

## **Plat, Annexation and Zoning Committee Minutes**

March 14, 2012

10:35 to 11:30 a.m.

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Bob Jaffe, Ed Childers, Caitlin Copple, Dick Haines, Adam Hertz, Marilyn Marler, Alex Taft, Jason Wiener, Jon Wilkins, Cynthia Wolken

**Members Absent:** Mike O'Herron

**Others Present:** Amy Fisher, Laval Means, Jim Nugent, Lewis YellowRobe, Deni Forestek

**I. Approval of minutes for February 29, 2012** – Approved as presented

**II. Public Comment on Items not on the Agenda**

**III. Staff Announcements**

**IV. Consent Agenda Items**

**V. Regular Agenda Items**

1. Amendments to Article 4 of the City of Missoula Subdivision Regulations in Response to 2011 State Legislative Changes. ([memo](#))—Regular Agenda (Lewis YellowRobe)  
(Referred to committee: 02/27/12)

Chair Jaffe explained that this is an informational hearing for mandatory changes to Article 4 of the City of Missoula Subdivision Regulations in response to 2011 state legislative changes. Lewis YellowRobe gave a brief [presentation](#). The highlights included:

- HB460 inserts townhouses into condominium review procedures consistent with state law
- HB522 changes preliminary and final plat extensions consistent with state law.
- OPG Staff sent out requests for comments November 16, 2011 and January 13, 2012 and received comment from Public Works and Engineering
- The Missoula Consolidated Planning Board heard this topic on January 17, 2012 and February 21, 2012 and brought forward recommendations.
- There are three provisions to make a proposal exempt from review if subdivided in compliance with state law:
  - It is a conversion of an existing rental-occupancy resident or office building
  - The approval of the original subdivision of land contemplated construction of the condominiums or townhouses and included parkland dedication;
  - The condominium or townhouse proposal is in conformance with local zoning regulations.
- Regarding Section 4-070, the Planning Board proposed the following:
  - The Preliminary plat approval would be in force for 3 years;
  - The 1<sup>st</sup> two-year extension would be granted with a request letter that addresses three criteria;
  - The 2<sup>nd</sup> two-year extension would be granted with a request letter that addresses six criteria;
  - City council must act within 30 days;
  - Failure to document constitutes a reason to deny.
  - Additional reorganization of the section.

***Questions and comments of committee regarding 4-040 Condominiums and Townhouses:***

- What happens if the condominium or townhouse proposal fails to meet the zoning criteria—does it have to go through subdivision review or can they request a variance? Mr. Nugent felt that zoning regulations do recognize legal nonconforming structures.
- Is the current language written in a way that says the proposal has to meet current regulations? Actually, the language is ambiguous, the legislature did not specify.
- Could some language be drafted to make it more specific?

Chair Jaffe queried the members of the Committee to see which would be preferable—allowing the proposal if the building met zoning when it was built or having to meet current zoning? Interest was expressed for clarifying that the proposal would conform if the building met zoning when it was built. The Committee would like staff prepare language for both scenarios.

**Questions and comments of the Committee regarding 4-070 Preliminary and Final Plat:**

- Are there restrictions in state law limiting extensions? Mr. Nugent said it was a mutually agreed upon time, which could be anything.
- The Planning Board recommendations do not specify if these extensions could be administratively granted or if the governing bodies need to hear these—which is preferable? The first extension could be granted administratively, but the governing body should look at further extensions.
- Would the extensions be able to be denied? Mr. Nugent felt that state law did not address denial, there would have to be a very good reason for denial.
- Six criteria are included as consideration during review of a request.

Chair Jaffe asked the Committee to think about the criteria to be addressed in the request for extension and see if they would like to make changes at the public hearing and forward any comments or suggestions to staff. The item will be heard at the March 26, 2012 City Council Meeting.

**VI. Items to be Removed from the Agenda**

**VII. Held in Committee or Ongoing in Committee**

- Annexation. (see separate list at City Clerk's Office for pending annexations) (Ongoing in Committee)
- Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
- Amendment Article 7. Error Corrections and Adjustments to the subdivision regulations to allow for restrictions or conditions placed on a plat by the governing body to be amended or removed by a future council. ([memo](#))—Regular Agenda (Jon Wilkins) (Referred to committee: 11/07/11)

**VII. Adjournment**

The meeting adjourned at 11:26 a.m.

Respectfully submitted,

**Deni Forestek**

Recording 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.*