

Plat, Annexation and Zoning Committee Minutes

November 4, 2009

10:05 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe (Chair), Ed Childers, Lyn Hellegaard, John Hendrickson, Dick Haines, Marilyn Marler, Renee Mitchell, Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Stacy Rye.

Others Present: Gary Bakke, Mike Barton, Robert Carter, Nancy Chandler, Paul Hubbard, Ruth Link, Don Loftsgaarden, Roger Millar, Peggie Morrison, Kari Brittain, Jim Nugent, Erin Turner, Casey Wilson, Lewis YellowRobe, Tom Zavitz, Denise Small.

[The meeting started at 10:15 am.]

I. Approval of Minutes

[October 28, 2009](#) were approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

V. Regular Agenda Items

- A. Update on Orchard Homes and Target Range Neighborhood Plans ([memo](#)).—Regular Agenda (Lewis YellowRobe) (Referred to committee: 11/02/09) (**REMOVE FROM AGENDA**)

Roger Millar noted this planning effort was the first undertaken since the allocation of residential development through the Urban Fringe Development Area Plan (UFDA), which was adopted by Council December 2008 as an amendment to the Growth Policy. Both neighborhood groups were invited to develop their own plans and were provided with staff assistance. He mentioned the only condition applied was that each group had to accommodate the area growth anticipated by UFDA, which was for a combined 1,000 homes in the two neighborhoods. He acknowledged the cooperative City and County effort, commended the efforts of both neighborhood groups and the contribution of staff member Lewis YellowRobe.

The Target Range Neighborhood group introduced themselves to the Council as Peggie Morrison, Nancy Chandler, Don Loftsgaarden and Bob Carter. They also thanked staff members Lewis YellowRobe and Casey Wilson, for their help.

Mr. Carter's [PowerPoint presentation](#) (**4.49 MB**) included:

- Introduction: The effort began with a neighborhood survey in 2008, and included use of a neighborhood association plan, meetings with OPG staff; initial public meetings and presentation of a public plan in June 2009.
- Surface and Ground Waters: Their identified water resources were all surface and ground waters, including the rivers, aquifer, irrigation, septic systems and water runoff. They stressed the idea that lower population densities were key in keeping the waters as clean and clear as possible.
- Agriculture, Soils and Vegetation: A designation of "prime agricultural soils" covers 75% of the Target Range area, when these lands are irrigated, and comprises 21% of the total

prime agricultural soils in all of Missoula County. Of the vendors at Missoula's weekly farmers markets, 20 to 35% grow their crops in the Target Range area.

- Wildlife and Habitat: The 2008 neighborhood survey identified as important: preservation of wildlife habitat and river corridors, securing the Big Sky Park Complex as a dedicated park, and continued education through the homeowners' association on rural living with wildlife.
- Population and Housing: There are 1,065 houses and approximately 2,600 residents in the Target Range area. UFDA provided for development of 400 additional houses, of which 137 have already been granted permits. Because current area zoning allowed 655 houses, the area could accommodate UFDA housing levels over the next 20 years.
- Transportation and the Economy: There were only two commercial-zoned properties in the area, a convenience store (Dale's Dairy) and a mini storage area on South Avenue. Target Range School is not technically zoned commercial but is the largest employer, and has 60 employees and 485 students. Community resources in the area include the rivers, the equestrian park, Kelly Island, the Big Sky Park Complex, the baseball fields and the community gardens. In terms of economic recommendations, over 80% of all neighborhood survey responses favored maintaining the area as residential rather than commercial; however, they did favor home-based and small "mom and pop type" businesses. Transportation recommendations resulting from the survey included speed limits, traffic calming efforts, bus routes and bicycle routes connecting the rural area to the city.
- Land Use and Zoning: Important issues included: securing the Big Sky Park Complex as dedicated park area and limiting the impact of lights on the night skies. In terms of zoning, current regulations allowed for two houses per acre in large parts of the Plan area. A strong Plan recommendation, based on the prime agricultural soils and the desire of area residents to keep the area residential, was to down-zone the area from Rosecrest Park to 7th Street from two houses to one house per acre. An additional recommendation for conservation developments limited the development of lots over two acres in size. Today these properties can be subdivided into 1-acre lots. Conservation development would limit development to half of the parcel area, with the remaining acreage left in some form of open space.

Discussion and Questions:

Mr. Loftsgaarden noted the difference between what the Neighborhood Plan's working group identified as neighborhood and community resources. He stated that most of the Target Range area was comprised of wildlife resources, which the group considered a "community" resource of value to all Missoulians. Therefore, as good stewards of the land they were trying to preserve these resources due to their value to the entire area.

Mr. Carter stated the group had received nearly overwhelming community support, with virtually no negative comments about any portion of the Plan. He noted, however, that some residents expressed concern over how conservation development would influence property value.

Chair Jaffe asked how many acres of developable land would be in the area, accounting for the 400 additional housing units called for by UFDA. Mr. Loftsgaarden reported that 100 units of the 650-unit zoned capacity would be lost under the recommended rezoning and that of the 83 parcels in the rezone only 29 to 30 would be affected.

Chair Jaffe asked if there was any Plan discussion to address alternative approaches to protecting water quality. Mr. Carter reported the Plan did not specifically deal with City annexation, and that it recommended sewerage as appropriate when density levels warranted. He also noted that if conservation developments were approved with the Plan, the minimum lot size was one-half acre. At that point the Plan would call for advanced septic systems to address areas with density of less than one house per acre.

Chair Jaffe stated interest in pursuing alternatives better than current technologies, for fringe areas not going to sewer. Mr. Loftsgaarden reported that a water and sewer district did exist that covered essentially all of the Target Range district and most of the Orchard Homes area as

well. The district was working to obtain grant funding for replacement of some of existing cesspools, and also to educate residents on the replacement of cesspools and movement toward modern septic systems. Mr. Carter reported that some Target Range areas were nearly as dense as the city, and that the sewer and water district identified 150 cesspools in the area and was looking for grant monies to replace the cesspools. Replacement would protect the water quality more than enough to offset the additional housing that could be placed on septic systems. He also noted there would be a net increase in water quality if the area development proceeded according to the Plan, and that potential existed for placing the area's high-density lots on a community septic system in order to reduce the load on the aquifer.

Mr. Strohmaier thanked the group for their hard work, and asked whether survey respondents indicating openness to "mom and pop" stores were referring only to existing retail. Ms. Morrison reported the majority expressed reluctance to expand into new retail, but if it did occur new businesses should be similar to Dale's Dairy. Mr. Loftsgaarden stated that chief among the specific types of businesses people wanted to see in the area, if new business were to develop, were greenhouses, small produce farms, small "mom and pop" stores, small home-based no-client businesses, small grocery stores, small restaurants and coffee shops. No new retail areas were identified.

Mr. Childers asked if the group had anticipated how to financially support area bus routes. Mr. Loftsgaarden stated there was already a bus route in the area and the group just encouraged the bus company to add new routes or increase the frequency of busses on the present route.

Mr. Childers asked if the group anticipated having the whole area built out to one per acre. Mr. Loftsgaarden responded that much of the area density was higher than that already, and if the area was developed at potential zoning, it would be denser on average than one per acre. Ms. Morrison noted that no building would occur on the area property under conservation easements, but when the area was built out in 50 years they may come close. Mr. Childers urged the group to be aware of the area's water and sewer district addressing such issues, so if development were dense enough to take advantage of city sewer then it would eventually be part of the City anyway.

Mr. Wiener thanked the group for their work and asked if the Fort Missoula Regional Park fit into the Target Range Neighborhood Plan. Mr. Loftsgaarden noted the Complex was not in their area. Ms. Morrison replied that it was considered only from an infrastructure point of view.

Ms. Marler thanked the group for their work and noted that from an interpretation standpoint it would be helpful for Council so see area maps superimposed over aerial photos. She asked if the group had identified areas of potential commercial development and Mr. Carter replied that the Plan didn't specifically do so. She stressed the importance of providing Council with as many specifics as possible, so that local government could more easily respond to community effort such as this one. She suggested the group at some point provide Council with a map of existing conservation easements. Ms. Marler asked whether Big Sky Park was not already protected. Ms. Morrison noted that only 5 of the Park's total 80 acres were designated parkland. Ms. Marler responded that it would be helpful to know the zoning status of the remaining 75 acres.

Ms. Marler stated concern over the potential of 5-acre parcels open for development, even if clustered, to erode the agricultural and wildlife values identified by area residents. She felt the Target Range area needed a regional, small-scale land trust to proactively protect the land and make it economically viable. If all they did was down-zone from two houses to one house per acre, even if clustering was allowed, it didn't provide local government with enough tools to protect the larger tracts of land.

Chair Jaffe asked for staff summary of the process to-date. Mr. Millar replied the neighbors

were working on the ninth draft, and that staff and agency comments on earlier drafts had been received and were being incorporated. It would then go out for broader distribution and include agency comment and staff report and then go to Planning Board. Mr. Millar recommended adoption of the Plan by the City as well as the County. He anticipated that in early January 2010, if not sooner, the Neighborhood Plan would be put on the Planning Board schedule and be followed up by public hearings at both City Council and the Board of County Commissioners.

Mr. Millar reported that the Orchard Homes planning process was in its inception, and the hope was that Orchard Homes would be able to use the Target Range Neighborhood Plan as a guide in their own planning process. Mr. Millar introduced Kari Brittain from the Orchard Homes group, who provided a brief timeline:

- In 2007 they requested financing for neighborhood plan
- In October 2008 they met for the first time with staff from the Office of Planning and Grants
- In February 2009 they had a neighborhood kick-off meeting, with great response. They developed their committees and set the following topics: Neighborhood Character, Agriculture, Open Space, Environmental/Resources, and Area Services.
- In March 2009 they regrouped after the Chickasaw decision was announced.
- In June 2009 they received a 13% response from their neighborhood survey, the results of which were posted on the OPG website.
- In October 2009 they received first draft comments from OPG.
- The group's goal was to be finished with the planning process by the end of the current school year, and have a Neighborhood Plan ready for agency review by May or June 2010.

Ms. Brittain reported a group goal of compliance with UFDA recommendations for area development, which designated 600 additional home sites for the area, 300 of which were already committed. She said the group was focused on maintaining neighborhood character. She commended Target Range for their work and thanked OPG staff for their assistance.

Additional Discussion:

Mr. Wilkins asked how many surveys were sent out, and about possible reasons for non-response. Ms. Brittain replied that 1,200 had been sent out, the 13% return rate was considered good, and reasons for non-response varied.

Mr. Childers asked if the group could identify the nature of respondents, and did the group lack individuals buying land for development or people who had lost confidence in the system. Ms. Brittain responded that many long-time area residents felt "the decision had already been made" and doubted whether the Plan would be beneficial or adhered to. She noted that area residents still wanted to maintain neighborhood character, open space, resources, wildlife, and water quality.

Mr. Strohmaier stated that neighborhood plans or growth policy amendments were not regulatory in and of themselves, but his understanding going forward was that Council would try to adopt zoning recommendations at the time neighborhood plans were adopted. Mr. Millar responded that was staff's intent as well, and had addressed this with both neighborhood groups. He said staff did not want to bring forth a growth policy amendment to the governing body that could not be implemented through zoning due to the protest of involved citizens.

- B. Develop policies and procedures regarding ag land mitigation ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 06/01/09) (**REMOVE FROM AGENDA**)

Via [PowerPoint presentation](#), Roger Millar noted the following:

- Prime Agricultural Soils – 58 Acres Approved for Residential Development (Map)
- Residential Development Allocation Within Urban Services Area (Map)

- 335 New Dwelling Units Permitted (Map)
- 112 Entitled Lots Approved for Subdivision Process (Map)
- Approach to Policy Development (Checklist)

Mr. Millar reported that in 2008, 58 acres were removed from the inventory of available lands because they were reduced from 2 acres to a smaller size.

Mr. Millar reported that just under 6,000 acres of prime agricultural soil existed inside Missoula's urban area. This constituted a vast majority of the prime soil in Missoula County, and was located in: Target Range, Orchard Homes, East Mullan, East Missoula, West Riverside, Bonner, South Hills, Miller Creek, Grant Creek and the Rattlesnake (Duncan Drive).

Mr. Millar noted that as part of UFDA, staff looked at the amount of land still available and viable for agriculture. He also mentioned that people in the agricultural community reported interest in land parcels over two acres in size, and that of the 6,000 acres of available agricultural land only 3,727 of them were still in parcels larger than two acres. He stated that if land continued to be consumed for residential development at this rate, it would be gone in about 50 years.

Mr. Millar stated there was definite competition between agricultural and residential uses for land, and common struggle involved the issue of what to do when land with agricultural value was brought forth for residential development. Tom Zavitz distributed a [handout](#) on policy for agricultural requirements at subdivision. Mr. Millar noted that while State law required subdivision review to examine impact on agricultural soils and waters and the mitigation of such impact, policy to guide implementation of the law and of our subdivision regulations did not exist at the local level. He suggested that it was a good time to begin those discussions because there were fewer projects in development due to the effect of the economy on local growth and development.

Mr. Zavitz distributed a [handout](#) on city agricultural policy. Mr. Millar reported that staff looked to approach policy development by convening a working group and recommended the conversation be broader than just OPG staff and the development community. Staff also recommended the working group include the development community as well as those involved in the production, distribution and consumption of local food. He asked for input on additions or deletions to the list of potential working group members.

Mr. Millar announced the intention of staff to research approaches used by other communities in the United States and then report on policy gaps, new policy direction, mitigation options and recommended modification to policy and regulation. Staff will bring back a white paper on that research to the working group. Staff will identify policy gaps, explore new policy direction and mitigation options, recommend preferred options and as appropriate recommend policy and regulation modifications. The plan was to complete the work during Fiscal Year 2010.

Committee Discussion:

Ms. Hellegaard stated that her intent in bringing this subject forward was to provide direction when conflicting situations arose and to strengthen neighborhood confidence. She asked to be included in the working group. Mr. Millar assured committee members that staff had met with Ms. Hellegaard before starting this project and developed their plans in working with her.

Mr. Wilkins asked once something like this was taken into the City, could the results be regulated. He wanted to know what happened to park dedication with these agricultural issues. Mr. Wilkins asked to be included in the working group as well.

Ms. Marler also asked how this fit with parkland requirements. She stated the need for a policy of what can be taken and required, but felt more progress would be made when people

proactively put easements in place. She recommended the working group should include individuals with knowledge of voluntary ways to protect agricultural land, and asked whether the group could produce a brief summary of options. Mr. Millar agreed and stated the policy coming out of the working group would not be solely regulatory but would also look at incentives and issues such as parks and open space acquisition.

Chair Jaffe suggested there be University of Montana representation in the working group.

Ms. Walzer suggested that the Missoula Food Co-op and the local farm-to-school group be included in the working group. Mr. Millar stated the desire for the working group to include representatives from all sides of the issue but that it might not be possible to include everyone. Ms. Walzer asked that they at least be contacted. Mr. Millar responded that if certain aspects or groups were missing, then they could certainly “flesh out” the list.

Public Comment:

- Paul Hubbard (Community Food and Agriculture Coalition - CFAC), reported the local farm-to-school program was actually part of CFAC and regarded as a national model for farm-to-school programs. He stated an important proactive approach to farmland preservation was the continuation of building markets for local food. He noted that agricultural land included irrigated farmland as well as soils and other land classifications. He reported that City and County subdivision regulation defined agricultural land as soil that the NRCS had included as important farmland or land that had been in agricultural production.
- Ruth Link (Missoula Organization of Realtors – MOR) reported the commission of a study, which she anticipated being finished by the end of 2009, on the feasibility of agricultural lands. She asked Council members to let her know if they wanted anything specific included in the study. Chair Jaffe asked if there was a description of the study and she stated she would forward a study outline to Council.
- Erin Turner suggested that a local farm be included in the working group.

Mr. Millar asked that Council contact him or Mr. Zavitz if they had any ideas. He stated the working group would be organized as soon as possible, noting he had first wanted to bring the idea to Council before proceeding any further.

Mr. Strohmaier asked Mr. Millar about the status of the revision of subdivision regulations. Mr. Millar replied that the draft was presently in the hands of the consultant, that it would then go to the advisory group and then be brought to Council to begin the formal process.

VI. Items to be Removed from the Agenda

6. Discussion on assuring the currency of growth policy amendments ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/08/08)

VII. Held in Committee or Ongoing in Committee

1. Annexation. (see separate list at City Clerk’s Office for pending annexations) (Ongoing in Committee)
2. Update the Rattlesnake Valley Comprehensive Plan Amendment ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 04/02/07)
3. Request to rezone the property legally described as Lot 3 of Scott Street Lots Subdivision, located in Section 16, T13N, R19W, P.M.M. form D (Industrial) to I-1 (Light Industrial), based on the finding of fact and conclusions of law. (PAZ [05/21/08](#)) (Returned from Council floor: 6/2/08)
4. Ongoing discussion of City planning issues with members of the Planning Board.-- Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
5. Discussion of OPG's [task list](#) and workload ([Urban Initiatives work plan](#)).—Regular Agenda (Mike Barton) (Referred to committee: 06/12/06)

6. Discussion on assuring the currency of growth policy amendments ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/08/08)
7. [Ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning Ordinance and establishing Chapter 20.30 entitled "Historic Preservation." ([memo](#)) ([PAZ](#)) (Returned from Council floor: 10/26/2009)

VIII. Adjournment

The meeting adjourned at 11:35 am.

Respectfully Submitted,

Denise Small

Administrative Secretary
Office of Planning and Grants

The recording of these minutes is available in the City Clerk's Office (for up to three months after approval of minutes). These minutes are summary and not verbatim.