, the property owner was saying that it's not it's you know, the side of spring, but it the source of this, this seasonal stream is a spring that comes out of that, that thousand acre area that was shown on the map and it runs once all year long pretty much.

53:58

And but it but in the summer it it doesn't make it past the railroad tracks.

54:02

If you know the Y area, there's a railroad tracks up on the on the hill and it doesn't, it usually goes in the ground around there's in the summer, but it runs all year long.

54:10

So that particular year was a pretty, really, really bad event, snow event and a rain event that caused the problems out there.

54:18

So, you know, like I said, I'm, I'm just the Homer in my basement flooded that that spring and I, I hired a hydrologist and there was a groundwater phenomenon called groundwater mounding that he thinks that that he, he, he, he approved that that's what happens to the ground was that stream was partly

with the, the property property owner said the, the, the Montana department transportation did make a mistake and, and created almost a burn path for that, that stream to go.

54:46

But also the property owner did burn up that corner so that the water had to go in there too.

54:52

So that that that was that was attributing a factor to that stream going down the, the South part of the property.

55:00

But normally at a historical part of that stream, you actually goes into the middle of the property owners field field.

55:06

And if you look at the, the Google Earth imaging, you'll see that there's, there's groundwater, there's surface water scarring from where that stream really runs out of the corner and it goes, it goes north and West, northwest across this property.

55:19

So all I got to say is that whatever happens, I just the groundwater is more concerning to me than the surface water because the groundwater, that stream can flow pretty hard.

55:32

And there's a couple of videos that you guys can look at that shows that stream and that.

55:36

So when that when that group, that water flows in the ground, it just it creates and raises the grain water, the groundwater and it floods our basement some.

55:44

So so whatever happens, I just hope that the plan will be take care of that stream so that it doesn't go into the ground, because that's what causes the problems for me.

55:56

And that's all.

55:57

Thank you.

55:58

Great.

55:58

Thank you, Ken.

55:59

I appreciate your time to be here with us this evening and your patience to speak as well as your brevity and keeping it under 3 minutes because I didn't even think about mentioning that.

56:15

OK.

56:15

Do we have anybody else that would like to make public comment at this time?

56:22

And just for Ken and other other folks that want to make public comment, board members will write down anything in your public comment.

56:32

If you have questions or statements that need to be answered by staff or the representatives for the owners, we will bring that to them following public comment.

56:49

I believe we have Catherine who has her hand up.

56:53

OK, Catherine, please go ahead.

56:56

Hi, can you hear me?

56:58

Yes, yes, I believe we can.

57:01

Great.

57:01

Good evening.

57:03

My name is Katherine Fowler and I own the property immediately north and adjacent to the property at issue here.

57:10

My address is 10168 George Cates Blvd.

57:16

And I would, I mean mostly just echo what Ken said.

57:21

I, I think the new field analysis from from what I can tell, really takes a look at the, the storm water.

57:29

But I think the issue really here, you know, if not annually, at least you know, by the land owners statement, you know, twice in, in six years is, is a groundwater event.

57:44

And it comes, you know, across from the other side of Hwy.

57:47

93 and, and, and kind of runs along a ditch along Lady Slipper Lane and then into a culvert under the highway.

57:56

And from there it kind of flows onto the property.

57:59

There's been, you know, a ditch that was, that was added there.

58:04

You know, that I, my, for my understanding was kind of added as an emergency measure without like engineering and those types of, of precautions and, and looking into that.

58:17

And so, you know, my concern is that the, the proper things just haven't been studied here and we don't know the impact.

58:24

I, I would hate to exacerbate the issues that are already on this property without, you know, and the surrounding properties.

58:31

If you look at the video, I would really encourage you to do that.

58:35

You'll see that, you know, in in big years, it's, it's a stream, it overtakes George Cates Blvd.

58:41

It kind of goes up over it because the culverts aren't sufficient to handle the water.

58:46

And I understand that that is not the property at issue here.

58:49

That's the the western property that aligns with George Cates Blvd.

58:53

But you know, it flows through the subject property and, and as Ken mentioned, you can see where it pulls up historically.

59:00

And so I'm, I'm just very concerned about, you know, the impact.

59:04

We're not talking about flooding from a 10 year or 100 year 24 hour event.

59:09

We're talking about something that happens relatively frequently.

59:13

And it's, it's a groundwater issue that needs to be, you know, studied more thoroughly.

59:41

Did we lose you, Sean?

59:44

There he is.

59:51

All right, My apologies.

59:57

Catherine just finished giving her comment through there, Sean and Ken maybe has his hand up again.

1:00:11

Yes, I'm.

1:00:12

I'm sorry, I just one more question I forgot to ask.

1:00:16

You know that the original plat was zoned or there's a what there was an easement for that stream to go north and then W what's going to happen with that easement on the on the future plans.

1:00:29

Does anybody know is that where the stream is that where the groundwater needs or the water stream needs to go?

1:00:35

We can ask that question when we get to when we close out public comment, if that's OK with you can.

1:00:44

Sure.

1:00:46

Great.

1:00:48

Thanks, Shane.

1:00:49

I I went, I went black.

1:00:52

My my computer shut off.

1:00:57

Appreciate you jumping in there.

1:00:59

Can you guys hear me?

1:01:01

Yeah.

1:01:01

We got you back.

1:01:03

OK, great.

1:01:05

OK.

1:01:06

Anybody else?

1:01:07

We can.

1:01:08

We got your question.

1:01:09

We'll get that addressed when we get through public comment.

1:01:15

Is there anybody else that would like to jump in there?

1:01:18

You guys got anybody in house?

1:01:21

We don't.

1:01:22

OK.

1:01:24

All right.

1:01:24

We'll go ahead and just hang tight for another minute here and give anybody an opportunity to join us.

1:02:36

OK.

1:02:38

It does not seem like we're going to have anybody else join us for public comment on this particular hearing for this evening.

1:02:52

So I think with that we will go ahead and close public comment.

1:03:00

Somebody jumps in here in the next few minutes while we're making our way to the next piece.

1:03:06

We can, we can add them in, but I think, I think we've covered our comments for this evening and I think that can bring us to a motion there.

1:03:19

Folks.

1:03:21

Sean, may I ask a couple of questions before we move to a motion?

1:03:26

This is Shane.

1:03:28

Yeah, sure.

1:03:28

Go ahead.

1:03:31

I just, I kind of want to get some of these things answered before we move on so that we kind of know where we're going, so we can hopefully help guide our discussion.

1:03:41

That's OK with everybody.

1:03:44

So I guess the first question is for Matt.

1:03:53

So one of the things that Paul mentioned in his presentation is, you know, what we need to account for is the is not making the problem worse than the pre development impact.

1:04:11

I think it's generally the the rule of thumb here.

1:04:16

So I don't see that like pre development language in this amendment.

1:04:24

And I guess I'm I'm I'm assuming that that language exists somewhere else in a zoning code or in some sort of code.

1:04:39

Is that reasonable to assume?

1:04:42

Yes, by understanding, and this is Matt, I'm with staff.

1:04:46

My, my understanding is that that sort of pre development versus post development or runoff or that post development runoff cannot, cannot exceed the pre rates would be found in either, you know, standard Missoula County public works grading drainage of stormwater review or stormwater review as administered by public health through a, a, a Cosa.

1:05:10

The the zoning condition itself, as recommended by by staff does not have that specific verbiage, correct.

1:05:17

Yeah, I, I noticed that it didn't have it in there.

1:05:18

So I was just wondering where to where we would find that.

1:05:22

But you answered my question perfectly, so thank you.

1:05:25

And then, you know, there are, you know, it seems like there's some questions about, you know, I think we've reasonably addressed the surface water and some of the neighbors here have asked questions about groundwater and obviously that can be monitored.

1:05:48

And I guess there's, I suppose that my question is, is, is that a, is that a requirement anywhere that prior to development in an area such as this, the groundwater monitoring would be required or at least a geotechnical investigation would be required to understand what the what a reasonable assumption of where the groundwater rises to is?

1:06:25

Yeah.

1:06:26

So there are certain contacts where groundwater monitoring would be required by the county through deep development review without a specific development proposal.

1:06:37

I don't know if that would be applicable here because usually one context, for example, is if there is a proposed septic system which by understanding is this would likely have a sewer connection.

1:06:49

With regard to groundwater itself, just to speak to some points from the public about that not being part of a study.

1:06:58

I just want to provide to some historical context of this process that the applicant's approach to the county with a study was really under the realm of trying to quantify that surface water discharge throughout this entire process.

1:07:12

We also, in concert with the water Quality District, recognize that groundwater is a problem here.

1:07:19

And so that's why in the recommended condition text, we still recommend the prohibition of basement of construction and that the certification by a engineer for for for development on this property to not be inundated not only applies to surface water, but also groundwater in inundation of structures.

1:07:41

So there will have to be some degree of groundwater review and check to make sure that there are no adverse impacts through through groundwater for this property.

1:07:51

Perfect, thank you.

1:07:52

And then my last question is regarding the stream easement.

1:07:58

Is there a stream easement going diagonally across the property right now?

1:08:04

Yes.

1:08:05

So the subdivision plat for Den Blaker subdivision has a public drainage easement that diagonally bisects the property and the intent of that was just to handle that natural drainage flow.

1:08:21

That easement is still in effect.

1:08:24

And part of the issue noted by the health department in our comment was that some of the drainage work on the property is not in alignment with the requirements from that drainage easement itself prior to development approval on this property that would need to be re resolved.

1:08:44

So the, there's a Cosa side through public health and, and DEQ.

1:08:50

There's also the matter of, of the subdivision plat itself.

1:08:53

The, the, the county planning office has we, we can process what's called a, a adjustment to a, a final plat.

1:09:01

So there there are steps that would need to be be be be followed for that because that that drainage cheeseman is still in place and it would need to be either re reconfigured or designed around.

1:09:13

Is that a public easement or is it a private easement?

1:09:17

My understanding is it was planted as a public easement.

1:09:21

I can check that you guys have the ability to see if that easement has been properly.

1:09:31

I mean you can reroute it if for lack of a better term, if you see sufficient evidence that they are handling it in some other reasonable way.

1:09:40

Yes, by virtue of it being reviewed through subdivision that that was a minor sub two lots of it was platted and so it can be modified as needed if if deemed unnecessary and that the modification follows certain review criteria that we have in place through the subdivision regulations.

1:10:03

Thank you.

1:10:09

Great.

1:10:10

Nice job, Shane.

1:10:11

That answers a bunch of questions.

1:10:13

Anything else from board members before we entertain a motion?

1:10:22
All right.

1:10:24
Looks quiet from my side and Alicia or Matt, I guess.

1:10:34
Probably.

1:10:34
Matt, could you guys throw up the recommended motion please?

1:10:43
Yep, just one moment, don't worry.

1:10:59
One thing I'd also like to point out that I skipped over before, sorry, is that we do have a second public hearing scheduled that'll be March 13th with the Board of County Commissioners for a resolution of intent.

1:11:15
I can take a stab at this, Sean, if you're OK with that.

1:11:18
Yes, please do.

1:11:20
I'm gonna modify it slightly, but I've moved to recommend approval to the request to amend the zoning condition for property located at 9772 Waldo Rd.

1:11:33
legally described as Lot 1 of Den Blacker Subdivision.

1:11:38
Based on the application, public testimony and the findings of fact, conclusions of law and and recommended modification in the staff report.

1:11:48
Motion made by Shane.

1:11:50
Do we have a 2nd?

1:11:51
I'll second.

1:11:53
Seconded by.

1:11:54
Was it that tune?

1:11:55
Yep.

1:11:57
OK.

1:11:58
Seconded by tune.

1:12:01
All right, folks, the floor is open.

1:12:04
Anybody want to lead us out?

1:12:15
Cold feet?

1:12:16
New Year.

1:12:17
Everybody's forgotten how to, I can get it started.

1:12:24
I've already talked too much here, but I, I think my questions have been answered sufficiently.

1:12:32
It seems like you guys have done enough to convince me that you're going to be thoughtful about the design and that there's enough checks and balances within the review process and the, the county feels comfortable with the, with the process moving forward.

1:12:51
So I feel confident that we'll end up with something that is in the public interest here and and in the and hopefully in the developers interest.

1:13:03

So appreciate you guys coming in and appreciate the hard work math.

1:13:06

Thank you.

1:13:12

Yeah, I guess I'll go ahead and jump in real quick.

1:13:15

And you know, I think mostly I'm going to echo Shane, you know, a lot of my questions were, you know, around the water issue.

1:13:28

And it feels to me like staff and the representatives are are making a good effort to address that issue.

1:13:40

And I think any of the other questions that, you know, were brought up by Shane or the public also seem to be in line to be addressed later on in the process or now and then.

1:13:58

You know, the one other concern, and maybe my, my biggest concern about this motion was, or this motion's fine was something raised by Josh as well, is that, you know, are we creating an undue precedent by, you know, kind of addressing 1 little thing?

1:14:24

Because this is very nuanced, right?

1:14:27

And it, it, it doesn't seem that way.

1:14:29

I think I think Matt did a good job in demonstrating that this is, you know, necessary because it is so unique other than the property to the, the West that is the, you know, in a similar circumstance.

1:14:46

So we may see it again, it doesn't seem likely in our current form, you know, because it's not going to be developed.

1:14:53

But I, I am inclined to approve this at the time, at this time as well.

1:15:05

We are work online.

1:15:07

Rick, go ahead.

1:15:10

Let's see if I can unmute myself.

1:15:12

I'm a little ***** because I've got a cold, not COVID, but just cold.

1:15:19

Yeah, it's kind of unusual thing before us because I normally would like to see a storm water management plan and those things, but we're being asked to allow a different way to mitigate it than originally approved.

1:15:34

And that all gets dealt with in the plat process of whatever they decide to put there.

1:15:41

So, yeah, I, I, I would agree that, you know, I I'm in favor of it as well.

1:15:49

We're just asking that they find a different way to mitigate the issues that they have.

1:15:53

And, you know, it'll get dealt with when when the plat finally comes forward.

1:16:00

So I'm good with it.

1:16:04

Great.

1:16:04

Thank you, Rick.

1:16:05

Hope you feel better soon.

1:16:08

Anybody else want to jump in there?

1:16:16

Yeah, I can go.

1:16:17

I mean same kind of the, the ongoing theme I guess was, was just the water mitigation and and the flood mitigation and that that's kind of what precipitated my question about the FIS zone and whatnot.

1:16:28

But it sounds like you guys haven't adjusted well.

1:16:30

I feel pretty good.

1:16:31

So I think I'm good.

1:16:34

Great.

1:16:35

Thank you, James.

1:16:44

Anybody else got two cents or maybe just a penny?

1:16:51

Go ahead, Josh.

1:16:54

Yeah, I just echo what my colleagues have said.

1:16:57

I plan to support the motion.

1:16:59

Very good.

1:17:00

Thank you, Josh.

1:17:05

Anybody else feel like making your thoughts known?

1:17:22

This is definitely awkward doing cheering from home.

1:17:25

I don't like it.

1:17:29

All right, I'm not.

1:17:30

I'm not seeing anybody else looking to add their perspective.

1:17:38

Give y'all one more moment or here and then we'll we'll go ahead and move to a vote.

1:17:50

All right, not seeing anybody.

1:17:52

And Alicia, can we get a roll call vote, please?

1:17:56

Roll call vote.

1:17:57

Lynn Davis, yes.

1:18:04

Shane Morrissey, Yes.

1:18:08

Toon Farm, yes.

1:18:11

Danny Tannenbaum, yes.

1:18:14

Josh Schrader, Yes, Recall.

1:18:22

Oh, yes.

1:18:24

James Fountain, yes.

1:18:27

Sean McCoy, yes.

1:18:30

And it is unanimous.

1:18:32

The motion passes.

1:18:33

All right, very good.

1:18:36

Thank you, folks.

1:18:37

Thank you, Matt.

1:18:39

Appreciate your hard work, you and the rest of staff's efforts on this one and we will go ahead and move.

1:18:50

Give me a second.

1:18:51

I got to jump over on my computer here, see if I can do this a little better.

1:18:56

Move to our second hearing for this evening.

1:18:58

The rezone of 2130 Dash, 2136 Eaton St.

1:19:04

and 2252 to 2258 W Central Ave.

1:19:10

from RM 2.7 residential multi dwelling to RM1-35 residential multi dwelling.

1:19:19

And that will be presented to.

1:19:21
Oh, Dang it.

1:19:22
It's not on here.

1:19:24
Kristen, I'm sorry I don't have your title and everything.

1:19:28
That's OK.

1:19:29
I was going to tell you anyway.

1:19:31
So it's all yours.

1:19:34
Take it away.

1:19:35
Great.

1:19:36
Thanks.

1:19:36
Thanks, everyone.

1:19:38
My name is Kristen Spatafore.

1:19:40
I'm an associate planner with the City of Missoula Development Services, Division Development Services.

1:19:46
Oh, first of all, can you see my screen?

1:19:49
Yes, we I can.

1:19:50

Great, Wonderful.

1:19:53

Development Services has received a request from MS-22 LLC, represented by Montana Northwest Company, to rezone the property located at 2130 to 2136 Eaton St.

1:20:06

and 2252 to 2258 W Central Ave.

1:20:12

The applicant requests a rezone of the property from RM 2.7.

1:20:17

Residential multi dwelling to RM135 Residential multi dwelling.

1:20:23

This rezoning, if approved, will result in a standard zoning district under Title 20 which cannot be conditioned.

1:20:31

Standard zoning districts must apply the same requirements to all parcels within the same zoning district equally.

1:20:43

The subject property is located at 2130 Dash 2136 Eaton St.

1:20:49

and 22522258 W Central Ave.

1:20:54

on the northeast corner of Eaton Street and West Central Ave.

1:20:59

This location is within the Franklin to the Fort neighborhood and City Council Ward 5.

1:21:06

The property is located within a within an established service area for Missoula Hospitals, city Fire and Police departments.

1:21:19

Here's a closer view of the parcel outlined in red.

1:21:22

The subject property is approximately 11,925 square feet in size and is developed with two fourplex residential buildings.

1:21:34

The subject property is surrounded by single detached dwelling units to the South, East and West and two unit house or duplex and single detached dwelling units to the north.

1:21:50

The applicable regional plan is the Our Missoula 2045 Land Use Plan approved on December 16th, 2024.

1:21:58

Shown here is the newly adopted place type designations with the subject property start.

1:22:06

The newly adopted land use plan indicates the RM1RM8, RM 1.5, RM 0.5, B, 1 and B2 districts as current relatable zoning districts within the urban residential high Place type.

1:22:24

These zoning districts are residential and neighborhood commercial districts that permit all residential building types as well as a variety of commercial uses.

1:22:37

Here's the current zoning map with the subject property outlined in red.

1:22:41

The subject property is zoned RM 2.7 Multi Dwelling Residential.

1:22:49

Shown here is the proposed zoning map with the subject property outlined in red.

1:22:53

The applicant request to rezone from RM 2.7 Residential Multi Dwelling to RM1-35 Residential Multi Dwelling.

1:23:03

The proposed RM135 zoning district complies with the current land use plan as it is a relatable district to the Urban Residential High Place type designation.

1:23:14

The current RM 2.7 zoning is not consistent with the Place type designation.

1:23:20

The surrounding RT 5.4 zoning is also not consistent with the corresponding Urban Residential High Place type designation.

1:23:33

The 2045 Land Use Plan calls for a focused inward approach to encourage infill development in the urban core where infrastructure already exists, and promotes mixed used compact development and enhanced connectivity while limiting sprawl and promoting efficient use of existing infrastructure.

1:23:52

The proposed RM135 zoning would increase density in an area with existing infrastructure.

1:24:00

A bus stop serving Mountain Line Route 2 is located approximately 0.3 miles east of the subject property, and Mountain Line Route 8 is within 0.2 miles.

1:24:13

There are sections of sidewalk along West Central Ave.

1:24:16

and on Eaton Street, especially to the South approaching S Avenue and to the east approaching Johnson St.

1:24:23

adjacent to the subject property.

1:24:25

Pedestrian pathways are absent.

1:24:30

The Bitterroot Trail Shared Use Path, a city maintains shared use path that provides access to the downtown and other parts of Missoula, is located approximately .4 miles east of the property and can be accessed by traveling east along West Central Ave.

1:24:47

Rail Link Park is approximately .227 miles to the east of the property.

1:24:52

Franklin Park is approximately .8 miles to the north of the property.

1:24:58

The subject property is served by City water and sewer services.

1:25:02

New structures will be required to connect to City water and sewer at the time of development and the parcel is currently served by City fire and police.

1:25:13

Here is a comparison between the existing and the proposed zoning districts.

1:25:18

Both the RM 2.7 zoning district and the proposed RM135 district allow the same residential building, types of detached house, lot line house, 22 unit, 3 unit, townhouse, duplex, multi dwelling house and building.

1:25:35

The existing RM 2.7 zoning district, which has a minimum parcel area per unit of 2700 square feet, would allow up to four dwelling units on the subject property.

1:25:47

In the proposed RM135 zoning district, the minimum area per unit is 1000 square feet, so this size property would allow up to 12 dwelling units.

1:25:59

Both the existing RM 2.7 zoning district and the RM135 zoning districts have the same set back requirements.

1:26:07

A front and rear set back of 20 feet.

1:26:09

5 feet on the interior side, 10 feet on the street side.

1:26:14

The maximum building height permitted in RM 2.7 is 30 or 35 feet, depending on the roof pitch, and the maximum building height permitted with the proposed zoning is 35 feet.

1:26:31

The proposed RM135 zoning district would allow the additional permitted uses provided in Title 20, Table 20.05, Dash 1.

1:26:41

Some of these include college, fraternity and sorority office, personal improvement service and residential support services.

1:26:53

Staff's recommendation is based on the review criteria provided in the Title 20 Zoning ordinance.

1:26:59

The proposed rezoning is consistent with the Land Use Plan's vision for the development of a diverse, equitable and resilient housing system.

1:27:08

The subject property is served by water, sewer, motorized and non motorized facilities.

1:27:13

The rezoning considers the effect on motorized and non motorized transportation systems because the property is within the Missoula Urban Transportation District, is served by public transit, is located near Johnson Street where active transportation infrastructure exists, and is located approximately .4 miles from the shared use path.

1:27:34

Urban residential high place types are identified as areas within the core of the community and where city services and infrastructure are readily available to prevent sprawl into sensitive and constrained lands.

1:27:46

The rezoning promotes compatible urban growth because it helps to implement the focus inward approach of the Land Use plan and allows for increased dwelling units where services and infrastructure already exist.

1:27:57

The rezoning will promote public health, public safety and the general welfare by providing for residential uses in an area with access to public water, sewer, emergency services, streets, schools and other urban services.

1:28:12

The rezoning to RM135IS suitable for the subject property and considers the character of the district because it is a current relatable zoning district for the lands within the urban residential high place type.

1:28:24

RM 35135 is a residential zoning district consistent with the surrounding residential districts and uses.

1:28:33

The rezoning is in the best interest of the city because the rezoning implements the recommendations of the land use plan for areas designated within the urban Residential high place type.

1:28:43

The current zoning is not a current relatable zoning district.

1:28:50

With that, staff's recommendation is that Planning Board recommends to City Council adoption of the ordinance to rezone the subject property located at 2130 to 2136 Eaton St.

1:29:01

and 2252 to 2258 W Central Ave.

1:29:05

from RM 2.7 residential multi dwelling to RM1-35 residential multi dwelling based on the findings of fact and conclusions of law in the staff report.

1:29:17

And this concludes my presentation.

1:29:19

I'm available to answer any questions.

1:29:22

Thank you.

1:29:23

Great, thank you, Kristen.

1:29:25

Great, great presentation.

1:29:27

Oh, that was a shot of a dog there.

1:29:30

I think that was a dog.

1:29:31

Was that a dog or a cat?

1:29:32

Cute either way.

1:29:35

Is any, is there a representative, anybody else that wants to speak?

1:29:41

That's part of this plan tonight.

1:29:44

Looks like we do have a presentation in house.

1:29:49

OK, great.

1:29:50

Just introduce yourself, Sir.

1:29:52

Good evening members of the planning Board, Ken Jenkins with Montana Northwest Company representing the property owner.

1:30:02

First, thank you to Community Planning and Kristen for assistance getting to this point.

1:30:11

I think you all just heard the justifications this actually is a better fit of zoning to what the growth plan calls for.

1:30:26

And I, I think Kristen did a good job of clarifying those issues that this meets the criteria for approval.

1:30:39

I would just briefly give you a couple of practical reasons that I think this is a good idea.

1:30:48

If you've seen this property, the two fourplexes are a single level.

1:30:54

It's not your typical dollar building.

1:30:57

It almost looks like, and they're old.

1:31:02

They almost look like perhaps back in the day it might have been a motel type look.

1:31:08

And so one of the things that rezoning this will allow right now there's very little that you can do with the property because of the non conforming status of what is already on the property going to the the zone 1-35RM1-35.

1:31:34

The big thing there that changes is the allowable density.

1:31:40

So then we go from a non conforming density as the property exists now to a conforming density.

1:31:48

The the two fourplexes could be separated it, the rezoning will add value to the property, which in turn I believe incentivizes a fix up of, of something that probably could use some improvement, whatever that means and and this will help facilitate that.

1:32:18

So for a, from a practical standpoint, in addition to what Kristen mentioned as far as a better fit for the growth plan and the neighborhood, I think it increases the chances of improvement to what's there.

1:32:36

And I'm open to questions if you have any.

1:32:40

Great.

1:32:40

Thank you, Ken, appreciate you being here this evening and available for four member questions.

1:32:47

Four members.

1:32:48

Does anybody have any clarifying questions for Kristen or Ken, anything that you need answered in regards to the presentation?

1:33:01

Hey, Sean, this is Danny.

1:33:03

I have a question for Kristen.

1:33:05

Kristen, these rezone applications where we're rezoning something to be compliant with the the new land use plan in the future, will they be done in house ministerially versus coming to a public hearing like this once you know, assuming the new we become a land use Plan act compliant city, I believe rezones will still require public hearing.

1:33:38

I don't believe they will become administrative.

1:33:46

So yeah, hopefully we and we are currently in the works of updating our zoning code.

1:33:56

So we will be trying to make the whole city compliant with our growth policy or much better.

1:34:05

Mary, did I get that right?

1:34:08

I believe so.

1:34:09

Mary McRae with City of Missoula Development Services.

1:34:13

We're, we're not there yet.

1:34:15

We just had a discussion about that today.

1:34:17

We'll be, we will be complying with the new Montana Land Use and Planning Act and we were just going over what some of the changes in the processes are.

1:34:29

I know a lot of the subdivisions will be administrative and it'll be appeals if there's an appeal to the decision on the subdivision.

1:34:38

I have to, I, I thought I read that rezonings will stay with a public hearing now, so that I'll have to look into that.

1:34:47

We don't know yet.

1:34:49

Thank you.

1:34:51

Yeah.

1:34:52

I think if I could add my two cents, I think the the big hope is that when we finish like the rezone and you know, like these won't be cropping up nearly as much.

1:35:05

I think that's that's my hope.

1:35:07

Right.

1:35:10

OK.

1:35:10

Anybody else, any board members got any questions that you need to have answered from staff or Ken Jenkins there in house?

1:35:25

Go ahead, Mary.

1:35:27

I just have one clarification.

1:35:28

You're correct, Sean.

1:35:29

When we when we adopt the new code, we'll be mapping the city per the new code.

1:35:36

So these individual rezones should be less likely.

1:35:42

Yes, fingers crossed.

1:35:48

OK.

1:35:48

Anything, anything Board members.

1:35:53

Yeah, just this is tune just to build on that, this line of questioning, just for clarification, there's going to be a bunch of these, I'm sure until the new code is established and adopted.

1:36:05

So as a matter of process, if the new zoning that is selected for this area is turns out to be of higher

density, for example, would the property owner be given the opportunity to adopt the new zone or because of this process, they would be stuck with whatever we approved today or not?

1:36:31

I'll take a stab at this.

1:36:34

So they will.

1:36:38

If this gets approved, they will have the new zoning as it exists in Title 20.

1:36:46

We are currently updating our zoning code and that means the the zoning district names will change as well.

1:36:53

We don't know what the requirements of each of those districts will be, but it will align with the place type designation which is asking for a higher density.

1:37:09

So it it will align with most likely the RM135 because the R135 currently is our relatable zoning district for that place type whether the applicant.

1:37:25

So our goal is that the applicant won't need to rezone again that it will match what they are trying to do.

1:37:33

But that's we don't have the specific districts picked out in the requirements for those yet.

1:37:43

Great, thank you.

1:37:44

And if I could just add the, the areas currently zoned RM135 will have a new zoning designation per the new plan when the code is adopted.

1:37:55

So they won't, they will the new zoning will apply to this property in the future when that code is adopted.

1:38:05

Thank you.

1:38:12
OK.

1:38:12
Anybody else?

1:38:20
All right.

1:38:22
Next part is public comment.

1:38:27
Anybody got any questions?

1:38:28
Just making sure before we move on.

1:38:35
OK, let's go ahead and open it up to public comment for this particular hearing on Eaton.

1:38:43
And Dang it, I keep looking at my agenda that I have printed out and that's not the right agenda.

1:38:51
Eaton and Central Ave.

1:38:53
And if you are joining us at home or via some other app and need to call in remotely, you can do so at 406-272-4824, phone conference ID 127489322# Press *5 to raise your hand to be recognized for public comment.

1:39:16
Press *5 again to lower your hand, *6 to mute and unmute yourself.

1:39:22
And with that, you guys got anybody in the house looking to make public comment?

1:39:30
No.

1:39:32
OK, well, we'll just hold this open here for a moment and see if we've got anybody joining us online.

1:41:02

OK, Well, am I missing anybody, Alicia?

1:41:08

No.

1:41:10

OK.

1:41:11

And I take it nobody's ran into the room there and demanded to get up speak.

1:41:19

Nope.

1:41:20

All righty.

1:41:21

OK, Well, I guess there was a wasn't there a public comment with this one in the packet?

1:41:29

I believe.

1:41:33

So ideally everybody got a chance to look at that and that's about me done dragging my feet.

1:41:41

So we will go ahead and close public comment which can unless, unless we've got some other questions from board members, we can go ahead and entertain a motion.

1:41:56

And Kristen, if you could put up your recommended motion, that would be great.

1:42:06

All right, Anybody want to take a stab at that?

1:42:13

I'll go for it.

1:42:16

The Planning Board recommends City Council adopt an ordinance to rezone the subject property located at 2130 and 2136 Eaton St.

1:42:24

and 2252 to 2258 W Central Ave.

1:42:29

and legally described as Lots 19 to 21 in Block 18 of Caroline Addition Subdivision located in Section 29 Township 13 N, Range 19 W PMM from RM 2.7 residential multi dwelling to RM1-35 residential multi dwelling based on the findings of fact and conclusions of law in the staff report.

1:42:52

Great, thank you, Danny.

1:42:54

Do we have a second?

1:42:59

I'll second, seconded by Tung, Which brings us to board discussion.

1:43:07

Anybody want to lead us out?

1:43:10

We need to have a lot of discussion.

1:43:13

I'll take a crack at it, Sean, if I could.

1:43:16

Please go ahead.

1:43:17

Thanks, Sean.

1:43:19

I think normally the agenda items that come before this committee involve subdivision request or rezonings involving properties that are located in riparian areas or the wildland urban interface or steep slope somewhere on the outskirts of town.

1:43:36

This is not that.

1:43:37

This is a urban property that's located walking distance to multiple bus lines, Community Hospital, Southgate mall, schools, shopping, restaurants.

1:43:52

And to me I mean, and I'm guessing this is true for others like this is a pretty easy decision to rezone this property.

1:43:59

The only thing I want to say is just as much as good as it was to see Ken come in and city planners coming in.

1:44:07

Like I personally think that these types of rezones where people are coming in asking for zoning that complies with the growth plan, it should be done administratively and it shouldn't require a public hearing.

1:44:19

It should just involve going into development services and and making an ask because what this application is for is for exactly what Missoula needs right now, which is infill housing.

1:44:33

I wish that we, you know, all urban parcels in Missoula, especially in the urban part of Missoula, see proposals like these or or many of them in the future.

1:44:46

It's exactly what we need.

1:44:47

And we're sort of suffering right now for lack of projects and proposals like these.

1:44:52

So that's my little rant.

1:44:54

I I'm definitely going to vote yes on this.

1:44:56

OK, Thank you, Danny.

1:45:00

Anybody else?

1:45:01

Oh, Josh, I'll shear your hand up Tiny.

1:45:06

I agree with Danny.

1:45:07

I mean, I think the proposal supports the goals of, you know, encouraging infill.

1:45:11

It's going to provide some more diverse options in the area, makes use of existing infrastructure.

1:45:19

We kind of glossed over are some minor challenges though.

1:45:22

You've got some parking and pedestrian pathway issues.

1:45:24

You don't have sidewalks right there immediately adjacent to the parcel.

1:45:29

So I don't know if that's going to happen with, you know, any redevelopment that may occur on the site.

1:45:34

But yeah, I mean, it brings the property into compliance and with the growth policy and I'll be supporting it.

1:45:46

Great.

1:45:46

Thank you, Josh.

1:45:47

Good observation.

1:45:48

I hadn't noticed that there wasn't sidewalks here.

1:45:52

It's very common in, well, I guess it's Ward 5 now.

1:46:01

Anybody else I can, I can throw my two cents in here.

1:46:12

You know, overall I agree with both Josh and and Danny.

1:46:18

I, I intend to support this.

1:46:20

I, I guess maybe Danny, we can have a conversation in the future because I, I guess I don't know how they would parcel out whether or not, you know, this goes administratively, But you know, I, I like to see rezones stay public purview and lots of opportunity for the public to be involved.

1:46:42

You know, see a trend up at the state of trying to curb public involvement and that, that makes me personally nervous.

1:46:50

And the, you know, the one piece I will add for staff and primarily because I haven't gotten an opportunity to like, you know, like get at this particular piece.

1:47:03

And the, and the one thing that we see with these types of rezones and then redevelopments in these taller, much taller buildings is the side interior set back of five feet.

1:47:17

And what we end up having is a 35 foot building, 5 foot off of somebody's fence line that looks right into there like bathroom window.

1:47:27

And that is something that I would love to see us working on within the new zoning code update and giving us the flexibility to change our setbacks around a little bit.

1:47:42

And the, you know, like when I talked about when I always talk about the zoning code update, flexibility is the word I use all the time.

1:47:51

And I think this is another prime example of us being able to have the ability to recognize that it is extremely disruptive.

1:48:01

And perhaps one of the biggest complaints that community members have is when a 35 foot, you know, like apartment goes up five foot off their fence line and how invasive that feels to people.

1:48:18

And, and that is I think a a really important piece that staff will hopefully get to work on with this zoning code update.

1:48:27

And, and this is actually something that I have yet to, you know, like put a voice to.

1:48:32

So I wanted to take that opportunity to do that tonight.

1:48:37

Otherwise, you know, I agree 100% as far as like we need this.

1:48:44

And Ken was right, you know, I bicycle buy this.

1:48:48

This is, you know, definitely an older building, dilapidated and it might be a way to put it and I think it will do the neighborhood and the, you know, property values of great good service by, you know, redevelopment and that is all I have.

1:49:06

Lynn, go ahead.

1:49:12

OK.

1:49:12

I had a question to the planners about the parking.

1:49:16

So it says the parking that's there now will go away.

1:49:22

The non compliant parking will be lost but the city will grandfather in parking.

1:49:30

So what does that mean?

1:49:33

So currently the parking is not totally within the property so it is currently non compliant and if the buildings stay as they are then the parking can still exist as it is.

1:49:55

If they go to remodel the building or add another building that is when the parking will need to be.

1:50:06

Any new parking will need to be brought up to compliance.

1:50:13

OK.

1:50:15

I just I don't know what the parking is.

1:50:17

So it's whatever is compliant with the zoning?

1:50:22

Yes, and depending on what happens there, the part off street parking requirements could vary.

1:50:32

So if it's a multifamily or a duplex, there are parking based on the size of the dwelling unit.

1:50:39

It it could be one to two spaces per dwelling unit.

1:50:43

It could be less if it was a larger multifamily building.

1:50:52

So yes, at this point there are 8 legal non conforming parking spaces.

1:51:03

OK, thank you.

1:51:06

That's my question.

1:51:10

Great.

1:51:10

Thank you Lynn.

1:51:13

Anything else from board members before we move to a vote?

1:51:25

OK.

1:51:25

Am I missing anybody in house?

1:51:29

No.

1:51:30

OK.

1:51:31

All right.

1:51:32

And Alicia, will you give us a roll call vote, please?

1:51:35

Roll call vote.

1:51:37

Lynn Davis, Yes.

1:51:41

Shane Morrissey, Yes.

1:51:45

Toon Farm, Yes.

1:51:48

Danny Tenenbaum, Yes.

1:51:50

Josh Schrader, Yes.

1:51:55

Recall.

1:51:57

Yes.

1:51:59

Jim Spartan, yes.

1:52:01
Sean McCoy, aye.

1:52:04
And it is unanimous.

1:52:06
The motion passes.

1:52:09
Great.

1:52:10
Thank you and Alicia, and thank you, Christian.

1:52:14
Job well done.

1:52:16
Also appreciate you being here.

1:52:17
Mary, answer questions.

1:52:21
Thank you.

1:52:24
And with that, we close out our public hearings for this evening.

1:52:32
Do you guys wanna take a a little break?

1:52:36
RIP.

1:52:36
Do you need a little break before we move into this next?

1:52:41
It should be.

1:52:42

I'm anticipating it being brief, but we do we do have to do election of officers.

1:52:51

I'm good.

1:52:52

OK.

1:52:53

All right, thank you.

1:52:55

OK, so communication, special presentations.

1:53:00

None, two.

1:53:01

We got any committee reports?

1:53:03

There was a meeting today, but unfortunately I couldn't make it.

1:53:05

So no report.

1:53:07

OK.

1:53:08

All right, we'll look for updates next month.

1:53:13

Any old business board members?

1:53:19

All right.

1:53:20

Oh, Josh, go ahead.

1:53:22

Yeah, I just wanted to mention that there's going to be a community gathering opportunity for feedback on the plan for the, I think it's low load of Florence Highway 93 project.

1:53:35

So everybody you know, lives in that area or knows people in that area, let them know to come out and let their voice be heard.

1:53:45

When is that Josh?

1:53:46

It, I believe it's tomorrow at the Lolo School.

1:53:52

I'm just trying to find the e-mail.

1:54:08

I usually get all those, but yeah, an open house.

1:54:12

There's going to be two open house meetings, Wednesday the January 22nd and Thursday the 23rd from 4:00 to 7:00 PM at the Lolo School.

1:54:21

OK, great.

1:54:23

I will.

1:54:25

I got some folks that I know might want to attend that.

1:54:27

I'll let them know anything else before we move on to elections.

1:54:38

All right, new business elections of officers.

1:54:44

It is the first meeting of the year.

1:54:46

So we have our normal election of officers and you know, in the pre meeting we discussed a little bit about whether or not, you know, like things are going to probably shift say in six months, maybe a little longer depending on how the city goes.

1:55:06

Usually the city's a little slower than they like to be.

1:55:08

So we could be doing this a little longer than we think.

1:55:13

Does anybody want to, we can start with president, does anybody want to jump into the President's role or nominate or put your hand up and we can nominate.

1:55:26

I guess I will say that I I'm open to continuing to fill the role.

1:55:39

I'll nominate you, Sean.

1:55:45

Alrighty.

1:55:47

I duly accept that nomination.

1:55:52

Do we have a second?

1:55:55

Do we need a second?

1:55:56

We need a second.

1:55:57

Right.

1:55:59

All seconds of June.

1:56:02

OK, seconded by.

1:56:04

Well, I heard Danny, I'm not sure who the other one was.

1:56:08

All right, we'll.

1:56:09

Oh, Rick.

1:56:10

Thank you, Rick.

1:56:11

Seconded by Rick and Danny.

1:56:13

We'll just do an up and down vote on this one.

1:56:17

All those in favor of Sean McCoy being elected president of the Planning Board for whatever seeable future say aye aye, aye aye aye.

1:56:33

Hey, I get a vote for myself.

1:56:35

Sorry, I probably shouldn't have said that.

1:56:38

Any opposed say nay.

1:56:41

Any abstentions hearing?

1:56:45

No nay votes and no abstentions.

1:56:48

Vote passes unanimously.

1:56:52

So much for my hopes of a coup.

1:56:57

All right, which brings us to the vice president's position.

1:57:03

Is there anybody out there with a burning desire to be in the vice president's role?

1:57:09

I can.

1:57:10

I'll go ahead and let the cat out of the bag.

1:57:12

Shane and I, we feel all right with the current set up.

1:57:17

So if if nobody wants that has some burning desire to jump into that position, I would entertain a Dang it.

1:57:36

I nominate Shane Morrissey to continue in the role of vice chair.

1:57:42

Thank you, Tune for your nomination of Shane Morrissey to Vice Chair.

1:57:48

Do we have a 2nd?

1:57:49

I'll second it, Rick.

1:57:52

Seconded by Rick and we'll do another up and down vote.

1:57:57

All those in favor of Shane Morrissey for Vice Chair, please say aye, aye, aye.

1:58:06

All those opposed, please say nay.

1:58:09

Any abstentions, I'll abstain.

1:58:13

Nay.

1:58:13

Oh, you're going to abstain?

1:58:17

Very good hearing.

1:58:18

No nays.

1:58:19

And in one abstention, the vote carries unanimously.

1:58:26

I probably should have done that too, but couldn't pass up the opportunity to vote for myself this time around.

1:58:35

All right, so that should bring us basically to the comments.

1:58:41

Do board members have any comments they'd like to make this evening?

1:58:51

OK, not seeing anybody looking to make any comments that adjourns our meeting for this evening.

1:58:58

Well done, folks.

1:59:01

Thanks for being here everybody.

1:59:03

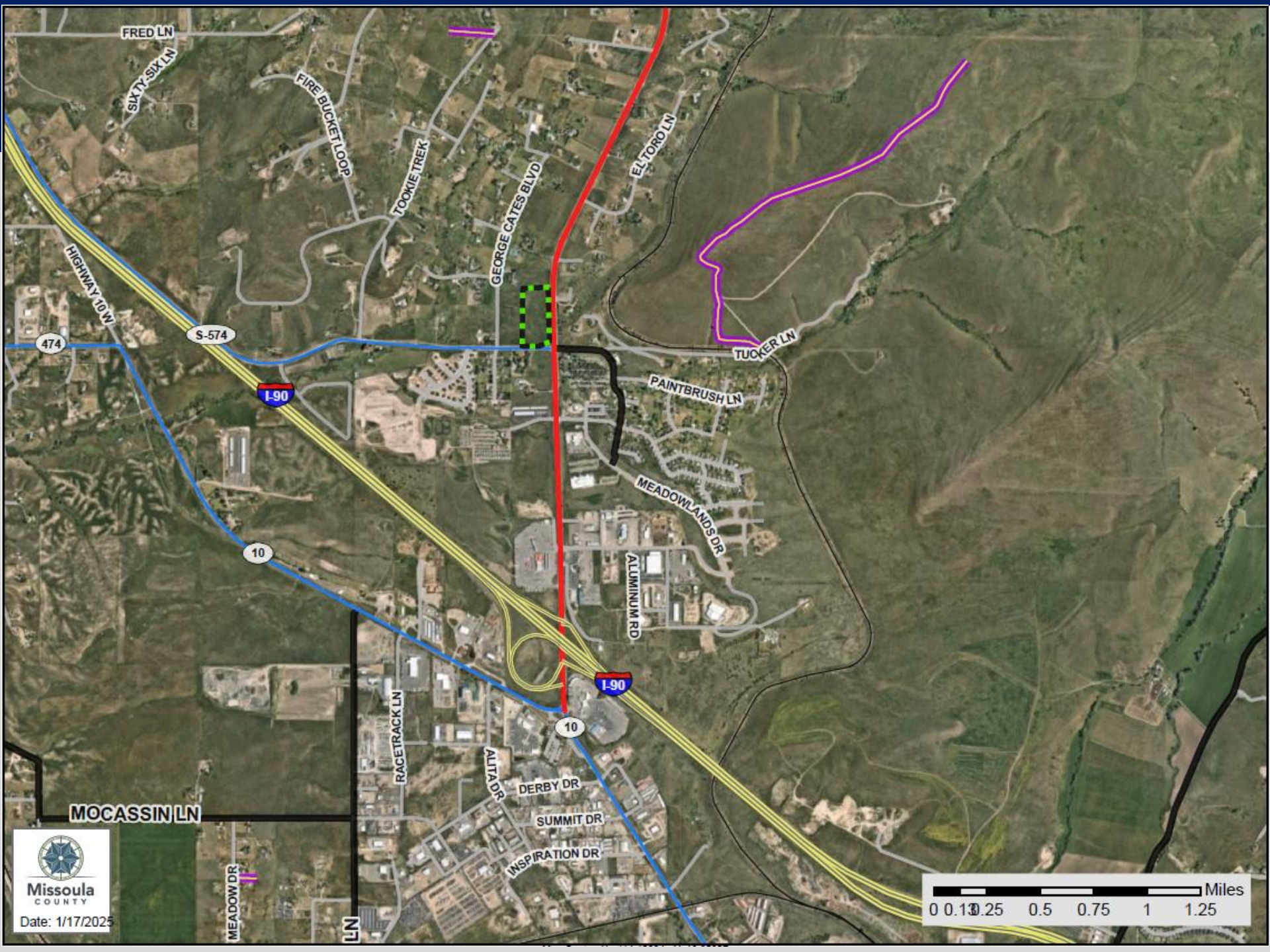
We'll see you next time.

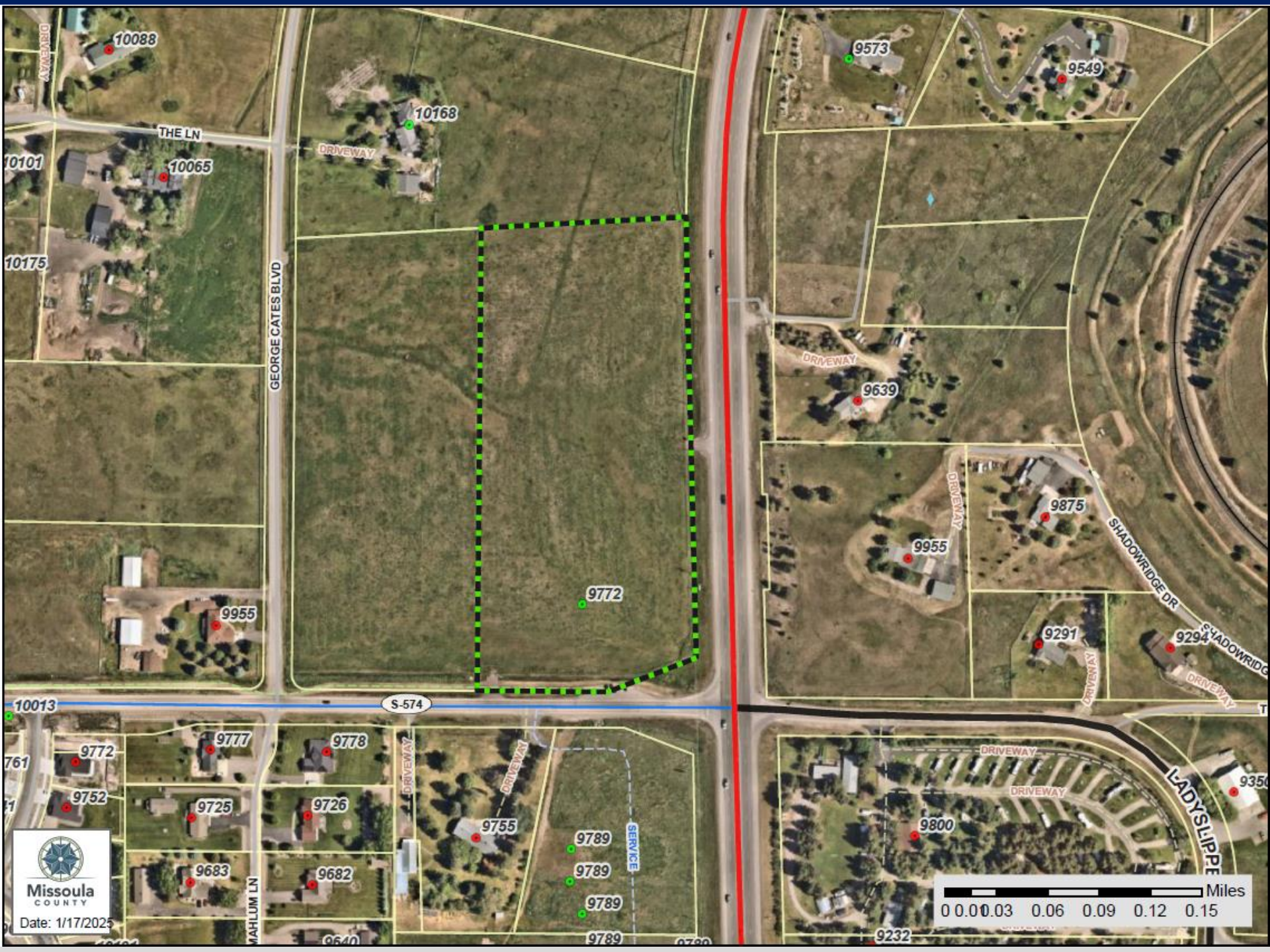
1:59:05

Thanks, Lynn.

**Zoning Amendment:
9772 Waldo Road
Denbleyker Subdivision, Lot 1**

**Public Hearing – January 21, 2025
Staff: Matt Heimel
Applicant: IMEG; TLK Properties**





10088

THE LN

10065

10101

10175

GEORGE CATES BLVD

DRIVEWAY

10168

9772

S-574

10013

761

9772

9777

9778

9752

9725

9726

9683

9682

9640

9755

9789

9789

9789

9789

SERVICE

9573

9549

DRIVEWAY

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9955

SHADOWRIDGE DR

9291

9294

SHADOWRIDGE DR

DRIVEWAY

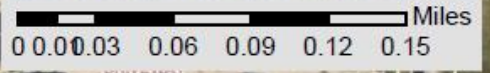
DRIVEWAY

LADYSLIPPE

9350

9800

9232



Rural Residential And Agriculture
(2019 Missoula Area
Land Use Element)

Commercial Center
(2019 Missoula Area
Land Use Element)

Working Lands
(2019 Missoula Area
Land Use Element)

Neighborhood Residential
(2019 Missoula Area
Land Use Element)



Missoula
COUNTY

Date: 1/17/2025

0 0.03 0.06 0.09 0.12 0.15 Miles



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17

AGRR 2

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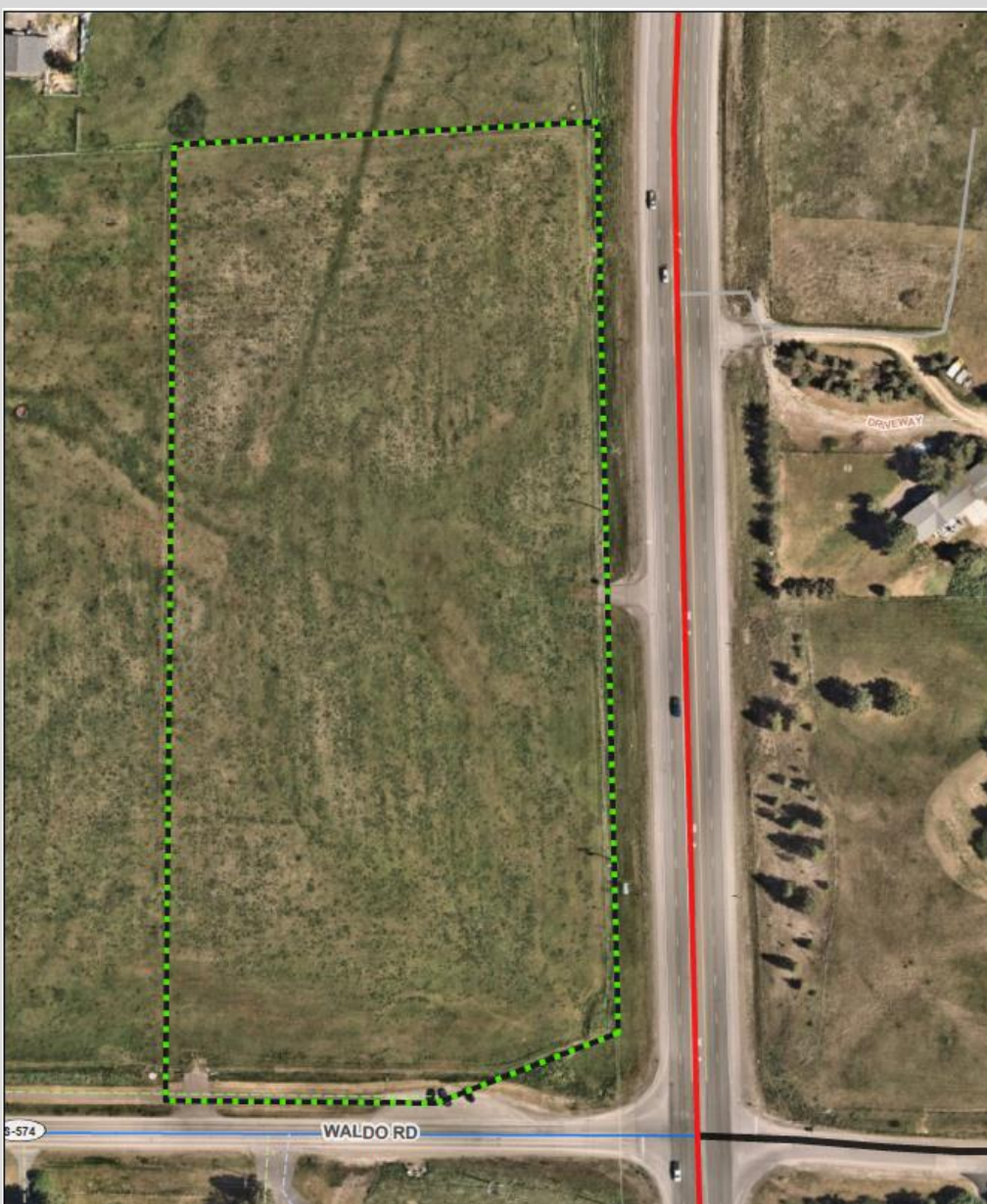
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20

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16



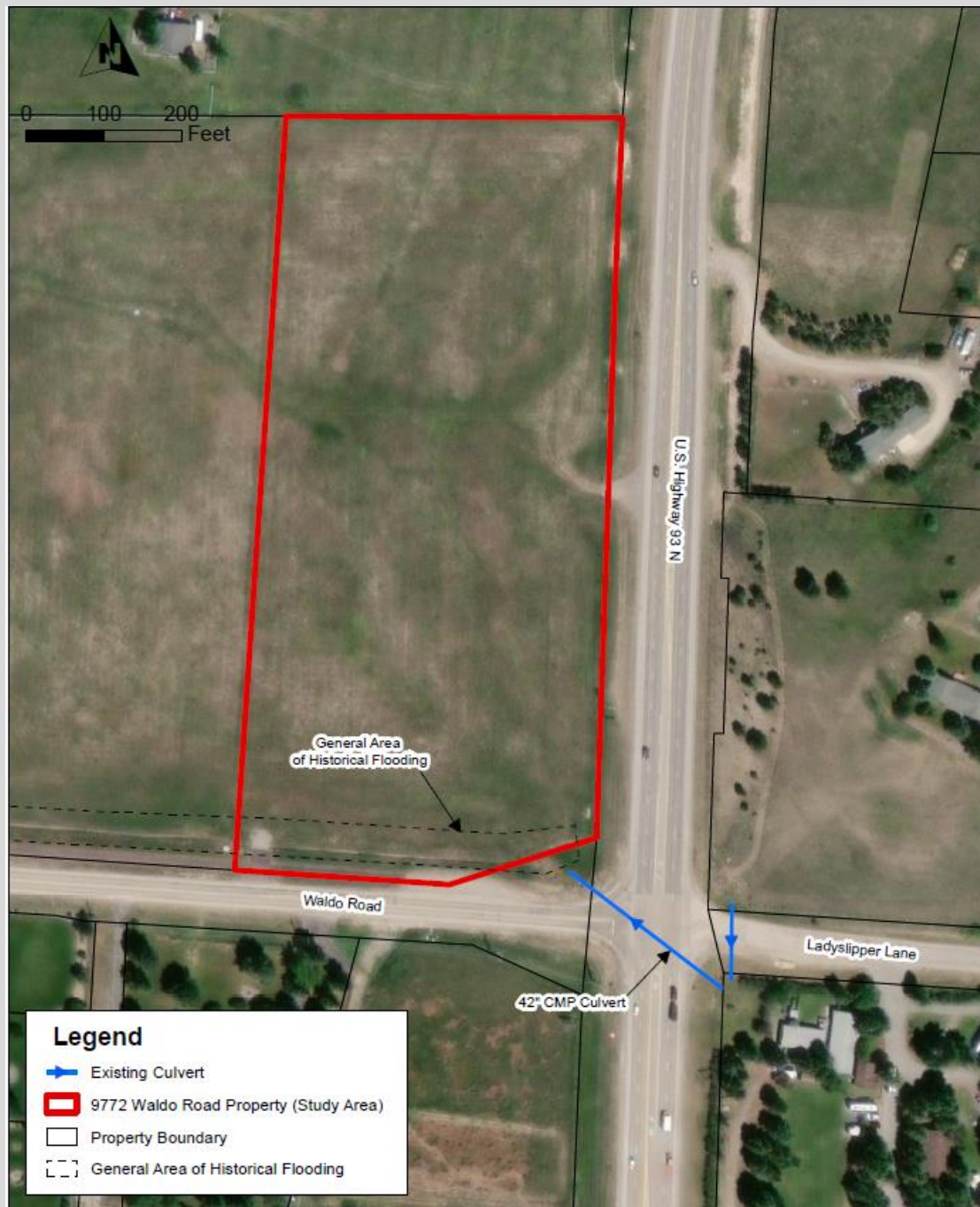


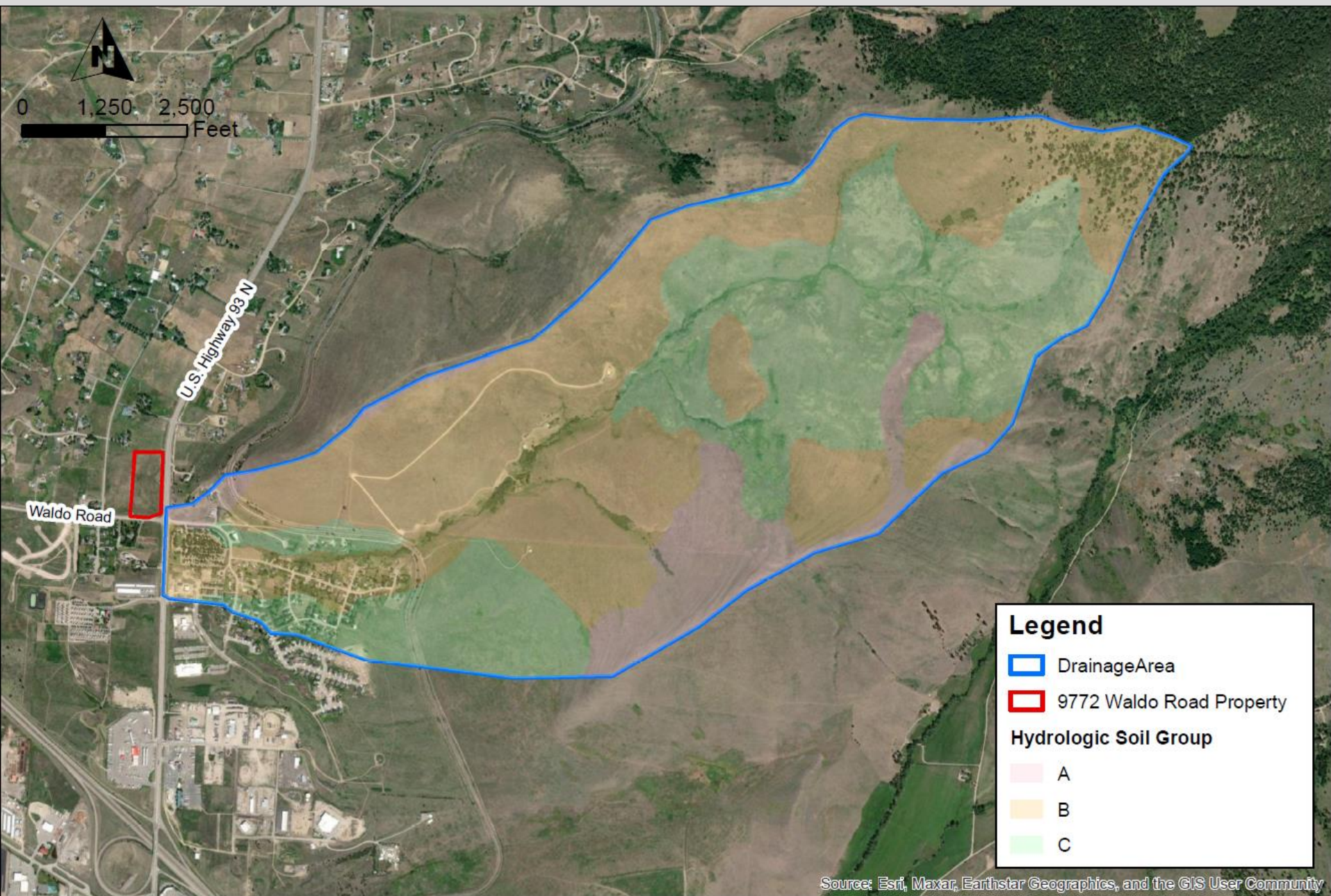
Current Zoning:

Commercial Center (CC),
Special condition to mitigate
flood hazards:

**“The construction of
basements is prohibited,
and the lowest floor and all
utilities including ductwork
shall be constructed a
minimum of 2 feet above
highest adjacent grade.”**







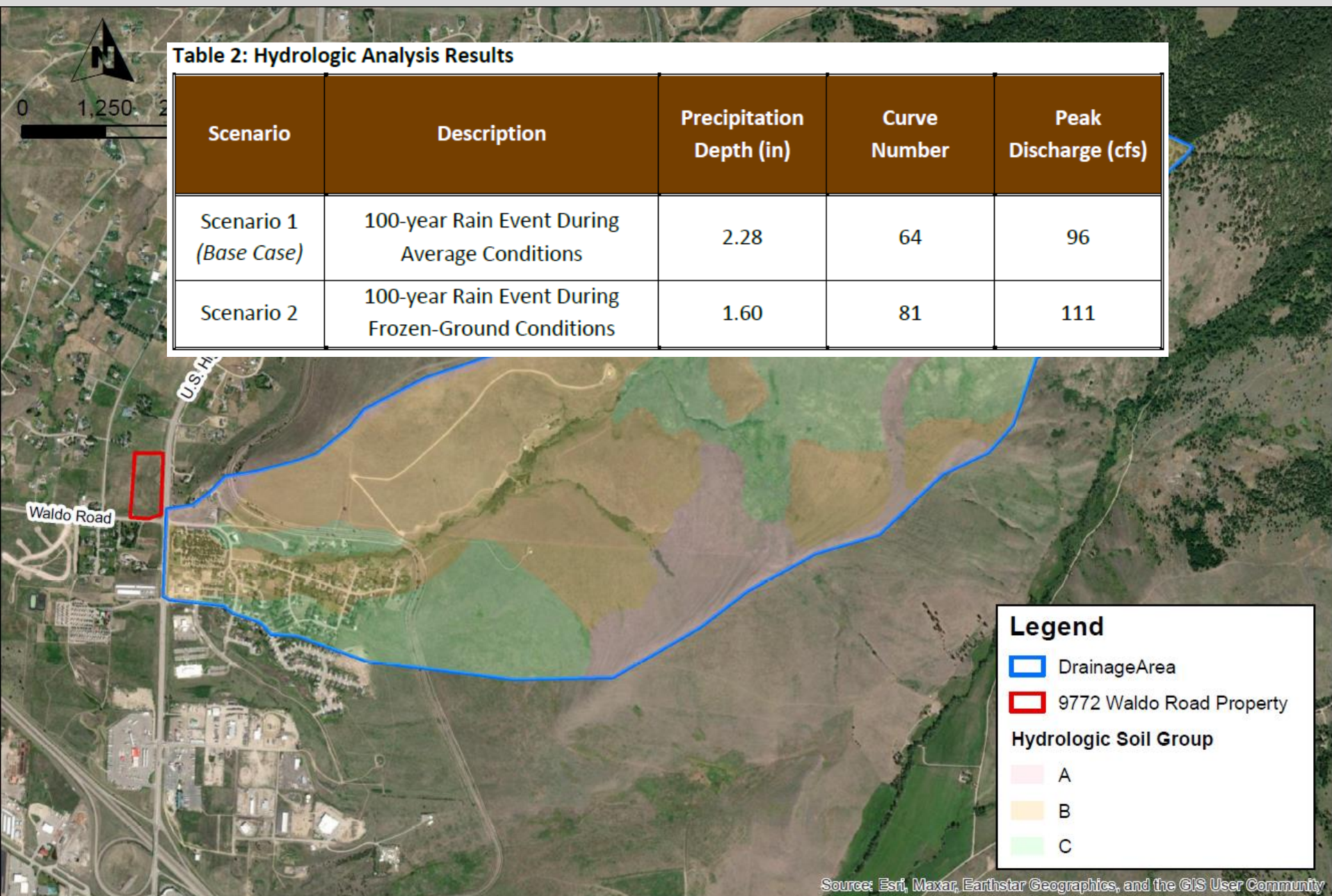
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Table 1: Summary of Hydrologic Modeling Scenarios

	Scenario 1 (Base Case)	Scenario 2
Precipitation Event	100-Year/24-Hour Non-Winter Event	100-Year/24-Hour Rain on Frozen-Ground
Precipitation Source	MDT Hydraulics Manual	National Center for Environmental Information
Weather Station Location	Missoula Airport Weather Station <i>(approximately 4 miles from the Property)</i>	Missoula Airport Weather Station <i>(approximately 4 miles from the Property)</i>
Precipitation Period of Record	1948 - 2013	1948 - 2023
Months Included in Precipitation Analysis	March - October	November - April
HEC-HMS Meteorological Model	Frequency Storm Based on Local Rainfall Data (MDT, 2022) ⁴	SCS Type 1 Hypothetical Storm ⁵
Curve Number Method	Unadjusted <i>(Average Ground Conditions)</i>	Adjusted <i>(Frozen Ground)</i>
Methodology Source	MDT, 2022	CWP, 1997

Table 2: Hydrologic Analysis Results

Scenario	Description	Precipitation Depth (in)	Curve Number	Peak Discharge (cfs)
Scenario 1 (Base Case)	100-year Rain Event During Average Conditions	2.28	64	96
Scenario 2	100-year Rain Event During Frozen-Ground Conditions	1.60	81	111

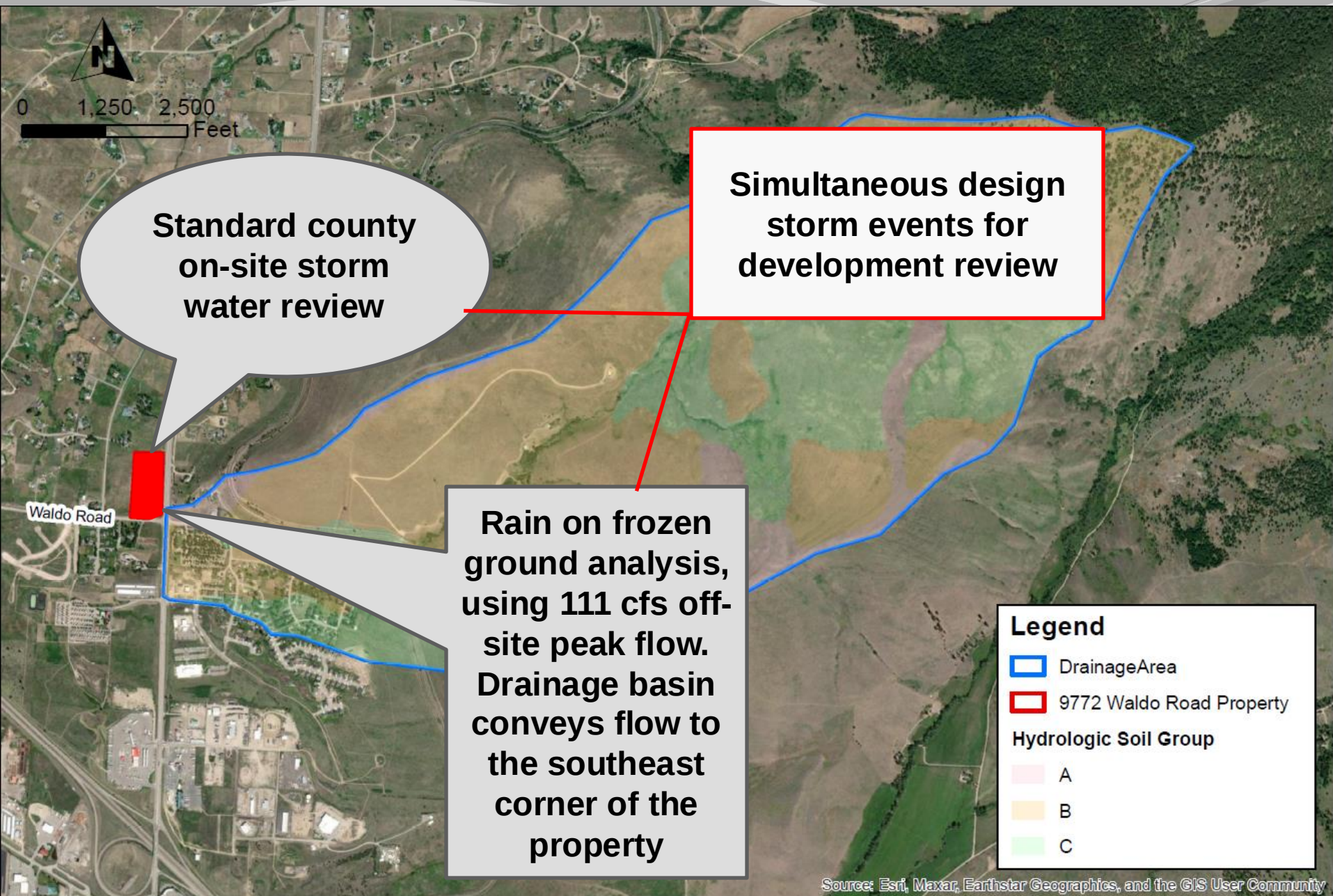


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Recommended Zoning Modification

Replace the condition with the following text:

The construction of basements is prohibited. Prior to Zoning Compliance Permit approval, the applicant must demonstrate that proposed grading, drainage, and stormwater improvements will be sufficient to prevent surface and groundwater inundation of structures. The zoning compliance permit application must contain an analysis and plan prepared by a professional engineer, in addition to the standard design storm administered by Missoula County, utilizing simultaneous off-site 100-year, 24-hour rain-on-snow hydrology on file with the County Planning Office or another technically reasonable methodology reviewed and approved by Missoula County.



Recommended Motion

“I MOVE to approve the request to amend the zoning condition for the property located at 9772 Waldo Road legally described as Lot 1 of Denbleyker Subdivision, based on the application, public testimony, and the finding of fact, conclusions of law, and recommendation modification in the staff report.”

Rezone Request

—

Planning Board

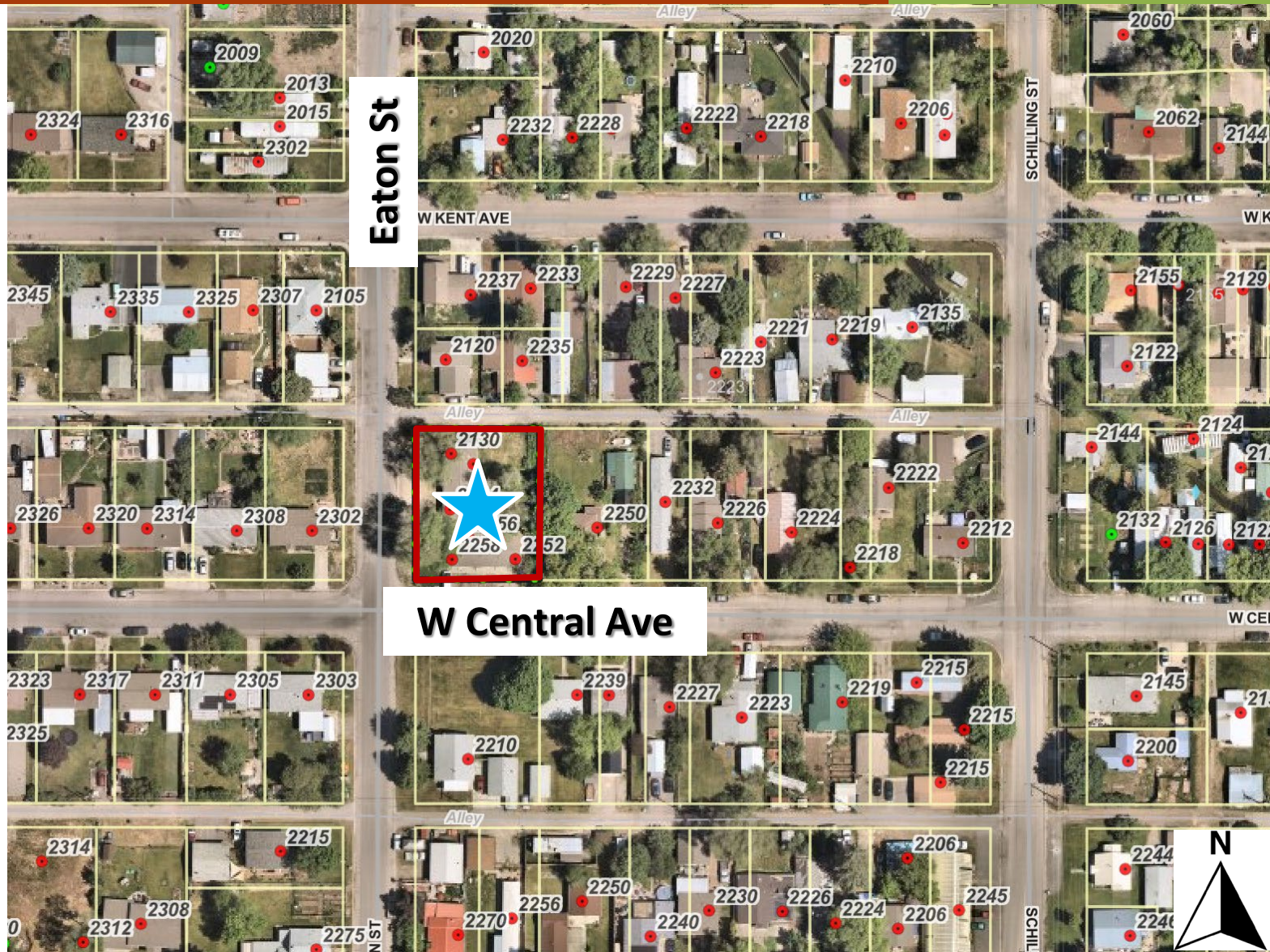
**2130-2136 Eaton Street and
2252-2258 West Central
Avenue**

From RM2.7 Residential (Multi-Dwelling) to RM1-35
Residential (Multi-Dwelling)

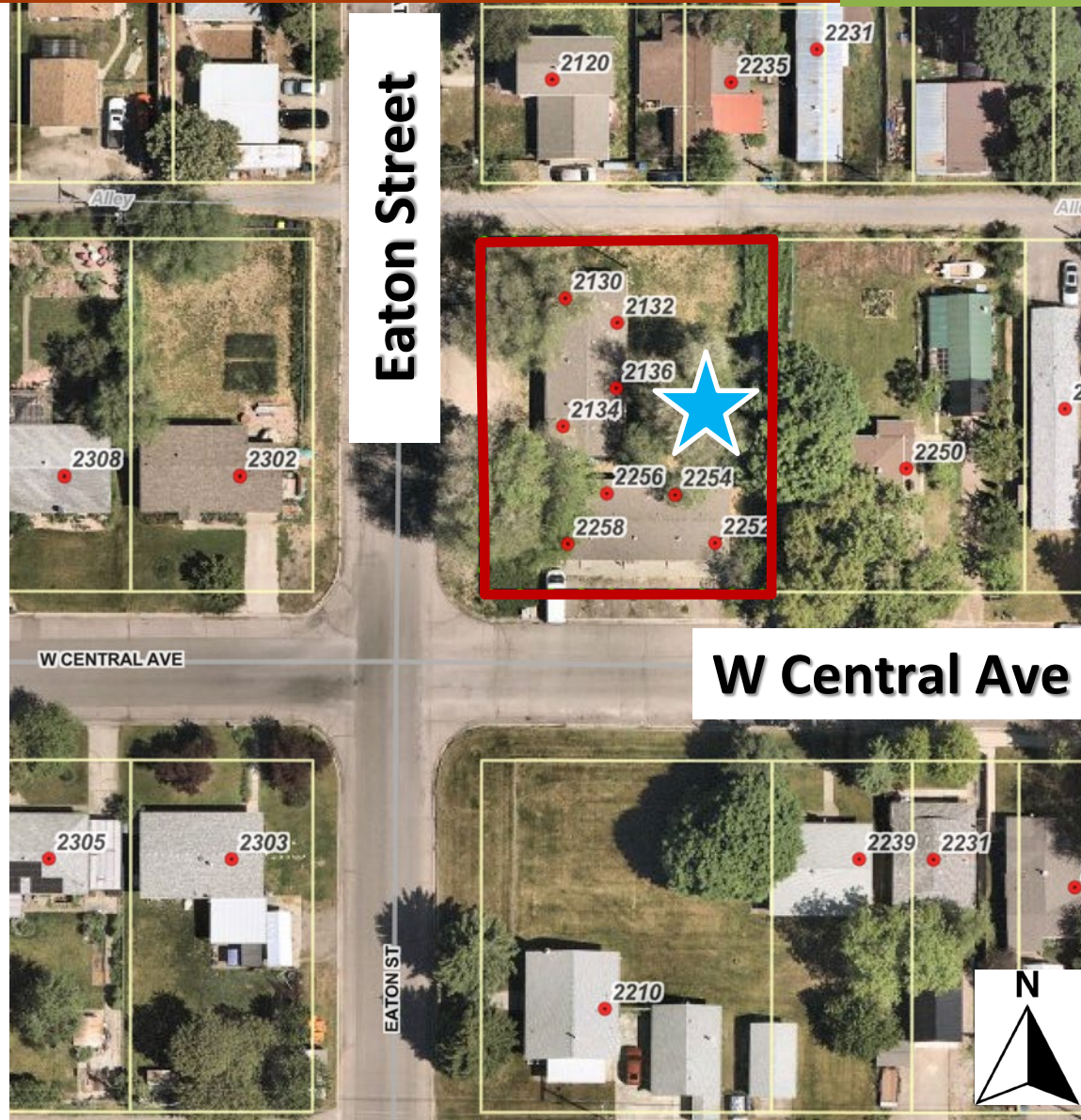


Kristin Spadafore, Associate Planner
Community Planning, Development and Innovation
January 21, 2025

Property Location



Existing Site: Aerial



Eaton Street

W Central Ave

Place Type Designation



Current Zoning Map



RT5.4

Eaton St

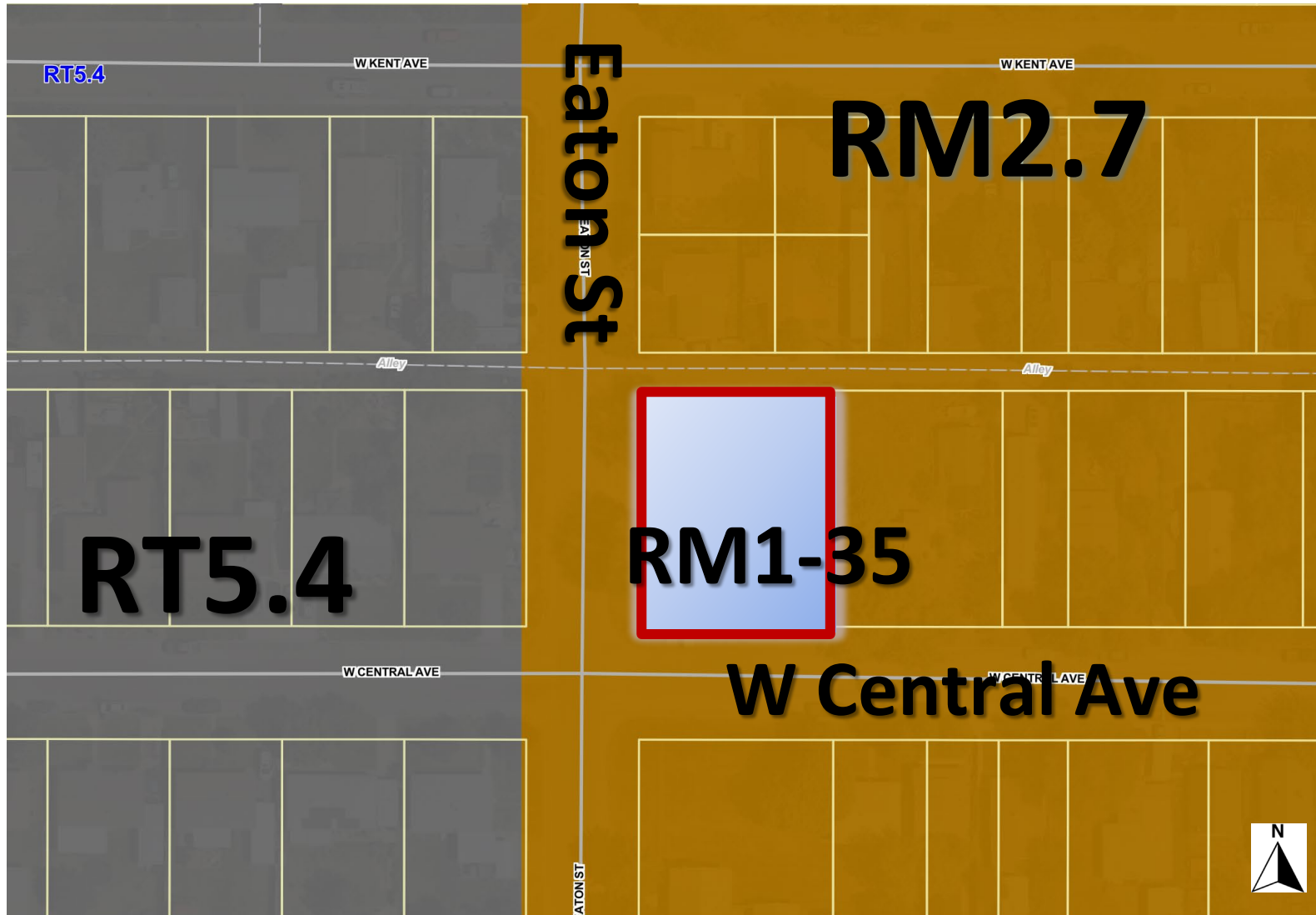


RM2.7

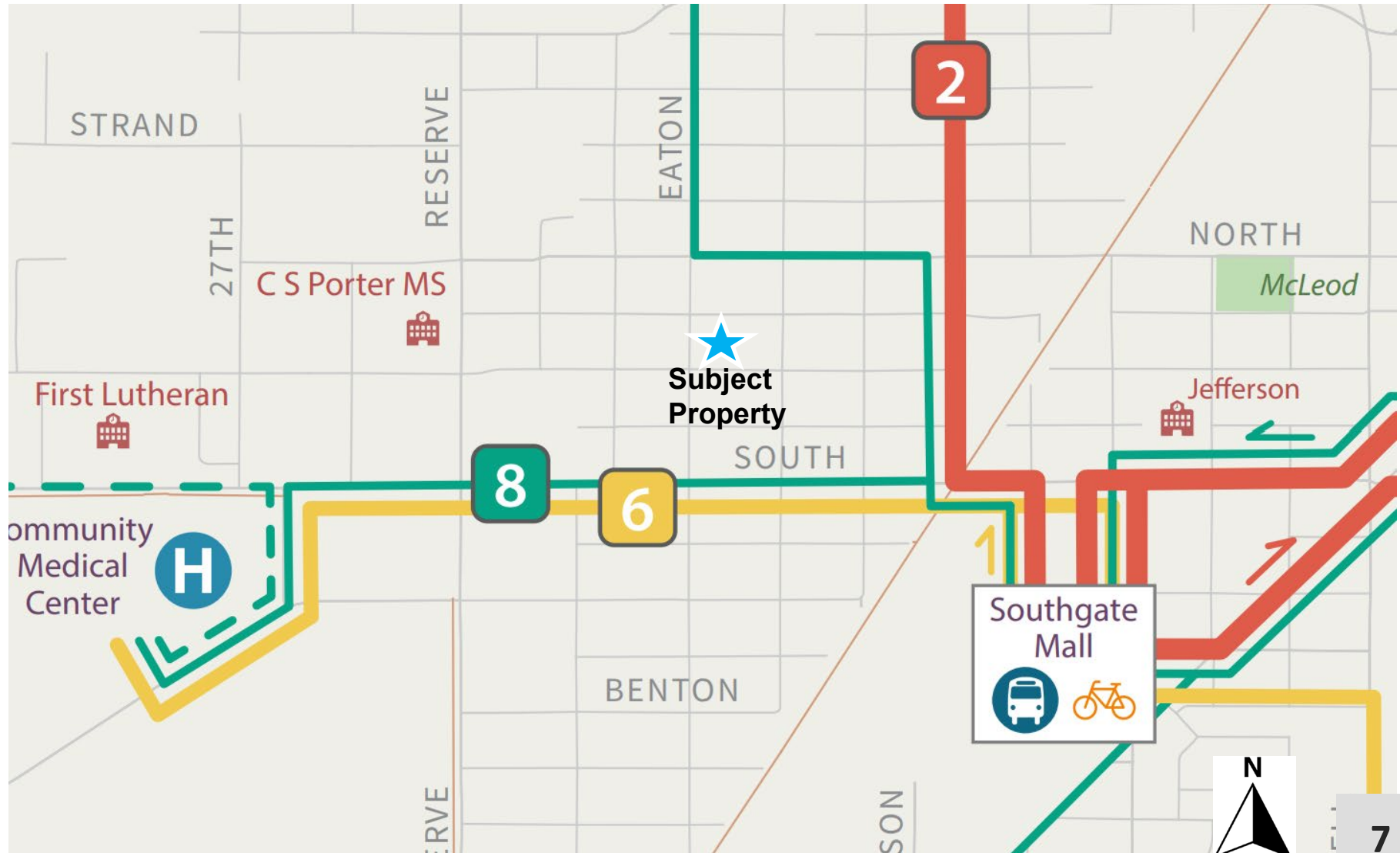
W Central Ave



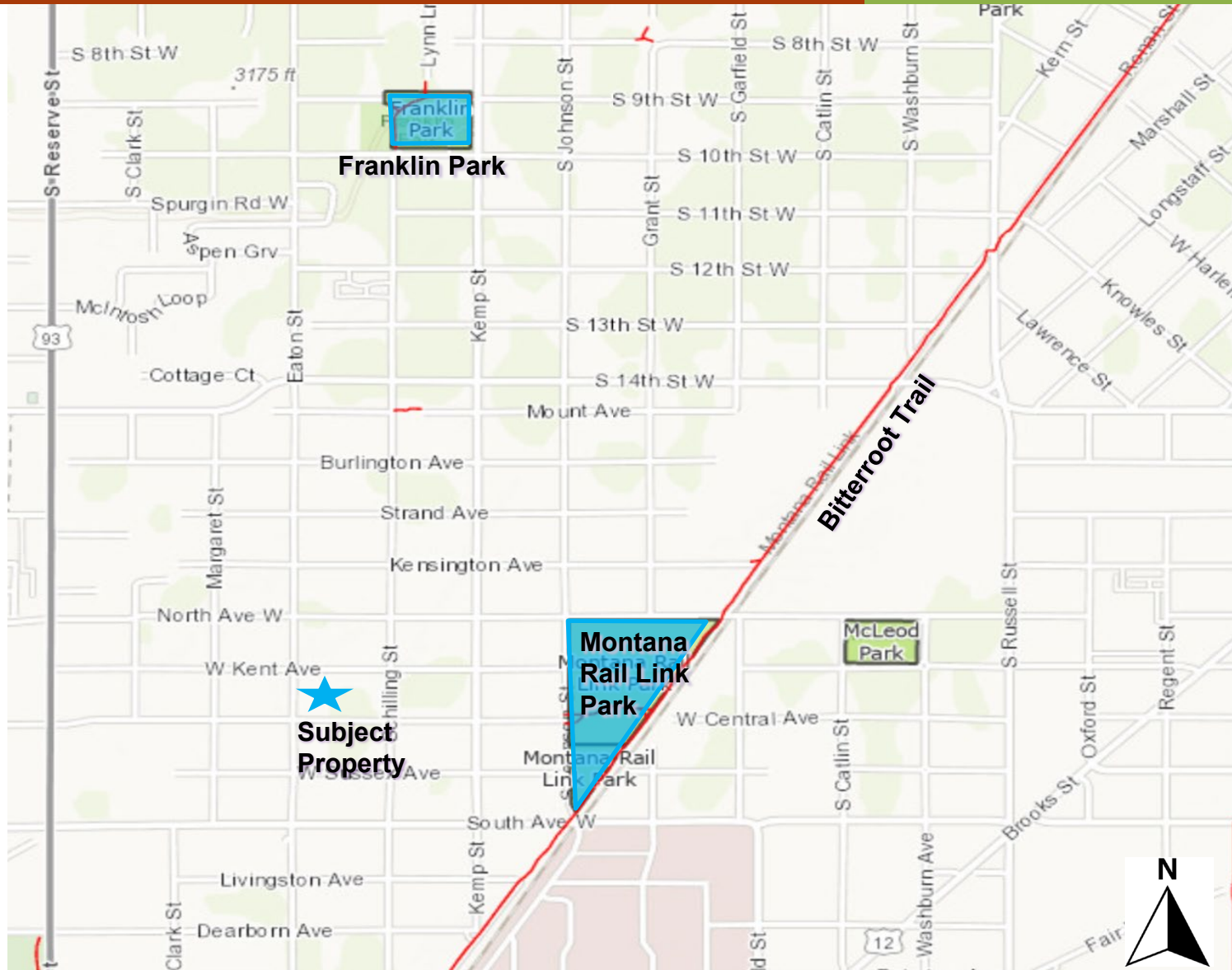
Proposed Zoning Map



Growth Policy: Focus Inward



Review Criteria: Public Services



Standards Comparison



	Existing	Proposed
Zoning	RM2.7	RM1-35
Min. Parcel Size - Residential	3,000 sqft	3,000 sqft
Parcel Area / Unit	2,700 sqft	1,000 sqft
Setbacks	Front: 20' Rear: 20' Side Interior: 5' Side Street: 10'	Front: 20' Rear: 20' Side Interior: 5' Side Street: 10'
Max. Height	30/35'	35'

Additional Permitted Uses



Title 20, Table 20.05-1 Uses Allowed in Residential Districts

- College/University
- Fraternity/Sorority
- Office
- Personal Improvement Service
- Residential Support Services

Review Criteria



1. Growth Policy / Land Use Plan
2. Promotes Public Health and Safety
3. Public Services/Transportation
4. Provision of Light and Air
5. Compatible Urban Growth
6. District Character & Suitability of Uses
7. Value of Buildings and Appropriate Use of Land
8. Meets Changing Condition
9. Best Interest of the City as a Whole

Staff Recommended Motion:

Planning Board RECOMMENDS City Council ADOPT an ordinance to rezone the subject property located at 2130-2136 Eaton Street and 2252-2258 W Central Avenue and legally described as Lots 19-21 in Block 18 of Carline Addition Subdivision, located in Section 29, Township 13 North, Range 19 West, P.M.M. from RM2.7 Residential (Multi-dwelling) To RM1-35 Residential (Multi-dwelling), based on the findings of fact and conclusions of law in the staff report.