

**Community Forum Meeting  
November 17, 2005  
7:00 p.m.  
Paxson School  
Moderator, Hans Christiansen**

Moderator, **Hans Christiansen** began the meeting at 7:01 p.m. and took roll:

Emma Dickinson – Mike Hathaway  
Farviews/Pattee Canyon –Celeste River  
Franklin to the Fort – Jerry Tahija  
Grant Creek – John Hendrickson  
Heart of Missoula–Lynn Redding, Alternate – Late show 7:45 P.M.  
Lewis & Clark– Greg Gullickson, Alternate  
Lower Rattlesnake– Carol Elsen  
Miller Creek– absent  
Moose Can Gully—Megan Benson, Alternate  
Northside– absent  
Westside --absent  
Riverfront– Sheila Mischke, Alternate  
Rose Park–Ellen McCullough  
South 39<sup>th</sup>–Renee Mitchell  
Southgate Triangle–Hans Christiansen  
University District–Absent  
Upper Rattlesnake–Absent  
City Council Representative – Clayton Floyd  
Neighborhood Liaison—Ruth Brennan Anderson

**Others Present**

Meeting attendee sign in sheet available at Office of Neighborhoods.

**Quorum**

It was announced that a quorum was present.

**Adoption of Agenda**

The agenda passed unanimously on a voice vote.

**Public Comment**

None

Hans moved to start New Business #3 and #4 up on the agenda. The motion was seconded.

**New Business**

●3. *Celeste* – Presented the NC’s proposed Temporary Moratorium on New-Building Heights Greater Than 30 Feet. The vote was unanimous at the NC meeting. The

Farviews/Pattee Canyon NC passed a resolution in April 2005, requesting that the CC discuss and consider changing all areas within Farviews/Pattee Canyon neighborhood, currently zoned A to R-1., to reduce maximum allowable building height from 40 ft. to 30 ft. The PAZ Committee has a pending agenda item since Sept. 30, 2005 about this re-zoning. This zoning concern was first referred to the PAZ Committee on Dec. 6, 2004 by Councilman Ballas and remained on the PAZ without action until it was removed on Feb. 6, 2005. A period of 10 months has passed in Oct. since this item appeared on the CC without any action taking place during that time. The Farviews/Pattee Canyon NC resolved to request that the CC act on an immediate moratorium on any new building heights greater than 30 ft. in all areas currently designated zone A in the Farviews/Pattee Canyon neighborhood, and such moratorium be enacted to last and be in effect until such time. We are asking for the moratorium because it has taken so long to get any public discussion and action to take place. It's not the whole Farviews/Pattee Canyon NC area; it's the oldest Hillside area the Farviews area. In our old neighborhood the covenants are no longer in place, the original home owners have died or moved away, there are no more homeowners associations, and we are left with the oldest zoning in Missoula which is A. It was designated in 1932 and was defined, and in 1958 the zone A was applied to the Farviews area when it was incorporated into the city. It has never changed and I brought it up to our NC in 2000. We asked about it again in 2003 on Dec. 9, when the Planning Board had their city wide forum where everyone could speak about concerns in their area. We were told we would have to go around our neighborhood and have people sign a petition with 35% signatures in our defined area, and pay a fee of \$500.00. In Jan. 2004 the fee was raised to \$1500.00, and I don't know what it is now. We are asking for a city initiated zoning change to correct the antiquated zoning that has left the homeowners in that area with a 40 ft. height. There are no new developments that have requested to be zoned A. Because it has taken so long to get any discussion and get the neighbors and people to understand the issue, we are asking for a moratorium to hold off on any building or proposed building more than 30 ft. until all the people be informed about what kind of zoning they are living in, and what may be done to improve it. **Hans:** Moved for a discussion on Farviews/Pattee Canyon Resolution. **Sheila:** I have concerns about a moratorium. As far as builders getting permits, I know it's very confusing to find out from the City what a person is able to build. The zoning is so antiquated that it's confusing, and we allow one thing and turn around and put a moratorium on it, it will be more confusing to the process than it is to clear it up. I think we need to clear it up and make it consistent, and address the whole issue of being antiquated. People in Missoula would agree that zone A is a designation that people don't want in the Historical District and is being discussed. But, putting a moratorium over a certain little pocket neighborhood that is already zoned a certain way, will bog down the system with more beauracracy and rule making. I think it would be more effective to put political pressure on the City Council members in a different way for them to address it and rezone it. **Clayton:** Councilman Ballas has referred the situation to the PAZ and it is now finding its way to the PAZ agenda, because the Wye/Mullan plan has taken a lot of time. We will be able to start looking at items in a more timely manner. I am more concerned about the wording and the lack of uniform on how we put zone A in other areas than Farviews. **Dave Loomis, OPG:** To the question of how you want to handle it, if you describe geographically in an area that's zoned A, it needs to be described on an exhibit. There should be no confusion on terms of a moratorium on height from 40 ft. to 30 ft. **Clayton:** It's a six month period that you can declare one of these moratoriums, and needs a majority. It is an issue that needs to be addressed. There will be the issue of where to measure the first floor; from the basement floor or outside on the ground. It

would be much easier and simpler to measure from the lowest level developed and measure from the basement floor up whether it's finished or not. **Celeste:** Not to confuse anyone but, that is part of this issue and how the heights are measured. This whole issue on heights in the oldest Hillside area is a multi faceted issue that's not easy to talk about with people, because it's very complicated. It involves our old zoning height, and the Hillside Design Standards which were adopted in 2000, and how they are being read and applied to height in structure. There is a 40 ft. zone from Pattee Creek Dr. on the west side of Higgins, and in the Lewis & Clark neighborhood between Higgins and Bancroft all the way to Mount. That 40 ft. is in the Lewis & Clark neighborhood and in part of the Rose Park neighborhood. In order to not complicate this complicated issue further my NC is trying to focus on our neighborhood, the part that is affected by the old zone A and by Hillside Design Standards, which nobody understands. By asking for a moratorium, it is to get more conversation going and more understanding about the issue. **Carol:** The idea of a moratorium is good, if it is unsatisfactory now, we would like to stop the process now so there is an impediment to a builder coming in and not building to the standards that does not fit the neighborhood. I am for the moratorium. **Ellen:** Celeste, I would like to know what you have to say about what Clayton said as far as the fact that it is the building season and the moratorium only lasts for 6 months. Is this something that you might consider bringing back say in Jan. or Feb. so that the 6 months would be in the actual building period? **Celeste:** I am all for it, I don't know how long it will take the CC to act on it. Knowing these things take months and it has already been 5 years now since we became aware of the problem, and asked for help. **Ellen:** Moved to vote to support the moratorium. **Renee:** Seconded the motion. Motion passed 10 to 1. **Hans:** My leadership team and I agreed that we will support this neighborhood and the problem. **Clayton:** I will refer this tomorrow in the morning.

●4. **Ray:** I was present at the meeting when the original Hillside Design Standard request was presented. The CF voted it down and asked us to reword it. We had a NC meeting and with new wording. The only changes that were made is in the last paragraph; in the original we asked the CF to take an active role in the request, and that was the wrong thing to do, so it has been clarified of what the NC is asking for, which is CC and the Consolidated Planning Board review the Hillside Design Standards and not the CF. Other than that the wording is now in bullets as previously it was in paragraphs. **Celeste:** The writings in the Hillside Design Standards is so complicated in the way it's written, that people can't understand what it says. The zoning office has a hard time interpreting what it says. The Planning Board had a meeting last July and they had a hard time understanding it too. I don't want to do away with Hillside Design Standard, but the writing needs to be revised so everyone can understand it. **Dave Loomis, OPG:** I am prepared tonight to explain this. Our work plan is not set by the Planning Board and is not set by this group, but by the City Council. The rules were first written in the 1990's and amended in 1999 and further amended in 2005. Ordinances say what they intend to do, but they are not rules. There have to be slopes over 10% before this applies, but all slopes over 10% becomes an overlay. Overlays are additional rules. Guidelines are not rules, so they get treated differently. Therefore, there are 2 different types of operations. Guidelines are meant for developers, designers, and architects to design houses or independent structures on hillsides. There is a menu for things to choose from about how to do things, and there is a list of key objectives that should be met in any design. Loomis talks about density with land and driveways, and design standards as well as how the Hillside Design Standards reads. **David Gray:** Member of Franklin to the Fort Neighborhood Council Leadership Team- Describes about why he does not support this resolution. David suggests an overlay rather than changing the ordinance, because the

affects the whole city. **Megan B:** Has questions for David Gray about a billable right. **David Gray:** talks about building heights around the city. **Clayton:** discusses grades, slopes, lots and how to measure the height of a structure. **Celeste:** Defines where South hills and Farviews/Pattee Canyon neighborhood boundaries are. Wants to make clear where her neighborhood is and the issue about zone A. **David Gray:** Wants everyone to know about the zoning in any neighborhood.

### **Approval of Minutes**

Minutes of Nov. 17, 2005— **John Hendrickson:** Motion to approve the minutes. **Shiela:** Seconds the motion. Minutes were approved on a voice vote.

### **Special Orders**

None

### **Announcements**

**Ruth Anderson:** Thanks all for her first year working with everyone. Reminds people to say their names so new person knows who is speaking. Community Forum budget is at \$50.00 and there is a small grant on the agenda to replace to the CF budget, so the money is there for the next bus tour. The small project balance is \$2,266.00 and will change if small grants on the agenda are approved. The packets: The remaining colored sheets you have are the purple sheet with proposed language for a CF presentation policy. The yellow is the proposed presentation request form. Blue is the Farviews/Pattee Canyon NC Resolution for Temporary Moratorium on New Building Heights Greater than 30 ft. Green is Hillside Design Standards Review and Change Request. Please let me know if your recurring Leadership Team meetings change due to the holidays, so I can forward the correct meeting information for publication. Ellen volunteered to be the meeting moderator for Dec., but I still need a moderator for Jan. The CF will meet on Dec. 15, 2005 (3<sup>rd</sup> Th.) due to the Christmas holiday. The meeting will be at the Missoula Public Library Large Meeting Room. The CF will resume on the (4<sup>th</sup> Th.) of the month meetings on Jan. 26<sup>th</sup> also at the Missoula Public Library Large Meeting Room.

### **Presentations**

None

### **Committee Reports**

#### **Bus Tour Committee**

In the spring we will be looking for volunteers for the committee and go over the feed back forms.

#### **Neighborhood Project Fund Committee**

**John Hendrickson:** We have two applications, one for \$200.00 and one for \$150.00 (this will pay for the second half of the bus tour). The committee approved these. **Hans:** Makes motion to approve these. **John:** Seconds the motion. Motion passes unanimously on a voice vote. **Ruth:** Reminds everyone of the \$3,000.00 grant that has a deadline Nov. 30, 2005.

### Training Committee

**Ruth:** Marty is currently working on organizing the training for the new CC members and a training format for boards and commissions. She will be working with MCAT to film different portions of those trainings. The DVD's will be available to us.

### Extraordinary Events Committee

No Report

### Unfinished Business

●1. Glen Eagle sewer issue, **Clayton:** Hoping that next month there will be nothing to report & it won't have to be an item on the agenda any longer.

●2. **Hans:** This is going to be a discussion and a vote on the proposed change to ordinance 3288 regarding the temporary appointment of CF alternates. The problem is vacancies in the neighborhood and they have to wait for a general meeting to vote a new person in. We are asking for the leadership team to appoint somebody to fill the position until they can have a meeting and election. The reason is because of the lack of a quorum at CF meetings. **Carol** makes a motion to adopt the proposed changes. **John Hendrickson** seconds the motion. Motion passes unanimously on a voice vote.

●3. **Hans:** CF presentation policy; people come to the CF to talk to us about something they want to present to their neighborhood and we are trying to keep the issues down to 10 minutes or less and then we can recommend that it goes to the neighborhood. Same process to apply to Ruth to present something and the CFLT will okay it or not. We are not here to listen to presentations. **John Hendrickson** makes motion to approve the CF Presentation Policy. **Ellen** seconds the motion. Motion passes on a voice vote.

### New Business

●1. & 2. CF voted on these items under committee reports.

●5. **Hans:** We need nominations for the CF Leadership Team, because so many of our leadership team members have decided to run for CC, or resigned. We need several new people; it requires a commitment of time of one night a month. There are only three now and we need three more. Renee said she might be interested.

**John Hendrickson:** Resolution Request-There is a casino proposed in the Grant Creek at the 7R store and they want to know how the people would feel about it. I have been notifying the Homeowners Associations and planned a meeting next week. We don't see a need to see a Casino in a residential neighborhood, because there are enough casinos in that area. Asking for support from other neighborhoods. Made a motion to have it on agenda next month as an action item. **Hans:** Seconds the motion. Motion passes on a voice vote.

### Monthly report to CC

After CF discussion:

- Moratorium
- Rezoning north of I-90 interchange at Grant Creek for casino
- Large and Small Grants

### Neighborhood Updates

Neighborhood updates were reported.

- South 39<sup>th</sup>: We are getting somewhere with our amendments and will meet Dec. 11, 2005. Our council was not very active last year. We are trying to get more involved.
- Moose Can Gully: We amended our bylaws not to have term limits for the leadership team. Working with 39<sup>th</sup> St on a proposal for a trail.
- Farviews/Pattee Canyon: We are active with the zoning and height issues. We had a joint meeting with Lewis & Clark. Will be having a Christmas Party at Lewis & Clark Village Community Center on Higgins on Dec. 10, 2005 from 1:00 to 4:00, and Santa will be there.
- Riverfront: The ballpark issues – Want to find out about how people feel about ballpark noise, and how to get the word out about meetings. We spoke about the Historic meetings, and Mill Site meetings and they went quite well. About 40 people showed up for the Mill Site meeting, disappointed should have had 100 people show up. But looks positive with the developers.
- Emma Dickinson/Orchard Homes: The Leadership Team met in Oct. and met with Jackie Corday with the Park and Recreation Dept. and put together a design for a park coming up Dec. 10, 2005. No other NC meetings, but looking forward to meetings regarding redevelopment of the old lumber yard property.
- Franklin to the Fort: The main thing is our infrastructure plan for the neighborhood. He explains a little bit about how to become a member on the Leadership Team.
- Southgate Triangle: We will be meeting with the Parks Dept. in the near future to see about grant money that we have had from the last 2 years. We are working on term limits.
- Heart of Missoula: Pass
- Lower Rattlesnake: Pass
- Grant Creek: We are going to have a meeting in Jan. and hoping to get the Leadership Team in place. John announced he will be stepping down and another lady is interested.
- Clayton: Spoke about zoning right away that reflects the Wye/Mullan Plan.
- Lewis & Clark: Spoke about traffic calming, elections, and presented a certificate.
- Rose Park: Pass

### **Adjournment**

*Hans:* adjourned the meeting at 9:03 P.M.

Respectfully submitted,

Ruth Brennan Anderson  
Neighborhood Liaison