

Plat, Annexation and Zoning Committee Minutes

October 27, 2010

11:05 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe (Chair), Ed Childers, Dick Haines, Lyn Hellegaard, Roy Houseman, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Marilyn Marler

Others Present: Gary Bakke, Jerry Ford, John Hendrickson, Carla Krause, Laval Means, John Newman, Jim Nugent, Nancy Wilson, John Wolverton, and Shelley Oly

I. Approval of Minutes

[October 20, 2010](#) approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

- A. Consider a resolution of intention to annex City and UM properties located in the southeastern quadrant of the City and schedule a public hearing in accordance with Montana Code Annotated Part 44 government lands method of annexation. ([memo](#))—Regular Agenda (Carla Krause) (Referred to committee: 10/25/10) (**HELD IN COMMITTEE**)

MOTION: The Committee recommends the City Council adopt a Resolution of Intention to annex certain parcels and tracts of land consisting of portions of City open space and University property located in the southeast quadrant of the City; incorporate the area into the City of Missoula boundary and zone the property OP-1 Open Space, OP-2 Open and Resource Lands and OP-3 Public and Institutional Lands; and schedule a public hearing for December 6, 2010.

Carla Krause gave a [powerpoint presentation](#) depicting City and UM properties that are located in the southeastern quadrant of the City. Ms. Krause brought before the Council a Resolution of Intention to start the annexation process for the City and UM properties. She explained this annexation process was called a government method annexation because these are local government owned properties.

- It would require a 20 day public comment period rather than the usual 15 day comment period.
- If the annexation was approved the adoption would not go into effect until 30 days later.

She demonstrated on the powerpoint where each parcel was located and explained which parcel belong to which ward.

- Parcels 2-4 would become part of Ward No. 1.
- Parcels 5-8 and the portion of Parcel 1 adjacent to and abutting Ward No 3 would be come part of Ward 3.
- The remaining portion of Parcel 1 adjacent to and abutting Ward No. 4 would be come part of Ward 4.
- Parcels 2 and 3 would become part of the Lower Rattlesnake Neighborhood Council District.
- The portion of Parcel 1 adjacent to and abutting the District would become part of the Farviews/Pattee Canyon Neighborhood Council District.

- Parcels 4-8 and the portion of parcel 1 adjacent to and abutting the District would become part of the University Neighborhood Council District.

She explained that the maps would be updated to reflect the changes if the annexation was successful.

Ms. Krause explained that the parcels are currently zoned in the County and what the recommended City zoning would be at the time of annexation. Parcel 1 is currently unzoned with a recommendation to zone as OP-1 (Open Space).

- Parcels 2 and 3 are currently zoned C-A1 (Open and Resource) with a recommendation to zone as OP-2 (Open and Resource).
- Parcel 4 is currently zoned as CRR1 (Low Density Residential) with a recommendation to zone as OP-1 (Open Space).
- Parcels 5-8 are currently zoned as C-O1 (Public Lands and Institutions) with a recommendation to zone as OP-3 (Open Land).

Ms. Krause explained that the governmental method of annexation required the following steps:

- Holders of interest must petition for annexation.
- City adopts a Resolution of Intention to annex and schedules a public hearing.
- Legal notices are posted in the newspaper.
- There is a 20 day public comment period.
- A public hearing is held and if approved the Resolution of Annexation would be adopted.
- Within 30 days after approval the City Clerk would file a certified copy of the Resolution at the County Clerk and Recorder's Office.

Ms. Krause does not anticipate any financial changes.

The floor was open for discussion:

1. Councilman Childers asked where the loop road that was adjacent to the base of Mt. Sentinel. Carla replied Campus Drive went along the base adjacent to the university lands and near the facility building. Councilman Childers commented that if there was a way to include the tax exempt properties in the special district assessments then there might be some financial implications. Ms. Krause agreed.
2. Councilwoman Hellegaard wondered why these parcels are being brought into the City if they are tax exempt already. Ms. Krause pointed out that the parcels were petitioned and in the case of the UM it was to get city sewer brought in.
3. Councilman Wilkins asked if private owners had been notified and were they for or against the annexation. Ms. Krause replied neighbors were not notified because this affected only the City and the University. Ms. Krause replied there are parcels nearby that are under private ownership that do not have access to city sewer and so have not petitioned to annex. She indicated that there were no private properties included this annexation boundary.
4. Councilman Childers asked what 5 Valleys position in all this was. Ms. Krause replied that the 5 Valley's Land trust bought the land from Mr. Cox and deeded the land as open space property to the City of Missoula.
5. Councilwoman Mitchell asked what Parks and Rec's view point was? Ms. Krause stated that Parks and Rec wanted the parcels brought within city jurisdiction so the codes and regulations would apply. Councilwoman Mitchell requested to have someone from Parks and Rec present at the public hearing meeting. Ms. Krause offered to forward the request to Parks and Recreation.

Councilman Childers **made** the motion to adopt a Resolution of Intention to annex certain parcels and tracts of land consisting of portions of City open space and University property located in the southeast quadrant of the City; incorporate the area into the City of Missoula boundary and zone the property OP-1 Open Space, OP-2 Open and Resource Lands and OP-3 Public and Institutional Lands; and schedule a public hearing for December 6, 2010. The vote was unanimous and would go on the Consent Agenda.

V. Regular Agenda Items

- A. Discuss Russell & 3rd land use and zoning visioning and update. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 10/25/10) (**HELD IN COMMITTEE**)

Chair Jaffe presented his referral addressing updating land use designations, zoning and design standards for the Russell and 3rd Street corridor. Councilman Wiener explained the context of this project was the massive public investment for this corridor. Councilman Wiener explained that during the Montana Association of Planners Conference he spoke with one of the presenters from the EPA's office for Sustainable Communities. Planners from DOT, HUD and EPA and USDA were working together on coordinating the use of federal dollars for local projects. Councilman Wiener spoke to someone from EPA about the Russell and 3rd Street corridor and whether this type of project could fit with their mandate. At the point the federal budget is approved, the City of Missoula could apply for technical assistance.

The floor was open to the public.

1. Councilman Strohmaier asked if the public involvement with the EPA would occur during the rezoning process. Councilman Wiener replied EPA could present options and their assistance would be technical assistance.
2. Chair Jaffe stated that pursuing EPA technical assistance was one scenario, however addressing land use, zoning, and design standards would be a valuable project even without EPA technical assistance. Jaffe wished to see whether there was a desire by this committee to go forward with this project and wondered about engaging Planning Board early on ideas of public process. The outcome of this meeting was to request staff to create a work plan and then request that the Planning Board review it and make recommendations for an appropriate public process.
3. Councilman Childers remarked that looking at land use is good but he did not want to delay the 3rd and Russell construction project. He asked staff to give a full presentation on existing zoning and land use before deciding to change the land use plan along Russell Street. He felt this item should be discussed in PAZ before sending it to the Planning Board. Councilman Wiener stated that staff had done research on the existing land use along Russell Street and that the purpose of the meeting was not to delay the transportation project but to coordinate with the transportation project. John Newman stated even if this item was sent to the Planning Board for review it would come back to the Committee. Mr. Newman informed the Committee that the OPG staff would give a full presentation at a future meeting. He stated one of the main zoning districts present along Russell Street was the C2-4 district which was intense commercial. He explained C2-4 permitted a lot of uses but might not be appropriate for the desired character of the area after street improvements.
4. Councilman Strohmaier pointed out the possibility of annexation along the corridor needed to be a part of the land use discussion as well.
5. Councilman Houseman had concerns that the primary focus would be on the improvements to the corridor between 3rd and the Russell Street Bridge and the process would change the use and nature of the area north of West Broadway. He felt that the development along North Russell was not in tradition with the rest of the neighborhood.
6. Councilman Wilkins would like to get comments from people who do business in that area of town and from the local business people who own commercial properties in that area. Councilman Wiener replied that the business people were the primary people to get input from. This project was similar to the West Broadway corridor project. He stated the big difference was that there would be a mandate for outside monies to fund this Russell and 3rd Street corridor project.
7. Councilwoman Walzer pointed out the positive aspect in having EPA, DOT and HUD collaborating together with the City of Missoula in the planning process of the redesign of the Russell and 3rd Street corridor.
8. Many of the Committee felt the discussion should take place at the PAZ meeting before it went before the Planning Board.

9. Councilman Strohmaier felt this agenda item warranted more discussion and suggested OPG staff come back with a formal presentation depicting the current zoning in the corridor, present some concrete options for public involvement strategies and possibly make a formal motion. Mr. Newman replied staff could bring back a recommendation for the procedure that would include a work plan and a timeline.

The floor was open for public comment:

Nancy Wilson lives at 1402 Phillips Street and voiced her support that the North Russell area be included in the project as well.

John Wolverton lives in the Franklin to the Fort neighborhood and stated he was in support of moving forward with this community vision. His caveat was living with a short delay resulting in a good road versus living with a bad road for a long time.

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. Review cost of planning documents available for public purchase. ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/27/2010)
5. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
6. [Petition 9501](#)—John E. and Joyce M. Perkins; 7525 Arroyo Lane; Lot 10 of Country Crest Addition No 2; Geocode 21991130304000; Petition for Annexation

VIII. Adjournment

The meeting adjourned at 12:00 noon

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.