



TO: Missoula Board of County Commissioners

FROM: Andrew Hagemeyer and Christine Dascenzo, Community and Planning Services

SUBJECT: Missoula Area Land Use Element – Amendment to the Missoula County Growth Policy – Planning Board Summary and Staff Edits

DATE: April 4, 2019

This memo summarizes the planning board public hearing on the Missoula Area Land Use Element, which took place over three meetings on January 15, February 19, and March 5, 2019. In addition, the memo describes changes made by staff to increase the document's clarity and consistency. The commissioner hearing on this item will be held at 12:00 p.m. on April 18, 2019.

On March 5, 2019, the Missoula Consolidated Planning Board unanimously resolved to recommend adoption of the Missoula Area Land Use Map and Element as an amendment to the Missoula County Growth Policy. At the January 15, 2019 meeting, CAPS staff presented the staff report, land use map and element, and summarized the project history. The board then opened the hearing to public comment. Additional public comment was heard at the February 19, 2019 meeting, after which the board closed the public comment portion of the hearing. On March 5, 2019, the board considered all public comment received between December 30, 2018 and February 19, 2019. Comments received after that date will be forwarded to the commissioners for consideration.

The planning board discussed and acted on revisions to the Missoula Area Land Use Element as summarized below. For additional detail, please refer to the meeting minutes and the Staff Evaluation of Comments Received by 2-10-19. Recommendations contained in the Staff Evaluation of Comments were approved by the planning board unless otherwise acted upon.

1. Meadows West, Denbleyker Lot 2

A number of residents from the area provided written comment, and oral comment at the February 19, 2019 hearing, in opposition to the recommendation that the 8.38-acre

parcel near the corner of Waldo Road and I-93 be designated as Neighborhood Residential with a density of eight units per acre or greater. This designation was based on the proximity to sewer after a recent expansion brought it adjacent to the lot. Residents, instead, preferred the Rural Residential and Small Agriculture designation, and its recommended density range between one unit per ten acres and one unit per two acres because it is more consistent with their covenants' density requirement of one unit per two acres. The board voted unanimously to change the designation for that parcel to Rural Residential and Small Agriculture.

Update: After the close of public comment for the planning board public hearing, the landowner of Denbleyker Lot 2 provided comment stating they prefer the Neighborhood Residential designation. See BCC public comment packet.

After analysis by planning staff, the Clerk and Recorder's office, and the Office of the County Attorney, a conclusive determination could not be reached as to whether the covenants apply to this parcel. A 1986 covenant amendment allows commercial property on what is now Denbleyker Lot 1, which was signed by the landowner at the time, although the legal description was not amended to include the parcel. Additionally, it was deemed inconclusive as to whether the covenant language as amended applies to Lot 2.

2. Commercial Center between Buckhouse Bridge and Blue Mountain Road

The landowner's representative requested an expansion of the Commercial Center designation. They provided additional survey data, which was confirmed by the County Floodplain Administrator, showing that a portion of land in this area is not within the regulatory floodplain. Their request would expand the commercial designation based on property lines and encompass areas that are within the regulatory floodplain. Some of the land is unzoned and other land is within Citizen Initiated Zoning District 39 or 43, zoned for either commercial, agricultural, or residential uses. Staff recommended expanding the Commercial Center designation to just the area shown to be outside regulatory floodplain, which includes the commercial zoning, some agricultural and residential zoning and some unzoned land.

The board discussed concerns about wildlife, prime agricultural soils, riparian protection, and acknowledgment of existing businesses. They voted 5-2 to expand Commercial

Center to the area zoned commercial and the unzoned property that is outside the regulatory floodplain.

3. Grass Valley, Either Side of Deschamps Lane

The board discussed the comments provided by Fish, Wildlife and Parks noting the importance of the LaValle and Butler Creek wildlife movement corridors, the presence of prime agricultural soils, an on-site ephemeral stream, the important bird area, and whether zoning of one unit per acres or one unit per five acres is appropriate for the area. They voted 7-0 to expand the Agriculture designation in Grass Valley southwest of the airport, designate a portion west of the airport as Working Lands, and have staff reach out to landowners in the area.

4. Strike “Prime” from Mentions of Agricultural Soils

The board discussed striking “prime” from mentions of agricultural soils in order to broaden the inclusivity of agricultural land. The board voted 6-1 to strike “prime”.

5. Area North of the Airport, where Broadway and Roller Coaster Road Meet

The principal from DeSmet School requested the area north of the airport be changed from Industrial Center to Neighborhood Center to increase safety through the industrial area for students traveling between home and school. They provided two letters of support from landowners. The board discussed the issue of existing industrial operations in the area, the school being 1.5 miles away, new residential designations applied elsewhere within the DeSmet School District, the lack of public water, and anticipated airport expansions. The board voted 4-3 to make the requested change from Industrial Center to Neighborhood Center.

6. The Northwest Corner of Deschamps Lane and Moccasin Lane

The landowner’s representative requested that, rather than Planned Neighborhood, the eastern portion of their parcel be designated Industrial Center, and the northwest portion be designated Working Lands with the boundaries being situated around a gas line running through the property. The board voted 7-0 to make the requested changes.

7. Addressing Climate Change

In response to the staff memo to planning board, dated 3-5-19, the board voted 7-0 to insert a paragraph within the *Protect Public Health and Safety* section to address climate change and include data on agriculture soils and housing in the Land Use Element.

In addition to the changes recommended by the planning board, staff made changes to the text for increased clarity and consistency as part of the editing process. Those changes are described below.

1. Page 21, Use, Plan, and Expand Infrastructure

This section's message was reworked to be more direct about the justification for using the infrastructure that is currently in place and the logical expansion of those services.

2. Page 24, Update the Missoula County Subdivision Regulations – Outcome

This section was updated to specify updating the infrastructure and design standards within the subdivision regulations.

3. Page 37, Rural Residential and Agriculture

In the Land Uses section, language was added to be more consistent with other agriculture-focused designations, describing activities incidental to agricultural as a secondary use.

4. Page 45, Community Mixed Use

In the Intensity section, context was added to recommend allowing larger commercial and mixed use buildings if they are vertically integrated. In other words, building taller rather than wider to accommodate substantial growth.