



MISSOULA COUNTY ZONING UPDATE (MCZU) STEERING COMMITTEE

October 8, 2019 1:00 p.m.

CAPS Conference Room, 127 E. Main, Missoula, MT

Members Present:

Allison Mouch, Orion Planning + Design

Jamie Erbacher, CAPS

Laval Means, City Development Services

Aaron Wilson, MPO Transportation Planning Manager

Mike Morgan, Morgan Hoffmann Architects

Torrey Ritter, FWP

Jennie Dixon, CAPS

Karen Hughes, CAPS

Heather McMilin, Homeword

Dwight Easton, MOR

Bonnie Buckingham, CFAC

Jennie Dixon welcomed MCZU Steering Committee members to their fifth subcommittee meeting since its inception in March 2019 and made introductions. On November 5, 2019, Jennie and Allison Mouch will present the final audit report of the current county zoning regulations to the Missoula Consolidated Planning Board. They will also rollout the final audit report at the November 7 County Commissioner meeting.

The draft audit has been available as a Google doc for review by the steering committee for approximately three weeks. Steering committee members were provided with the full 281-page document, with specific guidance to provide feedback on the following two documents:

- Section IV. Audit Findings, and
- Section V. Conclusions and Next Steps.

The audit report is intended to define priorities and direction for the community, the staff and the commission. If the draft stays essentially the same following committee member and county commissioner comments this month, there may not need to be a steering committee meeting in November. The timeline for the Planning Board and governing body public hearings on the amendments remains early next summer. The steering committee's focus on the amendments will resume by December 2019/January 2020.

Allison stated the final, formatted rough draft document will be delivered to Community and Planning Services (CAPS) on Tuesday, October 15, so committee members could expect a more streamlined document soon. She encouraged committee members to make comments on the Google docs by the end of the week so they could be incorporated into the final rough draft.

KEY FINDINGS

1. The current zoning regulations do not reflect the county's plan for future growth and development.
2. Agricultural districts need a complete overhaul.
3. There are too many Part I zoning districts (ZDs).
4. Residential zoning districts do not currently offer enough choice and variety in housing types.
5. Pyramidal zoning does not always reflect the county's core values.
6. There are conflicts created by proximity between city and county zoning districts in the transitional urban area surrounding the city limits.
7. Current and future development densities are hindered by the availability of infrastructure.
8. Outdated and disproportionate site design standards limit potential buildout even where density is encouraged.

9. Current cluster development provisions are ineffective and rarely used.
10. Landscaping and parking design standards are weak and do not reflect best practice.
11. The county lacks design standards for short-term rentals and tiny homes developments.
12. Design standards are needed for environmentally sensitive and natural areas, to protect both the resource as well as public health and safety.
13. Access to and design of park and open space amenities is not contemplated under the current zoning code.
14. Current design standards fail to create complete communities.
15. Sign regulations do not reflect recent case law restricting content-based regulation.
16. The zoning code needs to thoroughly address emerging trends.
 - Allison stated that this was specifically about 5G, cryptocurrency, and sustainability in the overall development of the site and the structure design itself, to the extent that zoning can address.
 - Jennie added that this would also include other conservation measures, in addition to solar and wind energy generation and energy conservation. Sustainable development is an overarching concept that applies throughout the findings, although it is listed in this element.
 - Jamie Erbacher asked if this could be used as an incentive. Allison confirmed that it could be utilized in various ways, and she would likely seek some legal guidance on it. It has been considered in other jurisdictions, most recently Helena, relative to regulating through zoning vs. building code.
17. Existing special districts no longer reflect best practices.
 - Chapter 5 is not representative. Allison stated that it should either be integrated into an existing base district or single use district. Jennie clarified that those districts included the mobile home overlay, shopping center overlay, and PUD which is being examined separately.
18. Significant confusion surrounds planned unit development and planned variations.
19. The current organization of zoning districts is confusing.
20. The existing zoning regulations are hard to read, interpret and lack general user-friendliness.
 - There was a lot of feedback on this in the stakeholder meetings.
21. The zoning code does not provide enough enforcement tools.
22. The county's approach to variances and nonconformities does not support consistent application of the zoning code.
 - There are numerous sections with many discrepancies.
23. The existing regulations allow too much discretion without clear parameters.
24. Development standards and processes should be consistent
 - Allison specified that this was not only internal to CAPS but between departments.

CORE RECOMMENDATIONS

Allison reminded the steering committee that the recommendations and priorities are still being refined. Jennie added that the conclusions and next steps in Section 5, the 5-page document, are organized by 1) immediate, 2) on-going, and 3) long-term.

Heather McMilan asked if the findings were typical of zoning code that had not been updated for 40 years. Allison stated that there were typical issues surrounding housing and effectively integrating mixed-uses. Part of her directive was to move toward a hybridized form-based code, which requires a

significant overhaul on the structure of the districts and the design standards. They did not get much negative feedback on the administration or the process.

Heather emphasized she would like to see protections to ag lands and watersheds and then asked about mechanisms for future updates. Jennie stated that when a consultant was selected during the RFQ process, one of the criteria was to get this in a format and condition which would ease on-going maintenance amendments. She followed that CAPS envisioned this as a large project broken it into parts over several years. The land use map was the first step; this is the second step. Once the regulations are adopted it will likely be followed by zoning changes on the ground, which would be step 2-B. The third step, a rural area mapping project, has been initiated and will be comparable to the Missoula Area Mapping Project. It will follow the same general process: strategic planning for the rural areas, followed by zoning. Jennie stated that zoning in the rural areas, beyond the urban area, would likely look different, and that it may not even be a used-based zoning. It could be resource and issue-based, or maximum density, all while considering smaller communities.

Allison stated that they envisioned the immediate identified actions as the ones they expect to be able to accomplish within the next 8 months, within the scope of this phase 2 project. The ongoing actions are a little bit “grayer,” and she felt that the long-term objectives would be tackled in phase 3. She summarized the core recommendations:

- Many of the design standards and the environmental standards, while they are important, cannot be started until the base districts are in order. The reorganization of the document needs to start with base districts, use tables, and design standards clearly cross-referenced and organized.
- There may be existing districts that still work and only need moderate tweaking. The agricultural zones, on the other hand, will require a complete overhaul. New districts will need to be created, especially for East Missoula to utilize the live-make concept. Allison stated that there were not any great representations of mixed-use districts currently in the current code, and we might need to create some new ones. The same would be true for neighborhood commercial.

Laval asked about the conflict between the city and county zoning districts in the transitional urban areas. She noticed dialog in the report relative to exploring city standards, but she did not see it in the summary section. Allison clarified that this is a recommendation that they continue to struggle with. Jennie stated that a finding in Section IV. of the Audit Report seems to emphasize alignment of review processes more so than the actual design standards. Allison stated that the core concepts with respect to this recommendation are the availability of infrastructure, the potential for density, and future annexation goals. She doesn't want the process to create a situation where they would be redefining districts within a peripheral area that would make it challenging for future annexation.

There is also the consideration of unzoned areas, like the Wye, that may be able to accommodate future development densities because of expanded infrastructure, even though the city is not looking at the Wye as the next area of annexation. The county could take proactive measures to zone these areas because zoning is one of the underlying requirements for expansion of municipal infrastructure. The build-out analysis (in Appendix VI) illustrates proximity points within that boundary where the zoning and land use designations of the city and county differ. Allison stated that they picked a series to run a scattered evaluation on, highlighting where opportunity might exist through development incentives in the zoning. She gave an example of Grant Creek where there is both city and county zoning, available infrastructure, and differences in land use designations underlying both the city and the county zoning. She talked about the creation of a process where standards and incentives that

make sense could be applied with consistency to benefit the ongoing conversation. Heather clarified that while land use and zoning are important, a major missing link is the provision of services, like water and sewer. Development has driven the location of sewer and water more so than master planning. Allison emphasized they don't want to set up a situation where zoning restricts potential development along this urban fringe, where appropriate.

Laval asked recommended being intentional about the process for aligning the city and county zoning regulations and asked what tools could be applied or were under consideration. Specifically, she asked what would be done to ensure compatibility and what would be the potential for the county's more urban districts taking some of the city's zoning tools into? She read about the consideration of it in the Section IV. Audit Findings and asked for further details regarding base zoning districts.

"...there are instances where it may be appropriate to adopt aspects of City zoning; there are opportunities to align uses, densities and intensities through development incentives (like clustering and density bonus) that promote cohesion; but the wholesale adoption of City zoning districts to address the complex relationships between City and County code alignment will not get to the root of site-specific issues created by proximity."

Allison clarified that it means that just using tools from the city are not going to solve-site specific issues. Allison confirmed that a key piece in the next steps is consolidation and alignment of the design standards. The county's current code is hard to cross-reference unless you know the code, and there are many sub-par tools in the design standards.

Aaron Wilson also asked about development in the fringe area, annexations, zoning and the lack of urban growth boundaries. In thinking about development in these areas, he wondered about zoning an entire area versus parcel-by-parcel when annexation is requested. He stated that annexation mechanisms could impact funding for infrastructure. He mentioned several example annexation scenarios:

- 1) South Avenue where the city annexed the street but did not annex adjacent properties. Now the city is paying for maintaining and building out streets to urban standards but not generating any additional revenue from the properties that it is serving, and
- 2) Third Street where the city annexed the street for the school but none of the adjacent properties. Again, the city is now responsible for road expansion and maintenance but does not see revenue generated by the properties that use them.

Aaron stated that if the properties west of Reserve Street on Third Street are annexed and developed, they would not have to pay impact fees and there wouldn't be the necessary funding available to create roadways adequate to serve the development. He asked who would be paying for the infrastructure, and could city residents from the core be subsidizing the roadway infrastructure because the property owners in that area weren't paying for it, even though they would be the primary users? Or, when new development comes in, would that trigger a need for impact fees in that area? Aaron asked how the city and county zoning and the annexation policy could facilitate this, and the group needs to be very intentional with their decisions in this respect.

The meeting concluded, and Jennie stated that slides would be posted to the website so all steering committee members could access it. She asked committee members to comment via Google Docs or email her or Allison if they had further comments over the next few days.