



DEVELOPMENT SERVICES

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MEMO

TO: City Council

DATE: December 14, 2018

FROM: Anita McNamara, Development Services

RE: **Hillview Crossing TED Conditional Use**

On Wednesday, December 12, 2018 the Land Use and Planning Committee discussed the Hillview Crossing Townhome Exemption Development Conditional Use as a pre-public hearing information item. Council member questions and associated answers are provided below:

A. Private Roads:

1. Is it typical to have Home Owner's Associations (HOA) maintain private roads within their developments?
 - a. Yes. It is typical in both Subdivisions and TED developments for the City to require a HOA to maintain their private roads. Condition of approval #14 requires the applicant to include the following statement in the Development Covenants:

"The purchaser and/or owner of the lot or unit understands and agrees that private road construction, maintenance, drainage facilities and snow removal for Road "A" and Road "B" are the obligation of the owner or property owners' association and that the City of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are brought up to standards and accepted by the City of Missoula for maintenance."
2. How prevalent are private roads in the surrounding area that are maintained by Home Owner's Associations?
 - a. The loop road in the Village at Elk Hills Condominium (Village View Way) appears to be the only privately maintained private road in the area.
3. What are the Fire Code design requirements for hammerhead turnarounds? Is there a diagram?
 - a. City Fire provided comment that the Hammerhead turnarounds are acceptable, provided that the measurements are consistent with Appendix D (Fire Code for Fire Apparatus Access Roads) of the International Fire Code (attached as Exhibit #1).
 - b. City Fire provided comment that the proposed private roads within the Hillview Crossing TED meet the minimum requirements of the Fire Code. City Fire comments are attached to the SIRE record. Further City Fire commented that emergency traffic on private roads like this that have slope and are narrow is slow with optimal conditions. If the parking prohibitions are enforced and snow removal is provided, emergency vehicles access meets the minimum requirements.
 - c. City Fire also commented that if the hydrants are located on the No Parking side of the road, the private road width would need to be expanded to 34 feet in width for the portion of the road near the hydrant so that fire apparatus does not block a travel lane.

4. Who enforces the “No Parking” prohibitions on one or both sides of the streets within the Hillview Crossing TED? Who enforces snow removal on the private roads to ensure emergency personnel have access?
 - a. No Parking Prohibitions: Each TED unit owner and the Home Owner’s Association are the appropriate parties responsible for enforcement of the No Parking prohibitions. Condition of Approval #13 requires the applicant to include a statement in the Development Covenants that parking is prohibited on one side of the northern segment of Road “A” and Road “B” and both sides of the southern segment of Road “A”. Condition of approval #13 also requires the road improvement plans and installation include provisions for restricting parking on one side of the northern segment of Road “A” and Road “B” and on both sides of the southern segment of Road “A” in the form of painting the curb yellow and installation of No parking signage.
 - b. Snow Removal: Each TED unit owner and the Home Owner’s Association are the appropriate parties responsible for ensuring private road maintenance including snow removal on the roads within the Hillview Crossing TED. Condition of Approval #14 requires the applicant to include a statement in the Development Covenants that private road construction and maintenance including snow removal are the responsibility of the TED unit owners and the Home Owner’s Association.
 - c. The conditions of approval require language be placed in the Development Covenants designating the TED unit owners and the Home Owner’s Association as the responsible parties for enforcing the “No Parking” prohibitions and maintenance tasks such as snow removal on the private roads.
 - d. The Development Covenants are provided to each purchaser at the time of sale. The City’s responsibility is to review the road improvement plans, storm water plans, and maintenance plans. The City ensures that the facilities are constructed per the approved plans.
 - e. It is the responsibility of the developer to ensure maintenance and enforcement occurs per the approved plans until units are sold and the Home Owner’s Association is formed, at which time the maintenance and enforcement responsibilities transfer to the TED Unit Owners and the Home Owner’s Association.
 - f. Staff is not aware of any regulations that would require the City to take over the maintenance of the private facilities.
- B. What would the Homeowners’ Association annual maintenance costs be for roads, common areas, parks, boulevards, stormwater management, pedestrian walkway/stairs? What are the replacement costs roads, sidewalks, pedestrian pathway/stairs and stormwater facilities?
 1. Staff contacted City Parks and Recreation, City Street Maintenance and City Stormwater Utility to obtain information on possible costs for maintenance of the proposed parks & trails, private streets and stormwater system.
 2. Brian Hensel, City Streets Maintenance provided a rough estimate in FY 2018 numbers of the typical yearly maintenance costs per centerline mile for City streets of \$19,852. The following is a breakdown of the street lengths of the proposed private roadways and rough cost estimate for maintenance of each. Mr. Hensel also was firm to clarify that city would not take over maintenance.
 - a. Road “A” South: 1,400 linear feet or ± 0.26 mile times \$19,852 equals \$5,264 per year.
 - b. Road “A” North: 1,320 linear feet or ± 0.25 mile times \$19,852 equals \$4,963 per year.
 - c. Road “B”: 1,020 linear feet or ± 0.19 mile times \$19,582 equals \$3,835 per year.
 3. David Selvage, City Parks provided information on the average cost to maintain an acre of City parkland with limited amenities (no shelter, pool, etc.) is \$6,800 per acre per year. Mr. Selvage stated that the city would not take over maintenance of the private park areas as it is highly unlikely that the amenities would be built to City public park standards and the provided the following estimates.

- a. At 2.68 acres of parks and trails lands at \$6,800 per acre per year, the cost estimate for maintenance is approximately \$18,224 per year.
 - b. Staff did not receive an estimate for the maintenance of the 11.68 acres of Common Area which will require Weed Management and maintenance to prevent a fire hazard situation.
4. Bob Hayes, Stormwater Utility provided information on possible costs for maintenance of the storm water facilities based on wide assumptions as we do not have a engineered design from the applicant to review. Mr. Hayes also clarified that the city would not take over maintenance and that the maintenance would have to be performed by a private company.
- a. Possible cost to maintain the storm water facilities could be \pm \$2,000 to \$10,000 per year. Due to unknowns, such as storage capacity, road treatments during snow / icing events (liquid deicer formulation and ratio, usage frequency, usage amount OR solid traction material, i.e. sand or gravel, usage frequency, usage amount)
 - b. Possible cost to replace the storm water facilities could be \pm \$363,000. This is based on the storm event information provided by developer's engineer, which results in an estimated 130,000 gallons of stormwater storage required. This translates to \pm 900 lineal feet of sixty (60") inch diameter pipe. With an estimated price of \pm one hundred sixty (\$160) per lineal foot, the estimated cost for nine hundred (900) lineal feet of stormwater storage pipe would be \$144,000, not including installation, labor and equipment costs, which could double the cost to \pm 288,000, just for the Storage pipe.
 - c. Replacement cost for the remaining stormwater infrastructure components could be an additional \$50,000 to \$75,000 material and labor, depending on the design and components used.
- C. With regard to Human Resource Council (HRC) property to the west of Hillview Crossing, can the City require a road connection as part of the TED review? Are there other properties that could provide access to the HRC property?
1. The subject property of the Hillview Crossing TED conditional use request (subject property) owned by Hillview Crossing – Missoula, LLC (HC LLC) is adjacent to a 4-acre landlocked parcel owned by District XI Human Resource Council (HRC).
 2. Prior to HC LLC acquiring the subject property, there was an approved subdivision (Southern Hills subdivision) on the property that included a vehicular connection to the HRC property. The subdivision approval was never acted upon and after several phasing plan extensions the subject property was sold and the preliminary plat for the Southern Hills subdivision was allowed to expire.
 3. HC LLC has been unwilling to voluntarily provide a vehicular connection to the HRC property since their TED project was first proposed in 2015. In 2016, HRC filed a lawsuit against HC LLC, the City of Missoula and Zoning Officer Mike Haynes claiming that those parties had a legal obligation to accommodate a vehicular connection to the HRC property, as shown on the expired Southern Hills subdivision preliminary plat.
 4. In February 2018, after protracted legal proceedings, Judge John Larson dismissed with prejudice all HRC claims against the defendants. City staff would have no objection to a mutual agreement between HC LLC and HRC to provide a vehicular connection but that connection is not required by City Code.
- D. Could staff provide explanation of applicant's statement that Condition of Approval #9 was late and not anticipated?
1. Staff advised the applicant in early scoping/pre-application meeting that the proposed roadways exceeded the maximum block length standard in Title 20, Section 20.40.180.F and suggested mitigation to meet the intent of this standard. At first, the applicant asked if they could request a variance to this standard within the conditional use review process as you can request a variance with a subdivision. Staff responded that there are no criteria in the TED standards or in the

Conditional Use review process that provide an option to vary from required standards. Staff suggested a pedestrian connection between Road A and Road B to help mitigate the block length.

2. The applicant submitted the first application for sufficiency review on June 22, 2018. Staff reviewed for sufficiency and provided comments to the applicant on July 5, 2018. One of the staff comments was that the block lengths exceed the maximum. Staff again suggested a pedestrian pathway/stairs connection between Road A and Road B for mitigation and told the applicant that not including this item would likely result in a condition on the project.
 3. The applicant submitted for second sufficiency on July 20, 2018. In the cover letter, the applicant listed out and addressed each staff comment. To address the comment about the pathway/stairs between Road A and Road B, the applicant stated: "Thank you for your comment, a stair path has not been included on the exhibits with this submittal." The applicant was again reminded that not including the connection could result in a condition being placed on the Conditional Use.
- E. Could staff explain the pedestrian circulation in the development, length of pathways to get to Hillview Way and how kids would get to the school bus stop?
1. Road "A" south is approximately 1,400 linear feet (over one-quarter mile). Road "A" north is approximately 1,320 linear feet (one-quarter mile). Road "B" is approximately 1,020 linear feet (one-fifth mile).
 2. Without the pathway/stairs required in Condition of approval #9, a pedestrian starting out from the eastern end of the northern segment of Road "A" has to walk approximately one half mile to reach Hillview Way.
 3. Without the pathway/stairs required in Condition of approval #9, a pedestrian starting from the eastern end of Road "B" has to walk approximately just under one half mile to get to Hillview Way.
 4. An elementary school student walking to Russell School would need to walk from their home on either the northern segment of Road "A" or from Road "B" toward the intersection with the southern segment of Road "A" and then to Hillview Way, up to approximately one-half mile. From the intersection of Road A with Hillview Way it is another mile to Russell Elementary School.
 5. A middle school student walking to school could take the proposed north-south trail toward Wapikya Park and walk westward on the Meadow Hill trail to school, however this is a natural trail and not accessible in winter.
 6. The 2018 Mountain Line Strategic Plan identifies extending Route 6 to run on Hillview Way that will get students to Sentinel high school.
- F. Is the parkland that is required by the Title 20 TED standards located on the sloping hillside or on flatter ground?
1. The proposed parkland meets Title 20, Section 20.40.180.G.3 and includes 2.68 acres of parks and trails. This exceeds the 11% of the site area requirement. The five small park areas are located on flat ground.
 2. Common Area totals 11.68 acres and is located on the sloping hillside, which is in addition to the parks and trails areas.
- G. Will Hillview Crossing TED be required to contribute toward the Hillview Way SID?
1. Hillview Way from 39th Street to Alliance Way was recently reconstructed at a cost of about \$3.8 million. The roadway improvement project was funded by impact fees and a Special Improvement District (SID #549). The SID assessed existing properties benefitting from the roadway project as well as establishing assessments for future development.
 2. The Hillview Crossing property directly benefits from the roadway improvement and is within the SID assessment area. The assessments for future development were set at ±\$1,700 for single-family homes and ±\$1,200 for duplex, condo or apartment units (in 2015 dollars, increasing

incrementally in each subsequent year). The assessments are payable per unit at time of building permit issuance.

H. Is Hillview Way designed to handle the additional traffic?

1. Troy Monroe, Assistant City Engineer stated Hillview Way has the capacity to accommodate the Hillview Crossing TED and other future developments. Hillview Way was recently reconstructed and is designated as an urban collector street. Hillview Way has a capacity greater than 10,000 vehicles per day, which is greater than the current use of 5,000 vehicles per day.

I. Storm Water Plan:

1. Could staff provide a summary of the preliminary storm water plan?
 - a. Troy Monroe, Assistant City Engineer, provided a Summary of the Preliminary Storm Water Plan for Hillview Crossing TED that includes relevant background information and relationship to the South Missoula Storm Drainage Project (SID 524). See Exhibit #2.
2. When will the final storm water plan be submitted, who will review and approve the plan and will the final plan be approved before development starts?
 - a. Condition of approval #3 requires the final storm water plan to be reviewed and approved by City Engineering prior to zoning compliance permit approval of the townhome exemption declaration.
 - b. Troy Monroe, Assistant City Engineer states that the final storm water plan will be reviewed during the design stage #4 - *Release for Construction*. Excavation could start prior to approval of the storm water plan, but would be required to obtain a Storm Water Pollution Prevention Plan (SWPPP) permit, which includes storm water retention/detention requirements.
3. Provide the total percentage of impervious surface area for this development.
 - a. The proposed development will have approximately 6.9 acres of asphalt (roads), concrete (sidewalks and driveways) and homes which combines for 28% impervious area. Per the storm water preliminary report, the total site is 24.6 acres.
4. How much of the Common Areas will be used as drainage basins?
 - a. Until the applicant provides a final storm water plan that is unknown. The applicant's consultant stated that they were looking at increasing pipe sizes or supplying tanks to retain the required storm water volume. However, they could decide to go with an open detention basin, which would take up some of the open space hillside area.
5. Clarify whether a Geotechnical Report is required for grading and drainage plans for the private road and home locations.
 - a. The City Engineer will require a Geotechnical Report for roads, infrastructure and home locations, including any excavation or embankment locations, in order to protect the general welfare of the prospective homeowners and the residents below the Hillview Crossing TED.
 - b. City Engineering is recommending a condition of approval be added to clarify the breadth and scope of the Geotechnical Report to ensure the report is provided as part of the design submittal, conforms to the requirements of the City Engineer and includes the following:
 - 1) Includes an evaluation of existing conditions;
 - 2) Recommendations for excavation and embankment;
 - 3) Requirements for construction and oversight; and
 - 4) Requirements for submission of as-built and testing results to the City Engineer.
 - c. Similar to other infrastructure submittals, the Geotechnical Report must be approved by City Engineering before permits are issued.

6. Regarding Council members concerns about the large amount of cut and fill that will be required for roads and building sites: How will the drainage issues with cut and fill be analyzed and by whom?
 - a. The developer will be required to perform a geotechnical investigation (see above) the result of which will be a Geotechnical Report that includes specific protocol to be followed to excavate or place embankment. It will be up to the consulting engineers to ensure the protocols are followed. Limited testing results and construction observation submittals will be required.
7. Would there be a more rigorous review for drainage issues and cut and fill if this were a subdivision?
 - a. Yes. Section 3-010.2 of the City Subdivision regulations specifies that lands on which there is evidence of hazards such as, but not limited to, swelling soils, subsidence, improper drainage, slopes of 25% or more, or other features that will be harmful to the health, safety, and/or welfare of the present or future inhabitants of the subdivision or its environs; or that will impose unreasonable burdens upon the general public such as environmental degradation or requirements for the excessive expenditure of public funds may not be approved for subdividing until an engineering or other professional design sufficient to alleviate the foregoing hazard or unreasonable burdens has been submitted by the applicant and approved by the City Council as required by MCA 76-3-504.
 - b. With an added condition of approval meeting City Engineering specifications for a Geotechnical Report, and the consultants and developer implementing the recommendations of the Geotechnical Report, public health and safety can be protected and significant adverse impact on the general safety and welfare of the neighborhood or community can be avoided.
- J. What are the densities of the surrounding development?
 1. Staff has provided a map that shows densities of development surrounding Hillview Crossing TED in Exhibit #3 and the map will be included in the staff presentation at the public hearing.
- K. Could staff provide a copy of Denise Alexander's presentation to City Council on November 4, 2015 regarding the differences between Subdivisions and Townhome Exemption Development Exemption from Subdivision review provided for in State Law?
 1. Denise Alexander's Presentation is provided in Exhibit #4. Each slide is numbered and her presentations notes are included with each numbered note corresponding to the same numbered slide.
- L. Could staff provide information regarding the public notification process followed for the Hillview Crossing TED conditional use?
 1. Title 20, Section 20.85.070.E requires notification of the public hearing in the following three formats:
 - a. Newspaper Notice: At least two separate notices of required public hearings on conditional use requests must be published in the newspaper, with the first notice appearing at least 15 days before the scheduled hearing. A legal ad (See Exhibit #5) appeared in the Missoulian on December 2nd and 9th, 2018.
 - b. Mailed Notice: Notice of the required public hearing for a conditional use must be mailed by certified mail to the subject property owner and all property owners within 150 feet of the subject property at least 15 days before the scheduled hearing. Exhibit #5 includes a map and list of property owners to whom notification was sent on November 2, 2018 by certified mail. The South 39th Street Neighborhood Council, the council in which the subject property is located was notified. In addition, the northerly abutting Moose Can Gully Neighborhood Council was notified as well.
 - c. Posted Notice: Notice of the required public hearing for a conditional use must be posted at least 15 days before the public hearing. The poster must be placed on each public street

frontage abutting the subject property. On November 20, 2018, posters were placed on Hillview Way where the southeast corner of the subject property touches Hillview Way and at the end of Saranac Drive near Wapikiya Park.

M. Could staff provide a slide of the floodplain map related to this property?

1. A floodplain map of the area around the subject property is attached as Exhibit #6 and the map has been included as a slide in the staff presentation.
2. The beige color is the .02% annual chance or 500-year floodplain. As this is a non-regulatory zone, staff did not include this map in the materials originally and no conditions related to floodplain were included.
3. The blue color, as shown in a portion of Wapikya Park depicts the 1% annual chance or 100-year floodplain.

N. Could staff seek comment from Montana Fish, Wildlife and Parks (FWP)?

1. Staff contacted FWP and received comment from Randy Arnold, Regional Supervisor for Region 2 FWP and his comments are attached in Exhibit #7. Due to the location of the subject property within one-quarter mile of Moose Can Gully draw and its associated semi-riparian and forested draws leading uphill to forested areas of Mount Dean Stone, FWP notes that there are many deer in the area which in turn attract bear and mountain lions. FWP commented that there is a high likelihood of human/wildlife conflict in this location, and as a result recommends that a "Living With Wildlife" section be added to the Development Covenants for this TED in order to help residents deal with and avoid wildlife problems. FWP provided a recommended version of such covenants.
2. If City Council would like to implement FWP recommendations regarding the inclusion of Living With Wildlife section in the Hillview Crossing TED Development covenants staff recommends the addition of the following condition of approval and revision of condition of approval #23 to include the Living With Wildlife section as one of the covenants that require written approval by the City council in order to be amended or deleted.
 - a. Condition of approval #24: The following section on Living With Wildlife shall be included in the Development Covenants, subject to review and approval of Development Services, prior to zoning compliance approval of the townhome exemption declaration:

"Section __: Living with Wildlife

Homeowners and residents must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk and raccoon. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for information that can help homeowners "live with wildlife." Alternatively, see FWP's web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems.
- b. **Landscaping** comprised of native vegetation is less likely to suffer extensive feeding damage by deer than non-native plants. Native flowering plants will benefit pollinating insects, and native shrubs and trees produce favorable food sources and nesting sites

for a variety of bird species. Landscape plants can often spread beyond the original planting site, so using native plants also avoids problems with non-native plants spreading in nearby open areas.

- c. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe and rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- d. This townhouse development is in the City of Missoula's **Bear Buffer Zone** (Municipal Code (Chapter 8.28.085, Special provisions for the accumulation and storage of garbage within the Bear Buffer Zone), which has regulations related to garbage handling in this area. Store all **garbage** in a bear-resistant container, bear-resistant enclosure, or enclosed building to avoid attracting wildlife such as bears or raccoons. If your garbage containers are not bear-resistant, you must keep them inside a bear-resistant enclosure or enclosed building. These containers may only be outside the enclosure between 5:00 a.m. and 9:00 p.m. on the day of waste pickup.
- e. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (§ 87-3-130, MCA) to purposely or knowingly attract any ungulates (deer, elk, etc.), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to an area.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and/or kill big game and small birds and mammals. Under current state law it is illegal for a dog to chase, stalk, pursue, attack, or kill a hooved game animal, and the owner may be held personally responsible (§ 87-6-404, MCA). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and raccoons. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Bird feeders** attract bears and should not be used from March to December 1. If used, bird feeders should: a) be suspended a minimum of 20-feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- i. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean, because food spills and smells on/near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. **Compost piles** can attract skunks and bears. If used, they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Do not add food scraps. Adding lime can reduce smells and help decomposition. (Due to the potential fire

hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- k. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the wire or injuring themselves when trying to jump the fence. (Contact FWP or see its website for information or a brochure regarding building fence with wildlife in mind.)"

b. Staff recommends revisions to Condition of approval #23 as follows:

23. The applicant shall include the following Amendments section in the Development Covenants subject to review and approval by Development Services, prior to zoning compliance approval of the townhome exemption declaration: "Amendments: Sections relating to Common Area Landscaping and Maintenance Plan, Weed Management Plan, Boulevard Landscaping and Maintenance Plan, Pedestrian Pathway/Stairs and Sidewalk Maintenance, Private Road Maintenance, Parking on Road "A" (north and south segments) and Road "B", Stormwater Facilities Maintenance, Radon Mitigation, Woodstoves, ~~and~~ Energy Efficiency, and Living with Wildlife may not be amended or deleted without prior written approval of the governing body."

O. What are they planning to sell the home for?

1. Staff contacted Paul Forsting with Territorial Landworks on Wednesday, December 12. Staff has not yet received a response.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

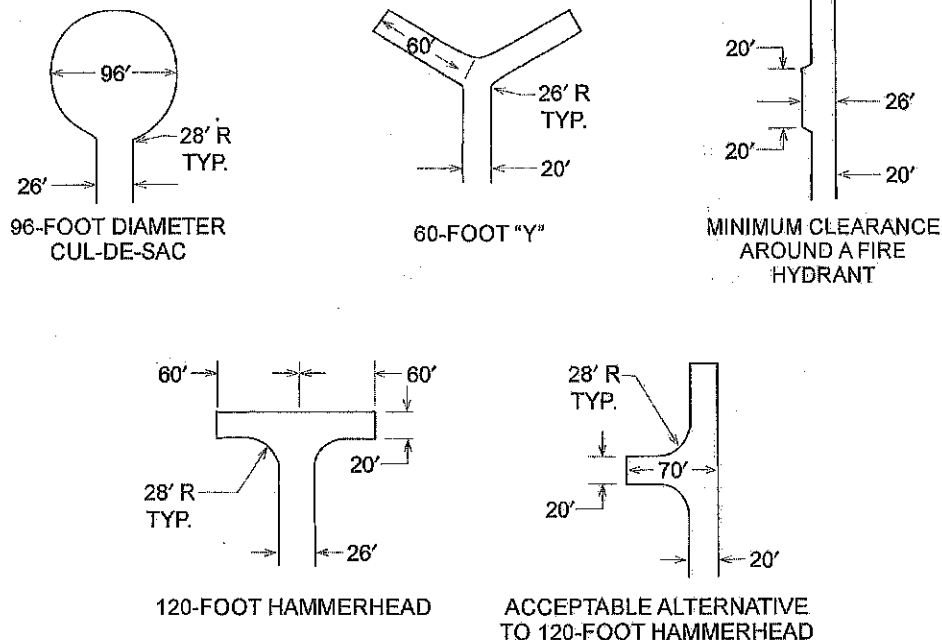
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

Storm Water Summary**Prepared by Troy Monroe, Assistant City Engineer**

The storm water storage and conveyance system that serves the proposed Hillview Crossing TED is part of the South Missoula Storm Drainage Project (SID 524). Specifically, the portion of the Project that serves the Wapikiya Park area is the Honeysuckle Park Reach. The Honeysuckle Park Reach begins at the toe of the South Hills and includes a drainage swale between Hillview Way and Hillside Drive. There is approximately 66 acres that drain into the swale of which Hillview Crossing TED occupies approximately 25.6 acres, or 38.5%.

There is a 24 inch inlet and culvert that conveys storm water from the drainage swale into Wapikiya Park. The model used for the South Missoula Storm Drainage Project calculated the runoff from the 66 acres to be about 7 cubic feet per second (cfs). The majority of the 66 acres is undeveloped and the model did not include future development in the design. Therefore, the City will limit the runoff for all future development to remain at the 7 cfs for the entire 66 acres. The allowable flowrate associated with the 25.6 acres of Hillview Crossing TED is 2.7 cfs. Therefore, the developers of Hillview Crossing TED will have to design a storm water storage and conveyance system that limits the discharge from the development to a maximum 2.7 cfs.

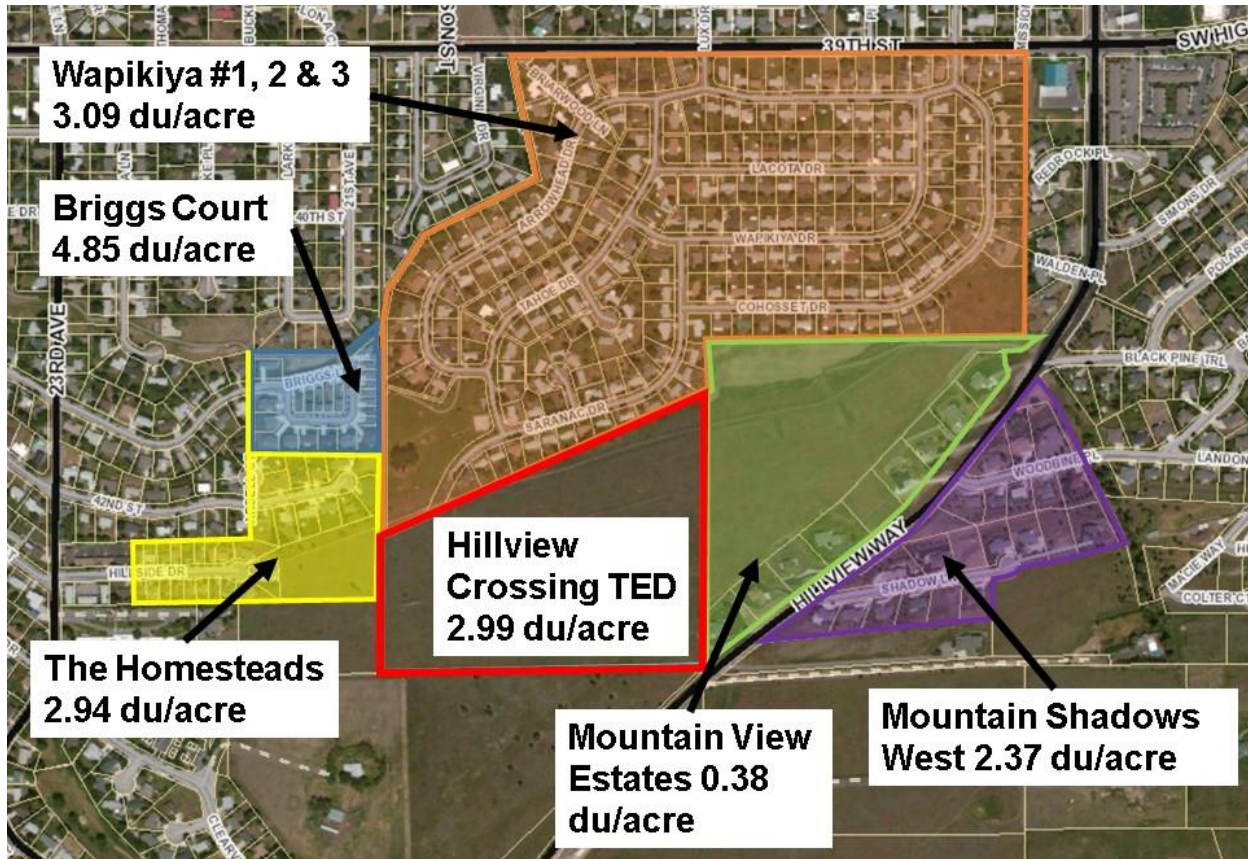
In addition to storm water runoff flow rate, the developers of Hillview Crossing TED will also have to retain the difference between pre-development runoff flow volume and post-development runoff flow volume. Through the use of the TR-55 model, running the Soil Conservation Service runoff model (SCS Method) the developers have shown a retention volume of 17,393 cubic feet (cf) or 130,100 gallons. This volume must be designed within the storm water system through enlarged pipes, tanks or retention basins.

Storm water that is discharged from the Hillview Crossing TED is collected in the drainage swale and conveyed into Wapikiya Park. Wapikiya Park has a designed retention basin which FEMA has designated a 100 year floodplain and water elevation. Storm water is released from this retention basin into a storm water conveyance pipe main. The conveyance pipe leaving Wapikiya Park has a design flow rate of 12 cfs. It is our understanding that if the inflow into the retention basin remains at 7 cfs from the drainage swale, there will be no adverse impact to Wapikiya Park or the homes surrounding the Park. The FEMA floodplain and water elevation does extend into the adjacent Homesteads subdivision but remains within City owned property.

City Engineering reviewed the remaining Honeysuckle Park Reach conveyance system, analyzing conveyance pipes, road culverts and other retention basins. Our review shows that the downstream system should be able to handle the discharge volume without negative effects given the discharge flow remains at pre-development rates.

Adjacent Property Density shown in photo below:

Exhibit #3



Additional Information for each subdivision shown in photo:

Hillview Crossing TED (outlined in red)

- 68 TED unit ownership parcels on net acreage of 22.76 acres
- 2.99 dwelling units per acre density
- TED unit ownership parcel sizes range between 4,800+/- sq. ft. to 10,800+/- sq. ft.
- 2.68 acres Park Land (Park areas, North/South Trail & East/West Trail easement)
- 11.68 acres Common Area

Wapikiya Subdivision #1, 2 & 3 (shown in orange)

- 236 lots on approximately 76.4 acres
- 3.09 dwelling units per acre density
- Lot sizes range between 7,116 sq. ft. to 17,600 sq. ft.
- 6.2 acres parkland

Briggs Court Subdivision (shown in blue)

- 21 lots on 5.09 acres
- 4.85 dwelling units per acre density
- Lot sizes range between 3,819 sq. ft. to 11,226 sq. ft.
- 0.72 acres parkland

The Homesteads Subdivision (shown in yellow)

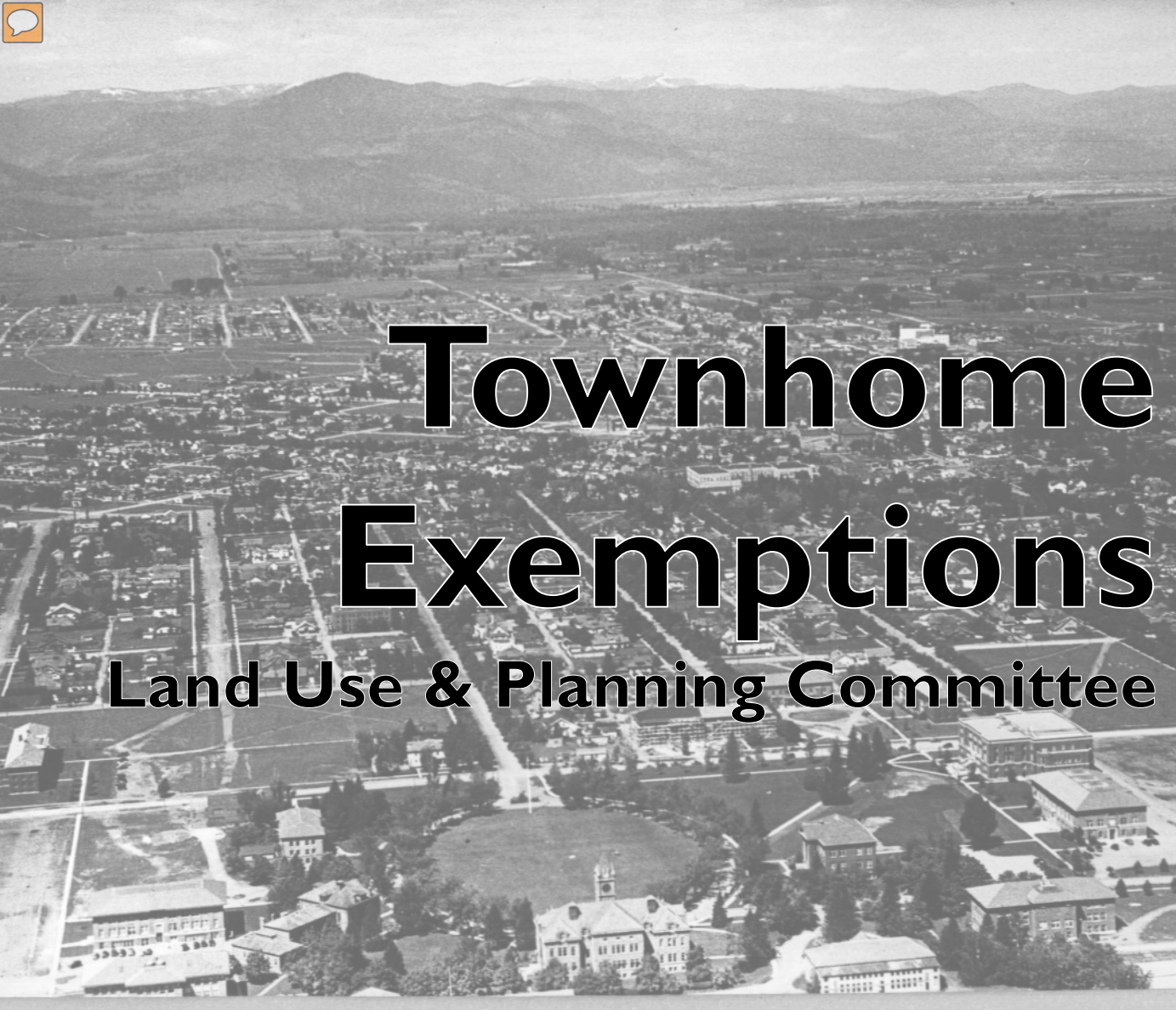
- 31 lots on 10.544 acres
- 2.94 dwelling units per acre density
- Lot sizes range between 4,136 sq. ft. to 13,885 sq. ft.
- 3.23 acres parkland

Mountain View Estates Subdivision (shown in green)

- 9 lots on 23.77 acres
- 0.38 dwelling units per acre density
- Lot sizes range between 28,314 sq. ft. to 42,253 sq. ft.
- 16.29 acres Common Area

Mountain Shadows West Subdivision (shown in purple)

- 21 lots on 8.87 acres
- 2.37 dwelling units per acre density
- Lot sizes range between 15,681 sq. ft. to 30,927 sq. ft.
- 1 acre Park and Common Area



Denise Alexander
Development Services
November 4, 2015



WHY?

- In 2001 revision to MCA Title 76 making condominiums exempt from subdivision review if property zoned
- Condominium projects are regulated by the Unit Ownership Act in MCA Title 70
- Many condos were created during Boom and later foreclosed during Bust
- Fannie Mae, Freddy Mac, HUD made it difficult to finance because no land for security
- Because no definition of Townhomes in the Unit Ownership Act they're treated the same as Condos for appraisals and financing

HOW?

- Draft HB460 initiated at Taxation Committee
- Revised Title 15 Taxation to require Dept. of Revenue to write a rule to determine taxable value of townhomes
- Revised Title 70 Property by adding definition of “townhouse or townhome”
- Revised Title 76 Land Resources and Use to include townhouses or townhomes as exempt from subdivision review on zoned property



“Condominium” means the ownership of single units with common elements located on property submitted to the provisions of this chapter.”



Townhome means “property that is owned subject to an arrangement under which persons own their units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.”

Impacts from revision to Title 76 Condo Exemption

- Townhome definition too broad- 'unit with land beneath'
- Units surveyed under building - looks like a lot without benefits of subdivision review
- No Public notification
- No design standards for access
- No mitigation of impacts required

Neighborhood Meeting Notification

- Notify via mail Neighborhood Council and Associations, residents w/in 300', Ward Reps, and Planners

Public Hearing Notification

- Legal Ad, notification via mail to adjacent property owners, posters on site

- Design and arrangement of lots, blocks, and roads
- Grading and Drainage
- Water and sewage disposal meet DEQ standards
- Location and installation of utilities & easements
- Parks and Open Space
- Hillside
- Riparian

Subdivision review criteria for impacts include:

- Agriculture and ag water user facilities;
- Local services - complete streets, parks, water/sewer;
- Natural environment, wildlife and wildlife habitat; and,
- Public health and safety - floodplain, steep slopes, radon, air quality

City Council must ensure the design of the subdivision minimizes significant adverse impacts.

Zoning regulates:

- Lot area per unit
- Permitted building type
- Setbacks to property lines and between residential buildings
- Multi-dwelling site plan standards when multiple 2-unit houses or multi-dwelling buildings are proposed
- Parking requirements
- Hillside standards-density reduction, design
- Riparian protection

Title 12 regulates:

- Private road standards & maintenance
- Public access easements
- Utility easements
- Pedestrian facilities
- Grading and drainage standards
- Driveways, parking and ADA standards
- Sewer Availability

- City Fire-Access, hydrants
- Building Code
- Parks - Activity Areas
- Mountain Water-Water availability

- Minimum lot size
- Parks and Common areas or Cash-in-lieu
- Trail connections
- Complete Streets
- Public Transit Facilities
- 2000 sq. ft. building sites <25% slope
- Townhouse design standards
- Neighborhood impacts, citizen input

Townhouse Exemptions to-date



Project Name	No. of units	Building type
Townhomes at First	4	2 two-unit houses
Beau Court	4	4 Detached houses + 4-plex
Juniper Ridge Patio Homes	4	4 Detached houses
Cottages at Flynn Ranch	41	41 Detached houses
Milwaukee Trail	6	Multi-dwelling building with 6 units
Stonehouse Townhomes	3	3 Detached houses
Eaton Street	3	3 Detached houses
Catlin Street	2	2 Detached houses
Jubilee	2	2 Detached houses
Eleventh and Grant	2	2 Detached houses
Town Park Place	5	4-plex + one commercial
Sapphire	2	2 Detached houses
Rattlesnake Townhouses	12	12 Detached houses
Cavalier Court	5	5 Detached houses
Townhomes at Third	6	2 Detached houses + 4-plex
Byron Street	2	2 Detached houses
Garfield St.	3	3 Attached units
Paradise	6	3 Attached 2-unit townhomes
South Central	4	2 Two-unit houses

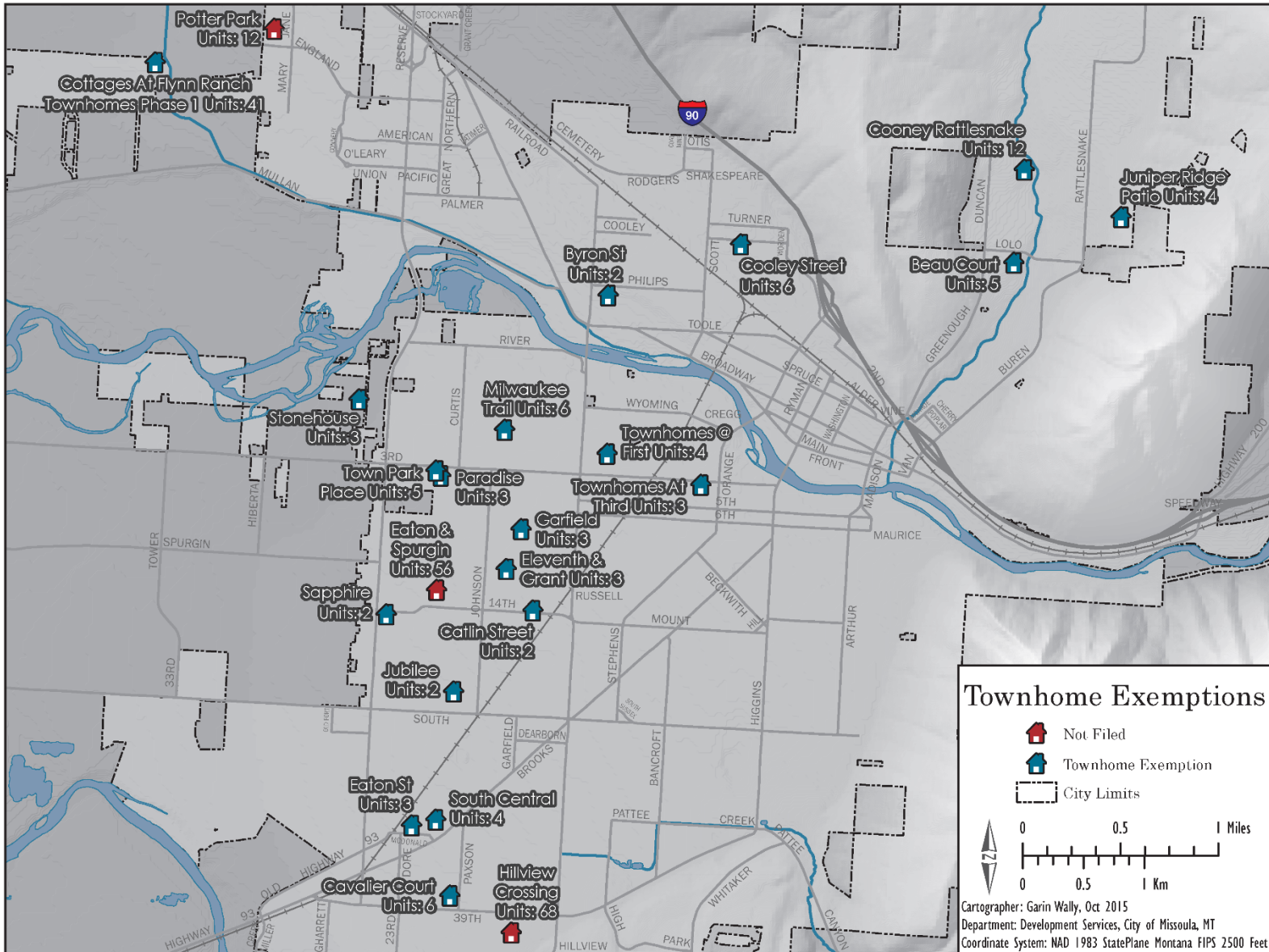
Total filed 18

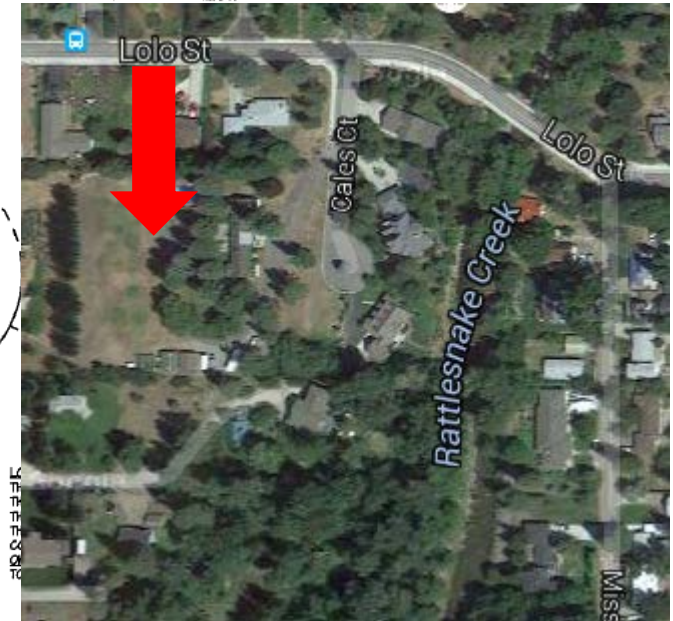
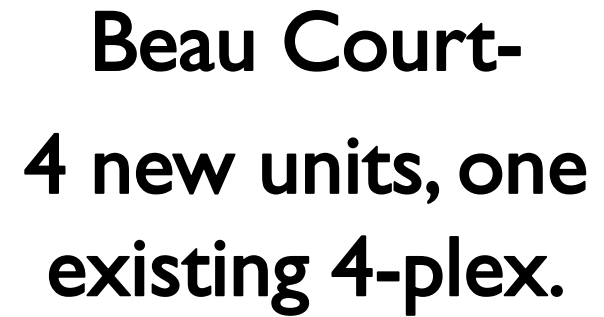
Total units 113

Total in process 3

Units in process 136

Filed Declarations Map





Site plan for a five-unit residential development. The plan shows five units arranged around a central common area. Unit 1 (6,700 sq. ft.) and Unit 5 (6,711 sq. ft.) are on the top side, while Unit 2 (6,363 sq. ft.), Unit 3 (5,323 sq. ft.), and Unit 4 (6,361 sq. ft.) are on the bottom side. The plan includes dimensions for lot lines, unit footprints, and common areas. A blue dashed line outlines the property boundary. Surrounding lots are labeled Lot 1, Lot 2, Lot 3, and Lot 5. The plan also shows water and sewer services, a 38th Street frontage, and various setbacks and easements.

Key features and dimensions:

- Units:**
 - UNIT 1: 6,700 SQ. FT.
 - UNIT 2: 6,363 SQ. FT.
 - UNIT 3: 5,323 SQ. FT.
 - UNIT 4: 6,361 SQ. FT.
 - UNIT 5: 6,711 SQ. FT.
- Common Area:** 24.00' (TYP.)
- Setbacks and Dimensions:**
 - Top boundary: 52.04', 44.01', 52.07'
 - Bottom boundary: 48.93', 50.20', 45.90'
 - Left boundary: 130.00', 130.00', 130.00'
 - Right boundary: 110.12', 130.02'
 - Unit setbacks: 10.0', 10.0', 10.0', 10.0', 10.0'
 - Unit widths: 20.0', 20.0', 20.0', 20.0', 20.0'
 - Unit depths: 20.0', 20.0', 20.0', 20.0', 20.0'
- Services:** WATER SERVICES, SEWER SERVICES
- Streets:** 38TH STREET
- Lot Dimensions:**
 - Lot 1: 500°13'58"E 240.14' (T) 130.02' (R)
 - Lot 2: 500°08'W 240.00' (R) 110.12' (T)
 - Lot 3: 500°15'15"W 239.94' (T) 500°09'E 240.00' (R)
 - Lot 5: 589°45'04"W 148.03' (F) 589°51'E 148.20' (R)

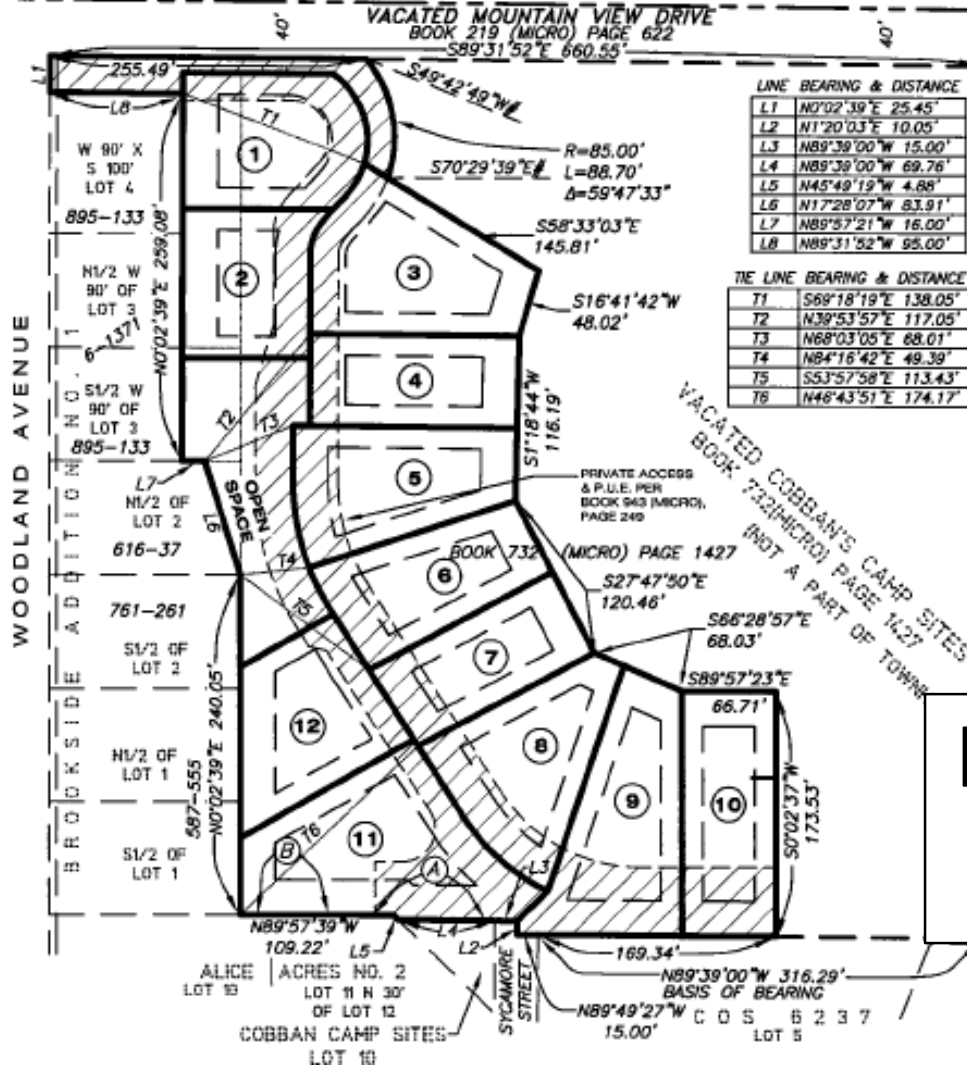


Filed Declaration

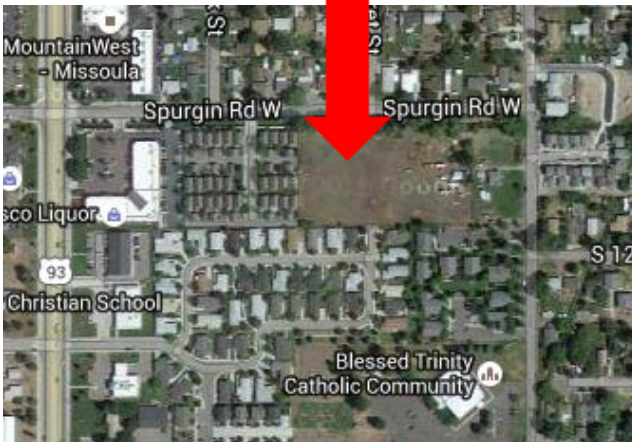


COONEY RATTLESNAKE TOWNHOMES

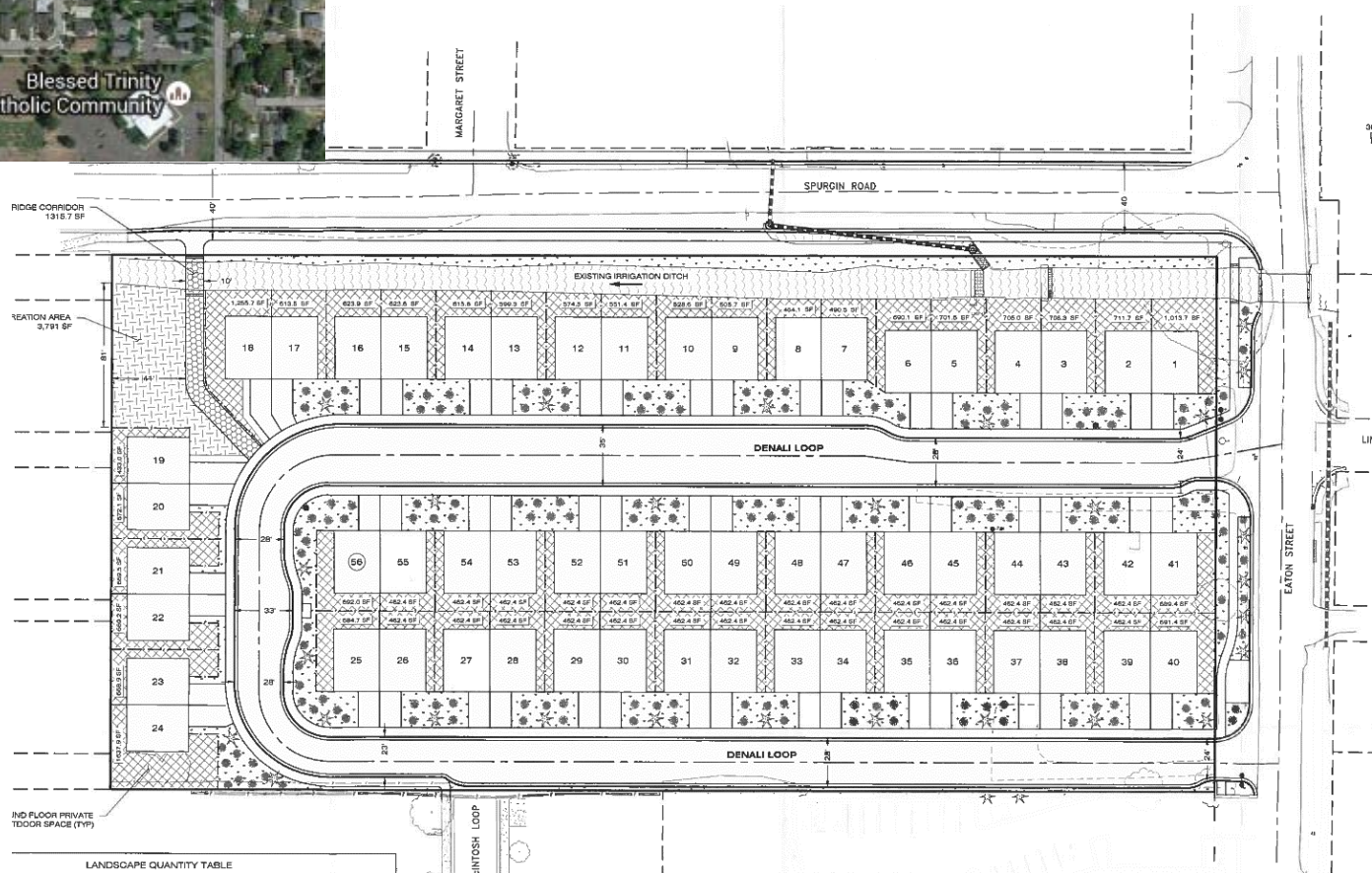
A TOWNHOME EXHIBIT DEPICTING 12 TOWNHOMES ON BOOK 732 (MICRO), PAGE 1427, LOCATED IN THE NW1/4 OF SECTION 14, T13N, R19W, P.M.M., MISSOULA COUNTY, MONTANA

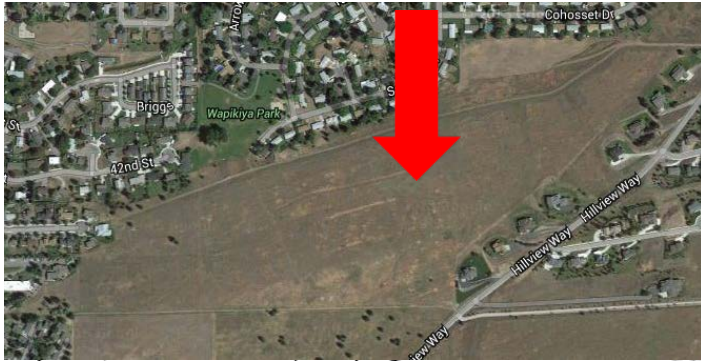


Rattlesnake Townhomes
12 units

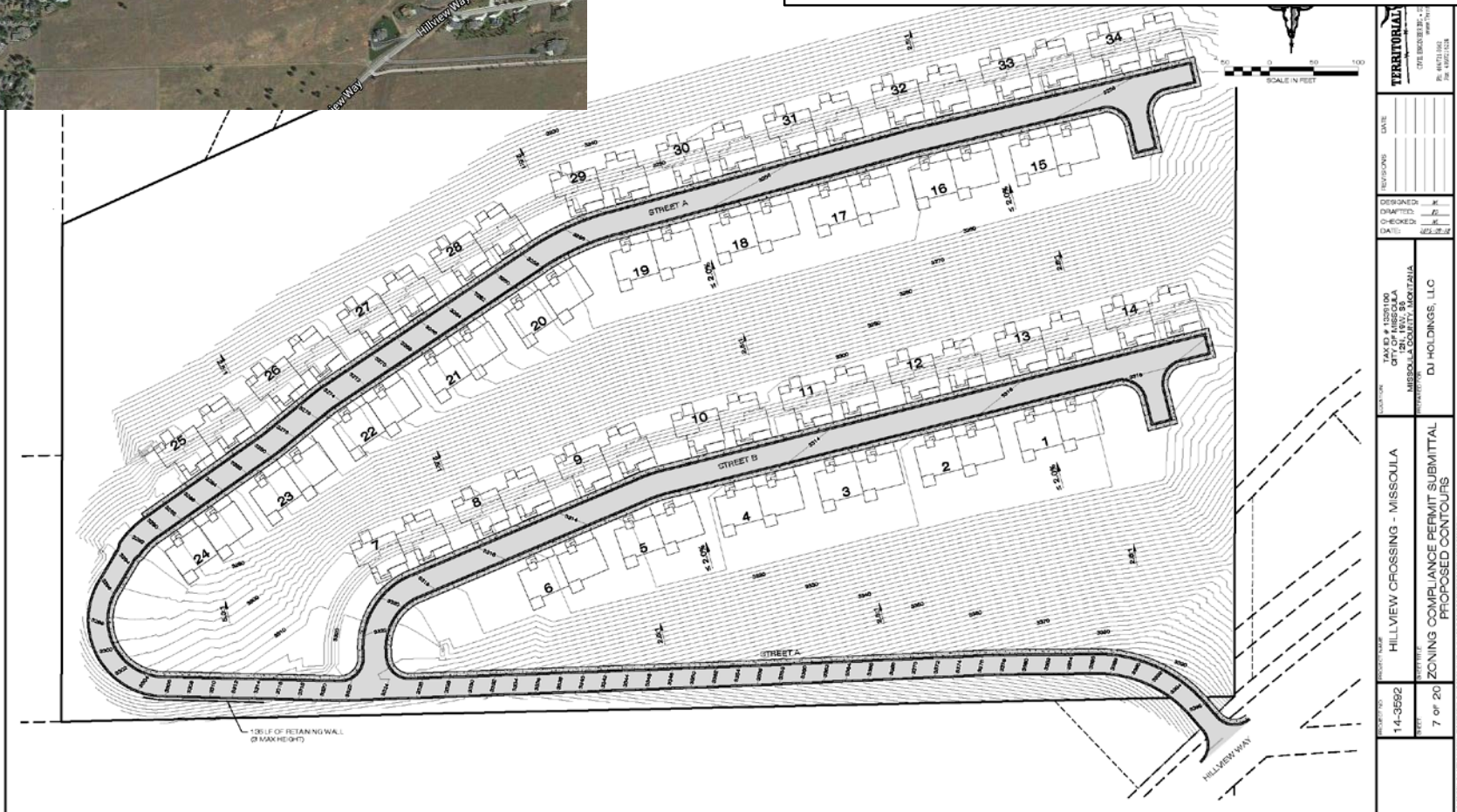


Eaton Townhouses 56 Units (28 two-unit houses)



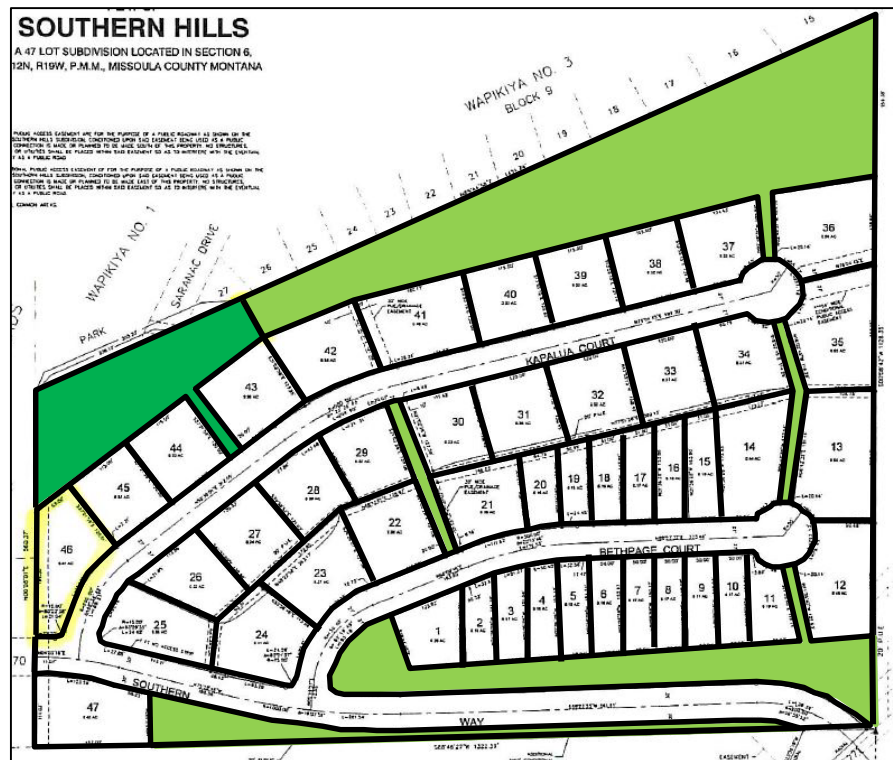


Hillview Crossing 68 units (34 two-unit houses)

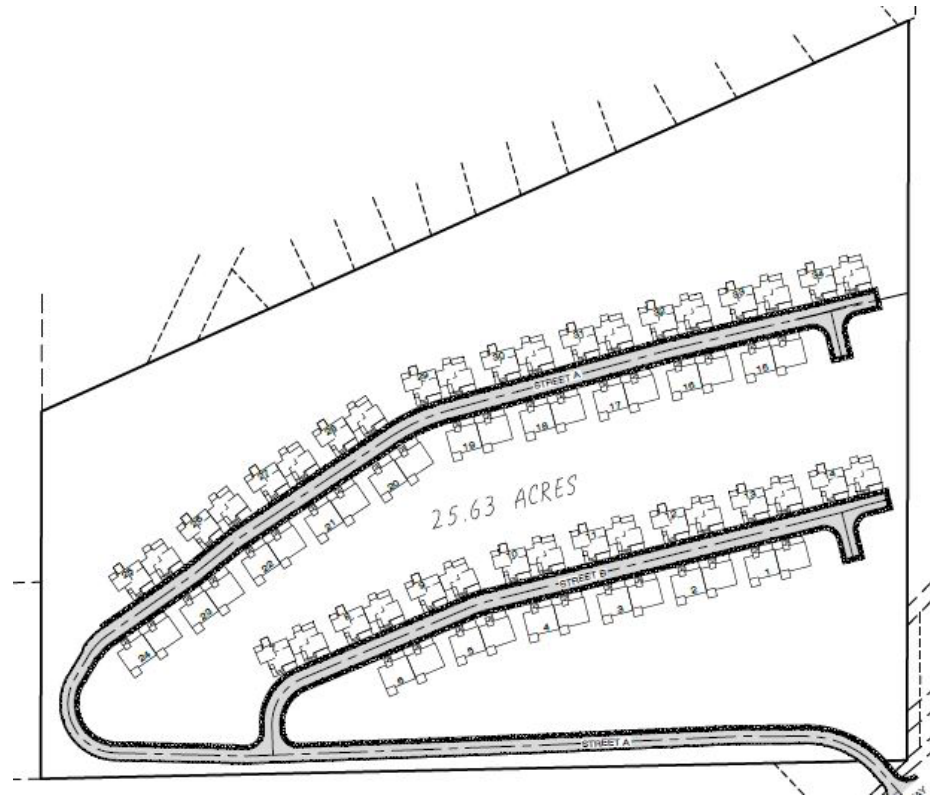


Townhome vs. Subdivision Layout

Southern Hills Subdivision 46 Lots



Townhome Exemption 68 Units



Recommended Motion:

The Committee requests that Development Services prepare ordinances and regulations to address the townhome exemption to subdivision and that those items be returned to LUP Committee for review along with public involvement plan and timeline adoption.

Townhome Exemption presentation notes -11/4/15

1. I've been asked to explain how State law was amended with the Townhome Exemption to Subdivision, what it means, how it differs from subdivision review, and what problems arise with reviewing them solely as zoning projects.
2. HB460 was the bill adopted at the 2011 legislature that created the Townhome Exemption. However, we need to go back to the 2001 Legislature first to set the stage. At that time a bill passed that revised Title 76 to allow the conversion of apartments to condominiums without subdivision review if the property met zoning. Condominiums are regulated by Title 70 where the unit ownership act is found. This bill was supported because there weren't additional impacts if the units were **owned** rather than **rented** in a multi-dwelling building that met all zoning standards.

Subsequently a lot of apartments were built and filed as condos during the housing boom. But later, when the economy crashed, many of them were foreclosed. After that happened the lenders and title companies made it much more difficult to finance condos, part of the problem being that there was no land associated with the units for security.

In reaction to the financing problems some developers built townhomes, buildings with multiple units attached side by side so that each unit had land beneath it thinking it would be easier to get financing. But this didn't help because there was no definition of Townhomes in the Unit Ownership Act.

3. So in 2011 a draft bill HB460 was initiated in the House Taxation Committee. What was explained to the committee is that this was just a small change to the Unit Ownership Act in Title 70 to allow townhomes to be treated the same as condominiums and make it easier to obtain financing for them since each unit had land beneath it. In the Bill there was an amendment to Title 15 Taxation to require the Department of Revenue write a rule for appraising these units, and an amendment to Title 70 to add a definition of Townhome in the Unit Ownership Act.

This bill was heard at the House Taxation Committee and there were no opponents since it sounded like a great idea to make it easier to finance townhomes. It was also under the radar of most lobbyists and organizations that track zoning and subdivision bills because they normally go to the Local Government committee. This was a taxation and unit ownership bill until, at the last minute, the Representative who sponsored the bill recommended a revision that inserted language into the condominium subdivision exemption in Title 76 so that townhomes, as defined by Title 70, were exempt from subdivision review if they meet zoning. I'm not sure the legislators understood the consequences of this amendment.

4. The definition of Condominium in Title 70 is “the ownership of single units with common elements located on property submitted to the provisions of this chapter”. The chapter being the Unit Ownership Act. Here is a picture of a condo project on Toole Avenue. These are what we typically call a Multi-Dwelling building where the units are stacked horizontally and the land beneath is owned in common.
5. Here is the definition in Title 70 of a townhome as “property that is owned subject to an arrangement under which persons own their units and hold separate title to the land beneath their units.” The more conventional definition of a townhouse is what was adopted in Title 20. It is defined as a residential building containing multiple dwelling units, each located on their own parcel with a common or abutting wall along a shared property line. (talk about the picture of 2-unit townhomes on slide)
6. Here are some impacts this law has had. The definition in Title 70 is too broad. Because there is no reference to these units “being on separate parcels with common or abutting walls” the tool has been used for all building types including detached houses, 2-unit houses, multi-dwelling buildings, and commercial. When the Townhouse Declaration is filed the ‘land beneath the unit’ needs to be surveyed and when the Dept of Revenue puts that information in their GIS layer they look like lots without subdivision review. I’ll have more to say about that when we look at some filed projects. Other impacts are no public notice, using zoning standards to review a defacto subdivision, and no ability to require mitigation of impacts. The only process these projects go through is a review of a Zoning Compliance Permit to determine if the project meets zoning. Luckily Title 20 requires all projects to also comply with all applicable city, state, and federal regulations so that a Title 12 Engineering review is also done.
7. Since many of you have not been involved in a subdivision review, or haven’t for a long time, the next few slides are a quick primer on the process and standards.

First of all, after a pre-application meeting with staff, the developer is required to hold a Neighborhood Meeting and notify all those listed in the slide, to describe the project and collect comments that are included in the subdivision application. Later, for subdivisions over 5 lots, there is required notification of the public hearing. This encourages participation from the public in the process of review.

Because the townhouse projects are exempt from subdivision review there are no neighborhood meetings or notice required.

8. The subdivision standards regulate division of land. Zoning regulates the use of the land. The two laws complement each other; lots in a subdivision have to meet minimum parcel area and density of zoning. Then zoning regulates the uses, and parcel and building standards, on the lots. This slide lists the standards by which a subdivision is reviewed.

We have Hillside and Riparian chapters in Title 20 but some of the provisions are difficult to interpret when the development is on one parcel. We have grading, drainage and easement standards in Title 12 which we can enforce in the Municipal code but the

subdivision regulations are more prescriptive and cannot be varied from unless approved by Council. Zoning does not have standards for the arrangement of lots, blocks and roads, nor requirement for park dedication. Currently for subdivisions with 6 or more lots that are smaller than ½ acre the park dedication required is 11% of the land being subdivided.

No parkland is required for the townhome projects because they are exempted from subdivision review.

9. Subdivision law requires an application to be reviewed for any impacts that might occur if the project is approved as presented. The review criteria for impacts are included on this slide and the City Council may condition the subdivision to ensure the impacts are minimized.
10. So, as explained earlier we are limited to reviewing these projects for zoning compliance.

We make sure the projects meets lot area per unit so that they meet the density allowed on the parcel. They have to meet the building types that are allowed in the zoning district. We review for building setbacks from property lines, but those are measured from the perimeter property lines only since they are usually a single parcel, and we require twice the side yard setback between buildings. Projects that have more than three 2-unit houses or multi-dwelling buildings have to meet the Multi-dwelling standards-landscaping and activity area. If there are steep slopes Hillside density reduction is applied along with building design standards on slopes. And if there is a Riparian area they need to provide a Riparian protection plan.

11. These are the items that Engineering must review from Title 12, although it's difficult to apply some of the standards when there are not internal property lines or dedicated streets.
12. We also involve other departments and utility providers
13. Here is a list of the requirements that we lose right now when we use Title 20 for review of these projects:

Currently you can put more than one building on a lot if the lot meets minimum parcel size for the zoning and meets the minimum area per unit. This doesn't happen often as a larger scale because most detached house developments would only want 2-3 homes on a lot for lease or rent. But now with this exemption you can put multiple units on a parcel and **sell** them without subdivision review.

Because all these units are on one parcel we make sure they meet the density, parcel area per unit, but they meet the minimum lot size based on the size of the whole parcel. Consequently, they are able to fit many more units on the parcel because each unit is not constrained by the required minimum parcel area.

We cannot require a park dedication. If it is a multi-dwelling project we can require outdoor activity area but for two unit houses - that usually end up being their back yards, and nothing is required if it's a detached house project.

The next three are not specifically addressed in zoning or Title 12 (Trails, complete streets, public transit)

The hillside standard of requiring 2000 sq ft building sites less than 25% is difficult to apply when lots are not being created

We can't require the Townhouse design Standards in Title 20 because the definition is different than the MCA Title 70 definition

And we can't compell mitigation or citizen input if the use is permitted and no public process is required.

14. Alright, lots of words, now for some numbers and pictures: This is a list of Townhouse projects that have been approved and filed and three that are in process. As you can see most of the projects have been quite small with the exception of the Cottages at Flynn Ranch. However, the most recent projects in process are much larger and we are concerned that this may be a trend.
15. This is a map showing where projects have been approved and the Townhouse Declaration has been filed in blue, and ones in process in red. There are three up the Rattlesnake, a couple on the Northside, some throughout mid-town, some further south, and the two west; one 41 detached homes at Flynn Ranch and 12 units in Windsor Park. The larger projects in process are at Eaton and Spurgin with 28 two-unit houses for 56 units, and Hillview Crossing with 34 two-unit houses for 68 units.
16. Now I'll show you some filed and in process projects. This is the Beau Court exemption. There was an existing non-conforming 4-plex on the property and the zoning allowed four more detached house units. Their plan shows the unit ownership area as the footprint of the proposed homes and then limited common area around the homes and general common area is the road access and overflow parking.
17. This is Cavalier Court- five new detached houses clustered around a private road serving as access. It has sidewalks on 38th Street and on one side of the private road.
18. This was filed as Cooney Rattlesnake Townhomes but is commonly known now as Woodland Estates. This is a larger project with 12 units on a private road. This property borders Rattlesnake Creek so there were floodplain and riparian reviews and a large area that could not be disturbed. It is also constrained with only one way in and out so a turnaround at the south end was necessary for emergency vehicle. This also illustrates how the declarations are not only showing the footprint of the proposed buildings but now show lines that resemble lots. When we looked at this as one parcel the front and rear of the property are the north and south boundaries and the side property lines are on the east and west boundaries. The distance between buildings had to be twice a side yard

setback. We have learned lately that this project may be modified to increase the number of units. If that's the case they will need to re-apply for a zoning compliance permit and either void the current declaration and file a new one, or file an amended declaration.

19. This is the Eaton Townhouses. It has not been filed yet so this is the site plan that was reviewed. 28 two-unit houses on a private loop road off Eaton Street. This was reviewed as a multi-dwelling project so you can see the landscaping in front of the units and private activity areas between and behind the units. There is also a small common activity area in the northwest corner of the property with a trail over the irrigation ditch to Spurgin Rd. One concern we have about all of these projects is the future maintenance of the private roads. The Unit Ownership Act requires an "Association of unit owners" to be formed and bylaws included in the declaration to deal with the general common areas, such as landscaping, roads, common activity areas. There has been instances in the past when home owners associations have become inactive and the residents expect the City to maintain their private streets. These projects will be increasing the miles of private streets in the City.
20. This is Hillview Crossing, the largest project we have seen to date. This is a 34 two-unit house development on 25 acres of very steep slopes off Hillview Way and south of Wakipia Park. This property was approved for a 46 lot subdivision but the developer never filed the final plat. The hillside density reduction calculation in zoning reduced the number of units that could be built on the site from 11 to 68. So this plan is meeting the allowed density but, again because we can't apply the minimum parcel size to the units they are able to fit many more units than if this were a subdivision.

The road layout is similar to the subdivision but it is narrower and only allows parking on one side. Each unit has a 2 car garage with a 10 foot driveway. The standards in Title 12 require driveways to be 20 feet from the garage door to the property line. Since there are no property lines we could not apply that standard and worry that the cars will be encroaching on the sidewalks.

They are providing curbside sidewalks on both sides of the street except for on the entrance road, where there is sidewalk on one side. The landscaping is in the front yards and the private activity areas will be behind the units on slopes of 30-40%, either up or down depending on what side of the road the unit is on. The activity area standards for multi-dwelling projects does not specify a maximum slope for private activity areas since most apartment buildings have flat decks or patios so we could not require the private activity areas to be less sloped.

Engineering is very concerned about the drainage on this hillside when there will be so much cut and fill and impervious surface, and, how the storm drainage will be kept on-site. A Geo-technical report that was done for the previous subdivision suggested that an individual geo-technical report be done for each home with the building permit which was required as a condition of the zoning compliance permit.

The Parks Department hoped for a trail to Wapikia Park but the developer did not want to commit to a trail.

21. Here is a slide visually comparing the subdivision preliminary plat that was approved on this property to the proposed townhome exemption. There are larger lots, park dedicated adjacent to Wapikia Park, trails through the long blocks and to the park, wider roads, and a road connection to the west.
22. In closing, I hope this has been informative regarding this exemption. I think the original intention was a good one but cross-referencing the Unit Ownership Act definition into the subdivision exemption had consequences no one really understood at the time. It hasn't been too difficult to deal with these on the smaller scale it has been until recently. But as these projects get larger and larger it becomes more apparent that there needs to be some revisions to Title 20 and Title 12 to address them.

Maybe at a certain threshold require them to be a conditional use with standards?

Require PUD zoning? Incorporate some parts of Cluster Development Standards?



Adjacent Property Owner Map & List

Adjacent Property Owner notices (APOs) were sent via certified mail to the parcels outline in blue in the map on November 2, 2018.

The excel spreadsheet contains the list of recipients who received the certified mailing.

The Legal Ad was run in the Missoulian on December 2 & 9, 2018.

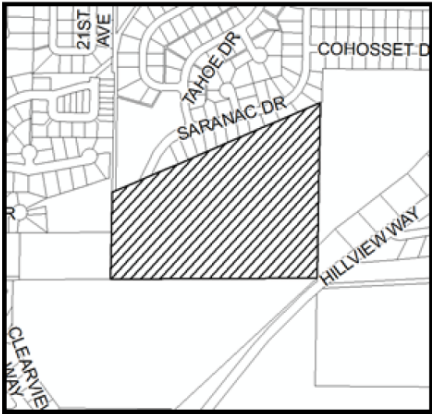
	A	B	C	D	E	F	G
1	FullName	Address1	Address2	City	State	ZIP	FULL_ADDRESS
2	ALDRIDGE COREY DAVID	4607 HILLVIEW WAY		MISSOULA	MT	59803-3162	4607 HILLVIEW WAY
3	ARNOTT BEN	125 SARANAC DR		MISSOULA	MT	59803-1263	125 SARANAC DR
4	BERG MICHAEL E	133 SARANAC DR		MISSOULA	MT	59803-1263	133 SARANAC DR
5	BROCCI JAN K	2109 42ND ST		MISSOULA	MT	59803-1100	2109 42ND ST
6	CARTER HAROLD H & GAIL S	120 SARANAC DR		MISSOULA	MT	59803-1241	120 SARANAC DR
7	CITY OF MISSOULA	435 RYMAN ST		MISSOULA	MT	59802-4207	134 TAHOE DR
8	DISTRICT XI HUMAN RESOURCE COUNCIL	1801 S HIGGINS AVE		MISSOULA	MT	59801-5763	4824 CLEARVIEW DR
9	FREDENBERG PAUL J	1616 34TH ST		MISSOULA	MT	59801-8938	127 SARANAC DR
10	GARNETT LINDA K	117 SARANAC DR		MISSOULA	MT	59803-1263	117 SARANAC DR
11	HEARTH LLC	PO BOX 160		KELLY	WY	83011	900 RIMEL RD
12	HENRIKSON DONALD C	121 SARANAC DR		MISSOULA	MT	59803-1263	121 SARANAC DR
13	HERMES TERRI L	115 SARANAC DR		MISSOULA	MT	59803-1263	115 SARANAC DR
14	HILLVIEW CROSSING MISSOULA LLC	401 E BECKWITH AVE		MISSOULA	MT	59801-4426	
15	JACOBY JAIME H	131 SARANAC DR		MISSOULA	MT	59803-1263	131 SARANAC DR
16	KELLEY MICHAEL J	116 SARANAC DR		MISSOULA	MT	59803-1241	116 SARANAC DR
17	KIMBLE LINDA FREY	100 HILLVIEW WAY		MISSOULA	MT	59803-1316	
18	KUMPF NANCY ANN	135 SARANAC DR		MISSOULA	MT	59803-1263	135 SARANAC DR
19	LANKTREE JOHNNY J	119 SARANAC DR		MISSOULA	MT	59803-1263	119 SARANAC DR
20	MCATEE NICHOLAS T	111 SARANAC DR		MISSOULA	MT	59803-1263	111 SARANAC DR
21	MINISH JOHN N	114 SARANAC DR		MISSOULA	MT	59803-1241	114 SARANAC DR
22	MOUNTAINVIEW ESTATES HOMEOWNERS ASSOC	MAIL TO GLASS MARC	4407 HILLVIEW WAY	MISSOULA	MT	59803-3159	
23	NURSE EDWARD E & CHERYL	129 SARANAC DR		MISSOULA	MT	59803-1263	129 SARANAC DR
24	PICKENS DIANNE P	4610 HILLVIEW WAY		MISSOULA	MT	59803-3177	4610 HILLVIEW WAY
25	SLATER RICHARD G	4603 HILLVIEW WAY		MISSOULA	MT	59803-3162	4603 HILLVIEW WAY
26	STEVENS JEFFREY T	123 SARANAC DR		MISSOULA	MT	59803-1263	123 SARANAC DR
27	STOSICH TYLER K	139 SARANAC DR		MISSOULA	MT	59803-1263	137 SARANAC DR
28	SUN DEVELOPMENTS LLC	PO BOX 1479		MISSOULA	MT	59806-1479	4810 HILLVIEW WAY
29	TAYLOR CASEY J	118 SARANAC DR		MISSOULA	MT	59803-1241	118 SARANAC DR
30	TONKIN K PATRICIA	4824 CLEARVIEW WAY		MISSOULA	MT	59803-2106	4824 CLEARVIEW WAY
31	WOODFORD ORVILLE D	113 SARANAC DR		MISSOULA	MT	59803-1263	113 SARANAC DR
32	YOUTH HOMES INC	PO BOX 7616		MISSOULA	MT	59807-7616	2105 42ND ST
33	SOUTH 39TH ST NEIGHBORHOOD COUNCIL	ATTN JEFFREY STEVENS	123 SARANAC DR	MISSOULA	MT	59803-1263	123 SARANAC DR
34	MOOSE CAN GULLY NEIGHBORHOOD COUNCIL	ATTN JANET VAN DYKE	5602 GHARRETT ST	MISSOULA	MT	59803	5602 GHARRETT ST

Legal Ad (run 12/2 and 12/9

PUBLIC NOTICE

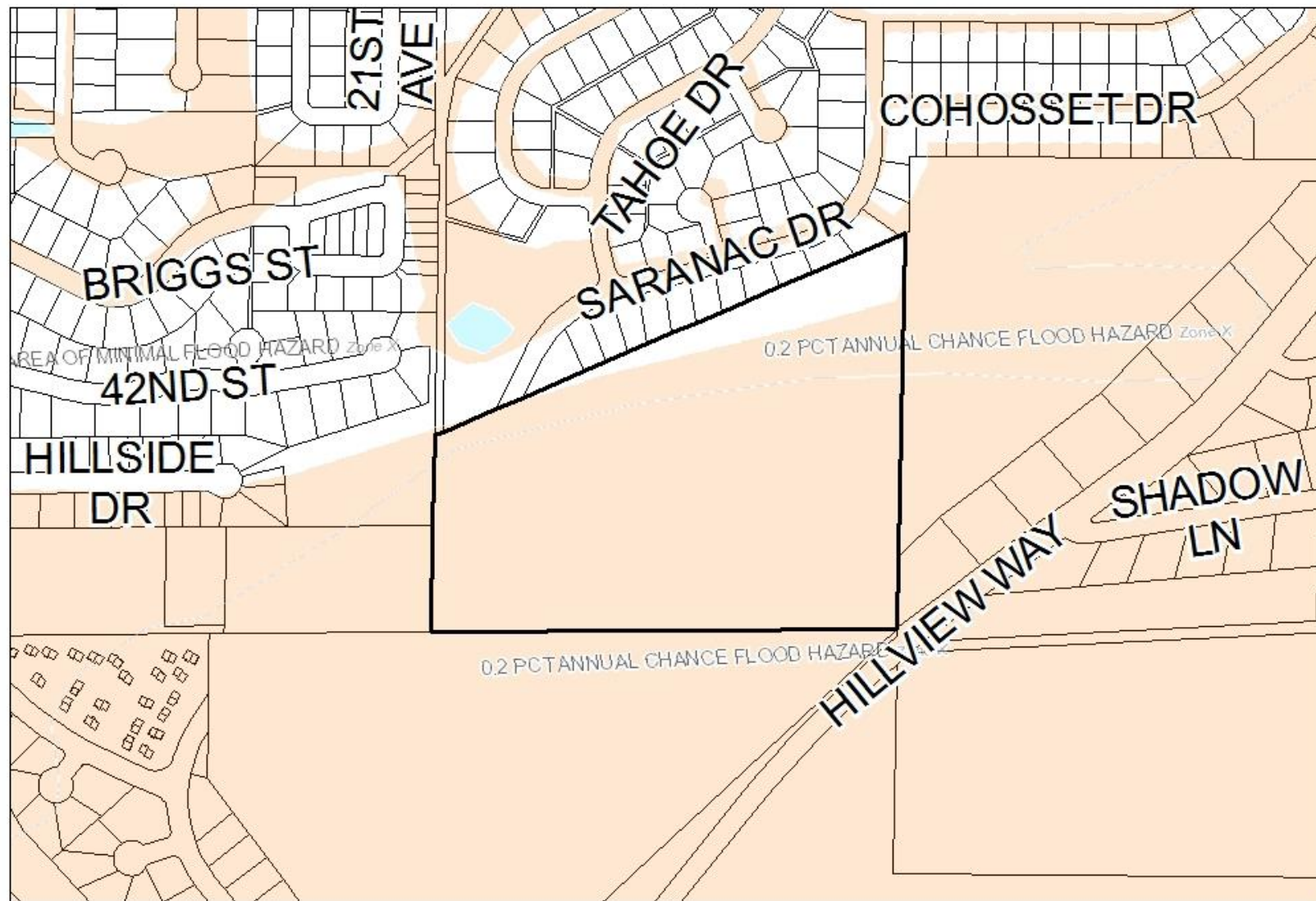
The Missoula City Council will conduct a public hearing on the following item on Monday, December 17, 2018, at 7:00 p.m., in the Missoula City Council Chambers located at 140 W. Pine Street in Missoula, Montana:

Hillview Crossing Townhome Exemption Development (10+ units) Conditional Use Request
Request from Territorial Landworks Inc., on behalf of Hillview Crossing, LLC, the owner of a 25.6 acre parcel west of Hillview Way and south of Saranac Drive (see Map) for conditional use approval for construction of a townhome exemption development of 68 units (in 34 duplex/two-unit buildings)



Your attendance and comments are welcomed and encouraged. The application can be viewed online at www.ci.missoula.mt.us/PrivateProjects or at Development Services office, 435 Ryman Street.

If anyone attending any of these meetings needs special assistance, please provide 48 hours advance notice by calling 552-6630. The Development Services office will provide auxiliary aids and services.



This map was created by the
City of Missoula
Development Services

1 in = 373 ft



Floodplain Map Hillview Crossing TED Conditional Use

FWP.MT.GOV

THE **OUTSIDE** IS IN US ALL.

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804
Phone 406-542-5500
December 13, 2018

Anita McNamara
City of Missoula Development Services
435 Ryman
Missoula, MT 59802
<McNamaraA@ci.missoula.mt.us>

Reference: Hillview Crossing---Proposed townhouse exemption development
(34 two-unit townhouses on 25.63 acres; T12N R19W Sec 6 SE4 of NE4; Geocode 04-2093-06-1-01-01-0000), South Hills area of Missoula

Dear Ms. McNamara,

Montana Fish, Wildlife & Parks (FWP) has reviewed the application materials for the proposed Hillview Crossing townhouse exemption development (TED), and we offer the following comments.

The proposed TED is within the city limits, but in the fringe of the built-out area of South Hills. It is on an open hillside and within ¼ mile of Moose Can Gully and its associated semi-riparian and forested draws leading uphill to forested areas of Mount Dean Stone. There are many deer in the Moose Can draw, and as a result this could bring mountain lions into the area. It is imperative that there be no salting or feeding for deer, as this could further concentrate deer, leading to disease in deer as well as increased lion activity. Other wildlife such as coyote, fox, skunk, racoon and birds would also be expected to occur on site.

The proposed TED is within the City of Missoula's bear buffer zone, and there is a lot of black bear activity in this vicinity of Moose Can Gully, where they feed on natural feed sources (berries and other vegetation, deer fawns). Bears can then wander into the adjoining neighborhoods, drawn in by fruit trees, bird feeders and garbage. FWP has responded to several complaints of black bear activity in the South Hills neighborhoods over the years. Bear (and mountain lion) conflicts can result in property damage, risk to human (and their pets') safety, and mortality of bears. There is also resulting high expenditure of FWP staff time and money (travel, supplies, equipment) for each response needed to address bear or lion issues.

There is high likelihood of human/wildlife conflict at this location, so FWP recommends strict sanitation and attractant management in this area of the urban wildlife interface. Therefore, FWP recommends that a "living with wildlife" section be required in the Development Covenants for this TED, in order to help residents deal with and avoid wildlife problems. Attached is our recommended version of such covenants for this location.

Thank you for providing the opportunity for FWP to comment on this proposal.

Sincerely,

Randy Arnold
Regional Supervisor

RA/sr

C: Mary McCrae, Development Services, City of Missoula; <McCraeM@ci.missoula.mt.us>

*Recommended Development Covenant for Hillview Crossing Townhouse Exemption Development,
recommended by Montana Fish, Wildlife & Park; Missoula; December 13, 2018*

Section __: Living with Wildlife

Homeowners and residents must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk and raccoon. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for information that can help homeowners "live with wildlife." Alternatively, see FWP's web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems.
- b. **Landscaping** comprised of native vegetation is less likely to suffer extensive feeding damage by deer than non-native plants. Native flowering plants will benefit pollinating insects, and native shrubs and trees produce favorable food sources and nesting sites for a variety of bird species. Landscape plants can often spread beyond the original planting site, so using native plants also avoids problems with non-native plants spreading in nearby open areas.
- c. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe and rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- d. This townhouse development is in the City of Missoula's **Bear Buffer Zone** (Municipal Code (Chapter 8.28.085, Special provisions for the accumulation and storage of garbage within the Bear Buffer Zone), which has regulations related to garbage handling in this area. Store all **garbage** in a bear-resistant container, bear-resistant enclosure, or enclosed building to avoid attracting wildlife such as bears or raccoons. If your garbage containers are not bear-resistant, you must keep them inside a bear-resistant enclosure or enclosed building. These containers may only be outside the enclosure between 5:00 a.m. and 9:00 p.m. on the day of waste pickup.
- e. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (§ 87-3-130, MCA) to purposely or knowingly attract any ungulates (deer, elk, etc.), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to an area.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and/or kill big game and small birds and mammals. Under current state law it is illegal for a dog to

chase, stalk, pursue, attack, or kill a hooved game animal, and the owner may be held personally responsible (§ 87-6-404, MCA). Keeping pets confined also helps protect them from predatory wildlife.

- g. **Pet food** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and raccoons. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Bird feeders** attract bears and should not be used from March to December 1. If used, bird feeders should: a) be suspended a minimum of 20-feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- i. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean, because food spills and smells on/near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. **Compost piles** can attract skunks and bears. If used, they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Do not add food scraps. Adding lime can reduce smells and help decomposition. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- k. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the wire or injuring themselves when trying to jump the fence. (Contact FWP or see its website for information or a brochure regarding building fence with wildlife in mind.)