

Community Forum Meeting
February 27, 2003
7:00 p.m.
City Council Chambers
Ben Seigford, Facilitator

Member present:

Ben Seigford, Emma Dickenson/Orchard Homes
Celeste River, Farviews Pattee Canyon
Don Nicholson, Grant Creek
Carol Elsen, Lower Rattlesnake
Jerry Tihiya, Franklin to the Fort
Eileen Schwanneman, Upper Rattlesnake
John Couch, Westside
Lin Smith, Rose Park
Paul Crowley, University District
Sheena Comer-Winterer, Riverfront
Joe Gorsh, South 39th Street

Others present:

Clayton Floyd, City Council; Jane Stoll, Neighborhood Liaison; Marty Rehbein, City Clerk; Jan Hoem, University; John Torma, City Council; Lou Ann Crowley, City Council; David Loomis, OPG; Denise Alexander, OPG; Patricia Hogan, Franklin to the Fort; Jim Meagher, Neighborhood Network; Jane Van Fossen, Save Our Neighborhoods

Approval of Minutes of January 23, 2003.

The following corrections were made to the minutes:

- Philip Perszyk should be listed as an alternate for the University District not the Upper Rattlesnake.
- Amend Celeste River's Neighborhood update to reflect that some neighbors don't like the noise produced by some of the entities renting the fairgrounds.
- Carol Elsen from the Lower Rattlesnake was present at the meeting, not Penny Orwick.

Don Nicholson moved approval of minutes as corrected. Hans Christiansen seconded the motion, and it passed unanimously.

Clayton Floyd recognized Lou Ann Crowley and John Torma, who are City Council members attending the meeting.

Marty Rehbein introduced Jane Kelly Stoll, the newly hired Neighborhood Liaison. Ms. Stoll thanked everyone attending the meeting for volunteering. She asked Community Forum members to let her know of any good speakers and presentation topics for a resource list she is compiling for neighborhood council leadership teams. She noted the

Liaison is the neighborhood newsletter, and if there is anything that Community Forum members would like to see in the newsletter, please let her know. She announced she has scheduled regular office hours on Wednesdays from 10:00 a.m. to 2:30 p.m. She is going to get a volunteer to help develop a list of book titles in the Neighborhood Office lending library and to take minutes at the Community Forum meeting. She passed around a list of Neighborhood Council leadership team members and asked for Community Forum members to update the information. She also handed out a sign-up form for Community Forum meeting moderators.

Presentation on Zoning—Lou Ann Crowley

Lou Ann Crowley, City Council member, said it is great to be back to the Community Forum meeting. She noted there are a lot of new faces at the table.

Ms. Crowley said people are noticing housing projects in their neighborhoods that are unexpected. She thinks this is a subject that Community Forum may want to take a look at in the near future. She brought a zoning map for Community Forum members to look at. Different parts of town are zoned differently. Many times people assume that the traditional building pattern in their neighborhood reflect the underlying zoning, but this isn't always true. Sometimes the underlying zoning in a neighborhood allows greater density and smaller setbacks than the existing development pattern in the neighborhood. She encouraged Community Forum members to research the underlying zoning in their neighborhoods to learn about what zoning allows in the neighborhood because it may be different than the development patterns reflected on the ground. Information on zoning is available from the Office of Planning and Grants.

Dave Loomis, Senior Planner with the Office of Planning and Grants, said the first step in looking at what can be built is to find out what zoning district a particular area is in. Then look at the description of that zoning district in the City zoning ordinance which includes the categories of allowed uses, units per acre, and setback requirements. The zoning ordinance is comprised of many zoning districts which outline permitted land uses. The City has pyramidal zoning, which means if a property is zoned "C" Commercial, any less intense uses are also allowed in that zone. This is true for any property zoned residential or commercial. An exception are properties zoned "I-1" Industrial where pyramidal zoning is not in effect. Today, with the value of land, residences are becoming larger, and people are building closer to the setbacks. In the past houses weren't built all the way to the setbacks. He noted it's difficult to say what the build out would be in a neighborhood given these factors. Many lots in Missoula were platted before zoning ever existed. Those lots are known as legal non-conforming lots. The City Attorney issued a legal opinion today (attached) concerning a property owners' rights to develop a legally created non-conforming lot. He noted times are different now. Land is more valuable now. People didn't traditionally build to the limits of the zoning in the past. They might have purchased three lots and put only one house on them. In the older subdivided areas, those lot lines can be changed and additional buildings can be added without modifying the zoning. He noted OPG is seeing a lot of large residential projects in Commercial or "D" Industrial zones. If people have

questions, they can visit OPG's zoning desk to find out what can happen in their neighborhood.

Ms. Crowley said Council members are getting calls, and people are surprised when new developments come in to their neighborhoods that are different from the traditional building patterns. She said it's important to know what can happen around your neighborhood.

Mr. Floyd noted his neighborhood is zoned "B" Residential and is built out at four to six units per acre, but legally, sixteen units/acre are allowed in the "B" zone as long as developers can meet the criteria. Planned Neighborhood Clusters and Density Bonuses can also increase the density allowed in the "B" zone. He noted Planned Neighborhood Clusters can happen nearly anywhere in the city. Density bonuses cannot happen everywhere in the city. Missoula needs to discuss what is going on and decide if this is a direction in which we want to continue.

Mr. Loomis said a Planned Neighborhood Cluster is not a subdivision and doesn't allow additional density. It provides flexibility for setbacks and other regulations. Developers proposing a planned neighborhood cluster are required to tell the neighbors in the area what is happening and to solicit their input. It is an administrative process and doesn't go to City Council for approval. Prior to the creation of the Planned Neighborhood Cluster section in the zoning ordinance, this process required a variance, and there was no requirement to inform or solicit input from the neighborhoods about the projects.

John Couch said when developers had to go to variance, it was hard to talk to them about design issues associated with their projects. Now they are contacting neighborhoods, and the neighborhood can talk with the developer about design issues.

Mr. Loomis said his job in this process is to ensure that the regulations are met. Neighbors can have constructive input in terms of design of a planned neighborhood cluster, but they can't influence the number of units, over and above what is allowed by the law.

Carol Elsen said she's heard negative things about the participation process with planned neighborhood clusters where people have expressed their concerns, but the developers have proceeded without doing anything in response to the citizen's concerns.

Mr. Couch said his neighborhood didn't stop a project, but they had some positive design elements emerge from the project meeting like double hung windows on the building. They were not able to influence the size of the building.

Mr. Loomis said developers must meet with the affected Neighborhood Council and Neighborhood Association. They have to have a meeting with the neighborhood and staff is watching for it. The City Council required neighborhood consultation in the rules, and he depends on neighborhoods to talk to him and give him feedback.

Sheena Comer-Winterer asked if the city is discussing architectural controls for development. Mr. Loomis responded that outside of the Planned Neighborhood Cluster, there are no design standards in the city zoning ordinance. Loomis said design standards have been done in other communities, and they are something Missoula will need to decide.

Don Nicholson said in 1999 zoning changed. People in Missoula weren't aware of what would happen. Before, development wasn't right in your face. He said people are saying stop. Whether there will be change to the 1999 rules remains to be seen.

Lin Smith said the developer is required to submit a report after a neighborhood meeting. She suggested the neighborhood send a written report to OPG. She said her neighborhood looked at a project, but what the developer submitted to OPG didn't seem to be the same information they had suggested. She urged Neighborhood Councils to make a written report or to have a development committee that makes a written report to OPG about projects they comment on. She noted the developer who her neighborhood worked with was reluctant to meet with them.

Eileen Schwanneman said the development on Lolo Street that was presented at their neighborhood meeting, wasn't the same as what was presented to OPG. Mr. Loomis responded that that project was a subdivision that went to the City Council meeting and had a public hearing. The setbacks for that development were part of the public record throughout the process the project followed to final approval.

Community Forum Leadership Team Election

The Community Forum voted on Hans Christiansen's nomination to Community Forum Leadership Team from the previous meeting. The vote to elect Mr. Christiansen to the leadership team passed unanimously.

Presentation on the Impact of Growth Management on Neighborhoods—Jane Van Fossen

Jane Van Fossen stated she is president of Save our Neighborhoods, a group formed in response to some of the issues presented to the Community Forum tonight. She was an active member of the Upper Rattlesnake Neighborhood Council leadership team.

A copy of the slide she presented are attached to these minutes.

Her organization, SON, believes citizens need to identify what is going on their neighborhoods and set some benchmarks and parameters. She noted new construction is on the rise. Building permits for one thousand one hundred ten (1,110) new housing units have been issued in the past ten months, and 615 of those 1,110 unit were multi-family housing. Where are these projects? They aren't evenly distributed around town. There is a lot of activity west of town, outside of town, and on the Northside. There is also new construction behind the Albertson's store on Reserve Street.

Subdivision exemption affidavits are situations where people are moving lot lines. There have been 36 affidavits filed in the Northside/Westside since March 1999 and 47 in Emma Dickenson area. From the patterns she has observed in her research, a subdivision exemption affidavit is a tip-off of a future development.

New structures and units have dramatically increased in 2002. The proportion of multi-family residences has sharply increased. A silver lining to this trend may be that rents may go down. She said the number of subdivisions and lots created or modified has increased sharply. Different kinds of change is happening in different parts of Missoula.

SON calls itself a quality of life lobby. They have a mission. They are researching issues. They are looking at developments. They are critiquing policies and procedures. They are forming an action plan to address some of these concerns.

She suggested neighborhoods should get a zoning map from Engineering or OPG and learn how current regulations permit restructuring of zoning. Neighborhoods should ask for regular reports from City staff on this data at their meetings. She encouraged individuals to join SON, get on their mailing list, attend meetings, and get informed. SON is a non-partisan organization. She encouraged citizens to get involved in determining future growth in neighborhoods. She asked the Community Forum to appoint a liaison to SON. Anyone interested in learning more can contact her at 549-8232.

Dave Loomis, OPG, said subdivisions and subdivision exemption affidavits are different things. Subdivision exemptions are a property owner's right under state law to move lot lines around as long as additional lots are not created. OPG staff researched recent exemptions and a net total of twelve lots were reduced through the subdivision exemption process in the past year. For example, a property owner might take 4-30 foot wide lots and rearrange the lot lines to create 3 lots on instead which reduces the potential build out in the area from 4 to 3. The City cannot disallow lot line adjustments unless the exemption appears to be circumventing the subdivision law.

Neighborhood Evaluation forms

Paul Crowley suggested waiting until next month to review the evaluation forms because many Community Forum members don't have their evaluation questionnaires with them this evening.

Lin Smith said she thought the Community Forum had already done an evaluation and questioned why the Community Forum was doing this again.

Ms. Rehbein responded the questionnaires were never reviewed. Several Community Forum members approached the leadership team expressing their wish to review those questions. She also noted staff, City Council, and the community should have input on the participation process to identify if there are any improvements that could be made.

Don Nicholson moved to postpone consideration of this item until March. The motion passed unanimously.

Neighborhood updates

Joe Gorsh, South 39th Street, said construction has started on South 39th Street again. Their leadership team hasn't planned another meeting. There will be a meeting about some of the types of development in the area. He felt the information presented this evening was very beneficial.

Carol Elson said the Upper and Lower Rattlesnake Neighborhood Councils had a joint meeting in February. They invited OPG and City Council members, and they talked about the proposed idea of the mother-in-law houses and corner lot duplexes. There was a lot of interest, but there was a lot of confusion. She thinks her neighborhood would like to study this more. She'd like to have the Community Forum respond to the presentations tonight, but she doesn't feel equipped to understand the Neighborhood Council's rights and responsibilities to participate effectively in the process. They are trying to learn more and find out what this growth process is all about and what they can do to promote it and/or modify it.

Jerry Tihiya reported the Franklin to the Fort Neighborhood Council had a meeting in February. They had great turnout at the meeting, but they had too many topics on their agenda. Infill and traffic planning were significant topics discussed at the meeting. They will meet again on March 25th to discuss infill. They will invite OPG and developers to be on a discussion panel.

Eileen Schwanneman said OPG and Engineering presented a lot of information at the joint Upper and Lower Rattlesnake Neighborhood Council meeting. Zoning is changing and citizen's ability to protest zoning are being taken away or limited. People don't know what Growth Management Phase II is. It will affect the entire city, and people need to know about it.

John Crouch said the Westside Neighborhood Council has been pretty active with St. Patrick Hospital application to rezone the City shop property on West Broadway. They may have another meeting to talk with St. Pat's and Safeway. The issue has raised interest in development in the area. Their neighborhood has commented on the zoning changes extensively, and they've talked about the effect on the neighborhood. He really enjoyed Jane Van Fossen's presentation.

Lin Smith said the Rose Park Neighborhood Council is planning another meeting in April. One of the topics they will take up is the reconstruction of 3rd and Russell. She noted transportation planning is full of jargon. There are different alternatives to consider, the City's preferred alternative and some things other folks would like to see. With their neighborhood school closed, the rental to home-owner ratio is changing in the neighborhood. They'd like to see Emma Dickenson school reopened first. She noted neighborhood schools were built and maintained by the public.

Farviews/Pattee Canyon—No report

Paul Crowley said the University Neighborhood Council discussed the Higgins/Hill and Beckwith intersection street project on Feb 6th. There are 3 alternatives being considered: a roundabout, a traffic signal, or a four-way stop. This intersection affects more than just their neighborhood, and he encouraged everyone to participate. There will be another meeting in March.

Sheena Comer-Winterer reported the Riverfront Neighborhood Council had a leadership team meeting to plan a meeting for this spring. It will help them to set an agenda

Don Nicholson, Grant Creek Neighborhood Council, reported one neighborhood association in the area has overhauled their covenants. It took a significant amount of the ownership to pass them. This is one way people may be able to exercise some influence over what is happening in their neighborhood. The Russell Street project is estimated at \$43 million and contains roundabouts. There are a lot of questions about roundabouts and how they would work. He suggested that the City construct a roundabout somewhere else where citizens would have a practical opportunity to try one out.

Clayton Floyd said there is a roundabout west of Reserve Street at the entrance to Hellgate Meadows, a new subdivision behind Home Depot. The big issue before the City Council is the Broadway Scott rezoning for the Safeway store. This issue may be resolved in about three weeks. The City is also considering a request for another \$1 million for the civic stadium. Currently the City Council has three chapters of Growth Management Phase II before them for consideration. Currently they are reviewing the multi-dwelling standards. Mr. Torma said the Council is also looking at creating a Business Improvement District in downtown Missoula.

Hans Christiansen said the Southgate Triangle Neighborhood Council is planning a meeting in April. They opposed a rezoning application on Northwester Energy property in their neighborhood because they wanted an opportunity to review a specific development plan. Their opposition didn't seem to have any effect.

Ben Seigford said the Emma Dickenson/Orchard Homes Neighborhood Council continues to work on their Neighborhood Infrastructure Plan.

John Torma, City Council, said that the Russell Street/S. 3rd Street project estimated costs of \$43 million includes money for the entire redesign of Russell Street, a new bridge over the river, engineering costs, construction costs, and right-of-way acquisition for the project. Public Works has said they don't know when this project is going to happen. It may take 20 to 30 years for any project to come to fruition. A draft Environmental Impact Statement should come out later on this year.

Mr. Floyd added the cost difference between signalized and roundabouts isn't too significant.

Mr. Nicholson said Missoulians have some opportunities to try roundabouts out. Mr. Torma noted there are less total accidents at roundabouts, and accidents are less severe in terms of costs and injuries. Roundabouts are more expensive to construct, but cost less to maintain, and they are safer. But until everyone experiences it, we should see how they work. There is a lot of anxiety about them.

Mr. Couch said the Missoula Institute for Sustainable Transportation will have discussion about roundabouts. He said they are pro-roundabout, but they have a lot of information for folks to check it out for themselves.

Carol Elsen made a formal request that Community Forum take up the Growth Management Phase II and have a sharing time to hear some experiences. She'd like to bring it to the Community Forum leadership team and have further discussion.

Ms. Rehbein explained the schedule for considering chapters of Growth Management Phase II. City Council is discussing the Multi-dwelling chapter now, and citizens can still offer input to the City Council. The City Council has held a public hearing on the Parking and Pedestrian chapter, and it is being held in the City Council's Plat, Annexation and Zoning Committee pending further review. In response to citizen comments, OPG staff will be allowing additional time between when chapters are presented and approved by the Missoula Consolidated Planning Board before they are scheduled for public hearing before the City Council. The Planning Board is currently considering the Landscaping and Buffering chapter.

Mr. Torma added City Council will deal with each chapter one at a time and have them take effect at the same time.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Marty Rehbein
City Clerk