

Plat, Annexation and Zoning Committee Minutes

December 2, 2009

11:05 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, Stacy Rye, Dave Strohmaier(left at 11:15a), Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Lyn Hellegaard

Others Present: Rebecca Ciccone, Mitch Doherty, Todd Klietz, Mary McCrea, Roger Millar, Jim Nugent, Jay Raser and Shelley Oly

I. Approval of Minutes

[November 18, 2009](#) approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

- A. Approve or deny Clark Fork Terrace No.2 Subdivision plat extension ([memo](#)).—Regular Agenda (Rebecca Ciccone) (Referred to committee: 11/23/09)

MOTION: The Committee recommends that City Council approve the Clark Fork Terrace No.2 Subdivision extension of the final plat deadline to November 26, 2010.

Rebecca Ciccone presented the one year plat extension request for Clark Fork Terrace No.2 Subdivision. The original approval date was November 26, 2007. The extension request was for November 26, 2010. Ms. Ciccone stated that in accordance with the Subdivision Regulations Article 4-7(1) the applicant's request did not extend beyond the three year approval limit. Ms. Ciccone added that staff recommended approval of the extension.

The floor was open for discussion:

(1) Councilwoman Rye asked if this was the subdivision that was being litigated. Ms. Ciccone replied that it was.

(2) Councilman Strohmaier wondered what bearing the denial of this project would have on the litigation. Mr. Nugent stated that since this subdivision was in active litigation there would have to be significant grounds for not granting the time extension.

Nick Kauffman stated if the extension was not granted there would be no subdivision and no option for the trail along the river or for the trail along the north side of the Burlington Northern tracks which would create the link between Deer Creek and the bridge.

Councilman Childers made a motion to grant the one year plat extension.

The motion to grant the one year plat extension for Clark Fork Terrace No. 2 Subdivision passed unanimously and would go on the consent agenda.

- B. Approve or deny a floodplain variance request on property located at 2215 Missoula Ave, Section 14, T13N, R20W in the Rattlesnake Creek floodplain ([memo](#)).—Regular Agenda (Todd Klietz) (Referred to committee: 11/23/09)

MOTION: The Committee recommends that City Council approve the floodplain variance for 2215 Missoula Avenue to construct a home on a stemwall foundation out of the floodway.

Todd Klietz presented that the request for a variance on property that was within the Rattlesnake Creek floodplain. Mr. Klietz stated that there used to be only one option available for building a home within the floodplain. He explained the method required a 15-foot perimeter of fill to extend around the home and then build on top of the fill. FEMA has updated this procedure. The most current option available is to use the stemwall construction method. Mr. Klietz explained the method allowed the house to be built on existing grade. The crawl space would be filled up with the slab built on top of the crawl space. Essentially the first floor would remain 2-feet above the 100 year flood elevation requirements. He explained the reason for the variance was because current regulations still require building on fill. Mr. Klietz went through the variance criteria and stated that there are positive findings for the criteria plus approval from the DNRC to grant the variance to elevate the structure on stemwalls.

Mr. Klietz explained there are several amendments to be proposed to update the regulations but this would not happen until the new FEMA maps arrive.

The floor was open for discussion:

- (1) Councilman Wilkins asked if the committee could be held liable if a natural disaster happened. Mr. Nugent replied that Mr. Klietz's presentation noted the criteria for allowing the variance and basis for granting the variance. Councilman Wilkins asked if there would be any changes to the floodplain area in the new FEMA maps. Mr. Klietz replied there were no changes to the floodplain area. Councilman Wilkins asked to hear from the current Ward representative. Councilman Wiener stated he had no objections. Councilman Wilkins wondered why this item was not brought before the CiBOA. Mr. Nugent explained that this was not a zoning issue.
- (2) Councilwoman Mitchell asked if the current structure would be demolished after the new home was built. Mr. Klietz replied the current structures would have to be demolished to allow for the building of the new construction.
- (3) Councilwoman Rye made a motion to approve the variance. The motion to approve the floodplain variance for 2215 Missoula Avenue passed unanimously and would go on the Consent Agenda.

- C. Approve or deny a request to amend the phasing plan for Teton Addition at Maloney Ranch ([memo](#)).—Regular Agenda (Mitch Doherty) (Referred to committee: 11/23/09)

MOTION: The Committee recommends that City Council amend the phasing plan for Teton Addition at Maloney Ranch Subdivision as shown on the phasing plan dated November 2009.

Mitch Doherty gave a brief history of the Teton Addition at Maloney Ranch and the phasing plan:

- The subdivision was approved December 10, 2007 subject to 28 Conditions of Approval.-amend the phasing plan.
- It is located on Lower Miller Creek Road southwest of Linda Vista and east of the Bitterroot River.
- The project was approved with 16 phases. Each phase was to be filed at one year intervals.
- The subdivider proposes to extend the final plat submittal date for each phase by two years.
- Staff recommends approval of the amendment to the phasing plan.

The floor was open for discussion:

- (1) Councilwoman Rye wondered if the committee would be weighing in on more subdivision extensions because of the economy. Nick Kauffman replied the economy and current recession have caused concern for the ability of consumers to provide affordable housing. He pointed out that the trend seemed to favor extending social infrastructure and neighborhood commercial into those existing

outlying neighborhoods. He believed that as the demographics change there will be a need for smaller homes closer to services and maybe multifamily housing. He forecasted that the committee would see more extensions for subdivisions until the consumers are able to adjust and have confidence in reinvesting in single family homes.

Councilwoman Rye made the motion to approve the new phasing plan.

(2) Councilman Wilkins stated that he did attend the Chamber roundhouse meeting but did not participate because there were seven council persons in attendance and the open meeting law.

(3) Councilwoman Walzer hoped that the developer of this project would be remain flexible as the needs of the economy changes.

The motion to amend the phasing plan passed unanimously and would go on the Consent Agenda.

V. Regular Agenda Items

VI. Items to be Removed from the Agenda

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. Conduct interviews and appoint members to the Design Review Board for the term commencing January 1, 2010 and ending December 31, 2012 ([memo](#)).—Regular Agenda (Kelly Elam) (Referred to committee: 11/09/09)
7. Conduct interviews and appoint two professional positions to the Historic Preservation Commission for the term commencing January 1, 2010 and ending December 31, 2012 ([memo](#)).—Regular Agenda (Kelly Elam) (Referred to committee: 11/09/09)
8. An [ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning ordinance and establishing Chapter 20.30 entitled "Historic Preservation." ([PAZ](#)) (Returned from Council floor: 11/23/09)

VIII. Adjournment

The meeting adjourned at 11:38 am

Respectfully Submitted,

Shelley Oly

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.