

EXECUTIVE SUMMARY

CASE PLANNER: Jenny Baker, Planner III

REVIEWED AND APPROVED BY: Mary McCrea, Planning Supervisor

PUBLIC MEETING DATE: Land Use & Planning
September 25, 2019

APPLICANT & FEE OWNER: HEH LLC
c/o Hoyt Homes
P.O. Box 2727
Missoula, MT 59806

AGENT: WGM Group
Jeff Smith, P.E.
1111 E Broadway
Missoula, MT 59802

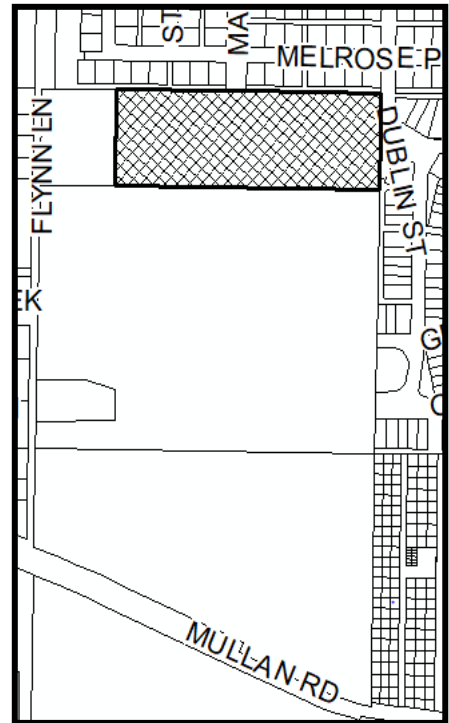
LOCATION OF REQUEST: The property is located south of Pleasant View Homes Subdivision, west of Hellgate Meadows Subdivision, east of Flynn Lane and north of Mullan Road.

LEGAL DESCRIPTION: The property is legally described as Tract 2 of C.O.S 4490, in Section 18, Township 13 N, Range 19 W, P.M.M.

LEGAL NOTICE: One subdivision poster was placed on the property on September 6, 2019. Adjacent Property owners were notified on September 3, 2019.

ZONING: Current: Hellgate Meadows Special Zoning District
Requested: B2-1 Community Business

GROWTH POLICY: Current: Residential Medium, 3-11 dwelling units per acre.
Requested: Neighborhood Mixed Use, commercial intermixed with high density residential, 24-43 dwelling units per acre.



SURROUNDING LAND USES

North: Residential
South: Vacant
East: Residential
West: Residential

SURROUNDING ZONING

RT10 Residential (two-unit/townhouse)
Hellgate Special Zoning District
Hellgate Special Zoning District
C-RR3 Residential (County)

PROPOSAL

1. Request to vary from Section 3-020 Table .2A, which requires a 90 foot wide right-of-way for Mary Jane Boulevard, an Urban Collector road.
2. Request to vary from Section 3-020 Table .2A, which requires a 70 foot wide right-of-way for Galway Avenue, a Low Density Urban Local street.
3. Request to vary from Section 3-080 which requires parkland dedication in the form of park/common area or cash-in-lieu for subdivisions.
4. Request to vary from Section 3-030.2.A(2) which limits block lengths to maximum of 480 linear feet.

5. Hellgate Village Subdivision

STAFF RECOMMENDATION

1. **APPROVAL** of Variance #1, permitting an 80 foot wide right-of-way for Mary Jane Boulevard, subject to the conditions of approval.
2. **CONDITIONAL APPROVAL** of Variance #2, permitting a 61 foot wide right-of-way for Galway Avenue subject to the conditions of approval.
3. **DENIAL** of Variance #3, requiring the dedication of park/common area or cash-in-lieu, or combination of both, subject to the conditions of approval.
4. **APPROVAL** of Variance #4, permitting the block with Lots 2, 3 and 4 to exceed the maximum 480 linear foot block length, with the pedestrian access easement between Galway Avenue and Mary Jane Boulevard at the mid-point of the block.
5. **APPROVAL** of the Hellgate Village Subdivision, subject to conditions of approval in the staff report.

MISSOULA CITY COUNCIL

September 25, 2019

HELLGATE VILLAGE SUBDIVISION

I. BACKGROUND

Hellgate Village Subdivision is a five lot minor subdivision of an 8.54-acre parcel south of Pleasant View Homes Subdivision, west of Hellgate Meadows Subdivision, east of Flynn Lane and north of Mullan Road. This parcel is in the Captain John Mullan Neighborhood Council Area, and part of the City's Ward 2. The parcel, legally described as Tract 2 of C.O.S 4490, is currently vacant. This subdivision proposal creates five lots on 7.25 acres, and dedicates 1.29 acres to creation of public streets, including the extension of Mary Jane Boulevard from the north, and the extension of Galway Avenue from the east.

Concurrent with this request for subdivision, the applicant has requested a Targeted Growth Policy Amendment, from Residential Medium, 3-11 dwelling units per acre, to Neighborhood Mixed Use, which permits some commercial uses intermixed with high density residential, 24-43 dwelling units per acre; and a rezoning from the existing Hellgate Special Zoning District designation to the standard Title 20 zoning district of B2-1 Community Commercial. This request applies to the subject property, as well as to the two parcels to the south of it. The reason for the request is to allow higher density development than the current Residential Medium designation permits, along with gaining flexibility in permitted uses and building types.

The lots created by this subdivision range from .18 acres and .20 acres (Lots 3 and 4) to 1.33 acres (Lot 1), 2.57 acres (Lot 2), and 2.97 acres (Lot 5). Pursuant to subdivision approval, the applicant intends to file for townhome exemption development approval on the larger lots, while the smaller lots will be developed with multi-dwelling buildings.

The property is currently zoned Neighborhood General within the Hellgate Special Zoning District. The Neighborhood General sub-district is "primarily for small and medium lot detached houses. Rowhouses are allowed in smaller numbers along with modest multi-family projects." The subdivision can be developed in compliance with the existing zoning regulations.

The requested B2-1 Community Commercial zoning district has no minimum lot size, except for single purpose residential development, which requires a minimum lot size of 3,000 square feet, and 1,000 square feet of parcel area per unit. There are no setbacks in the district, except where abutting residentially zoned districts, as is the case to the east and west of the parcel; there is an intervening common area/greenway, owned by the Pleasant View Homeowners Association, between the subject property and the residential lots in the Pleasant View Homes Subdivision to the north, so the setback requirement does not apply. The height limit of the B2-1 zoning district is 40 feet.

The applicant proposes a 4-unit multi dwelling building or a 4-unit townhouse structure on Lot 3, and another on Lot 4. The applicant has designed a townhome exemption development on Lots 1, 2 and 5. When built out, the subdivision will have 87 dwelling units, for a density of 10.19 dwelling units per acre. While this is below the recommended density allowed through the Growth Policy Amendment to Neighborhood Mixed Use (24 to 43 dwelling units per acre), with the rezoning it can be built using all building types from single detached dwellings, to two unit or duplex building types, and multi-dwelling buildings.

Access to the subdivision will be provided through an extension of Mary Jane Boulevard, which currently terminates at the north boundary of the subject property, and also through the extension

of Galway Avenue, which currently terminates at the east boundary of the subject property. There are two variance requests related to required width of right-of-way provision for the construction of these streets.

Additionally, there is a third variance request related to the dedication of parkland required by subdivision, and a fourth variance request related to block length.

The parcel for subdivision has no steep slopes or irrigation ditches, and it is not in the floodplain. It is part of the Airport Influence Area, the Urban Growth Area, the Waste Water Service Area, and the area served by City Water and Sewer.

II. SUBDIVISION FINDINGS OF FACT

A. ZONING AND COMPREHENSIVE PLAN COMPLIANCE

Findings of Fact:

1. The subject property has no physical address, but it is located south of the Pleasant View Homes Subdivision, west of the Hellgate Meadows Subdivision, east of Flynn Lane and north of Mullan Road. *(Missoula County Property Information System)*
2. The legal description of the subject property is Tract 2 of C.O.S. 4490, all in Section 18, Township 13 North, Range 19 West, P.M.M. It is 8.54 acres, currently vacant. *(Missoula County Property Information System)*
3. All of the surrounding land uses are residential, predominantly with single detached dwellings. *(Section 3, Subdivision Application, page 2)*
4. The subject property zoning is Hellgate Special District – Neighborhood General. The Neighborhood General sub-district is “primarily for small and medium lot detached houses. Rowhouses are allowed in smaller numbers along with modest multi-family projects.” *(Section 9, Hellgate Special Zoning District)*
5. In the Neighborhood General sub-district, multi-dwelling buildings are permitted, with no more than 4 units per building and no more than 10% of the lots in the zone. If all 10% of the permissible area were developed with multi-dwelling buildings, 37,200 square feet of the parcel could be developed in this way. *(Section 9, Hellgate Special Zoning District)*
6. In the Neighborhood General sub-district, rowhouses are permitted, up to 10% of the lots in the zone. If all 10% of the permissible area were developed with rowhouses, 37,200 square feet of the parcel could be developed in this way. With a minimum lot size of 2,200 square feet, there could be 16 rowhouse units in this sub-district. *(Section 9, Hellgate Special Zoning District)*
7. In the Neighborhood General sub-district, homestead lots are permitted, up to 10% of the lots in the zone. As homestead lots are a minimum of 10,000 square feet, 3 lots could be developed in this manner. *(Section 9, Hellgate Special Zoning District)*
8. The Neighborhood General sub-district does not limit either Garden House or Cottage building typologies. The Garden House typology requires a minimum lot size of 4,400 square feet, while the Cottage house requires a minimum of 3,000 square feet. The exact permitted density would be determined by the number of lots developed with each kind of home; however, the density would range from a low of 9 dwelling units per acre, to a high of 14 dwelling units per acre. *(Section 9, Hellgate Special Zoning District)*
9. The Hellgate Village Subdivision creates five (5) lots that range in size from .18 acres up to 2.97 acres. Land area devoted to streets is 1.29 acres, leaving 7.25 acres for residential development. *(Preliminary Plat; Project Summary)*

10. The subdivider intends to file for a townhome exemption on proposed Lots 1 (1.33 acres), 2 (2.57 acres) and 5 (2.97 acres). (*Section 1, Project Summary*)
11. Subdivision Regulations Section 3-010.1.I. require the subdivision to be reviewed for compliance with the Missoula City Growth Policy and its amendments.
12. The *2035 Our Missoula City Growth Policy* is the applicable regional plan and recommends a land use designation of Residential Medium Density – 3 to 11 dwelling units per acre. (*2035 City Growth Policy Land Use Map*)
13. Under the current zoning, the subject property could be developed at a higher density than the Growth Policy recommends. The reason for the discrepancy is that the zoning, applied in 2002, pre-dates the Land Use Designation, which was applied in 2015. (*Hellgate Special Zoning District, Subdivision Application Section 9; 2035 City Growth Policy*)
14. This property is part of a request for a Targeted Growth Policy Amendment and rezone. The requested Growth Policy designation is Neighborhood Mixed Use, and the requested zoning is B2-1 Community Business. Neighborhood Mixed Use recommends high density residential development, and the B2-1 zoning would permit up to 43 dwelling units per acres. (*Title 20 City Zoning Ordinance, Section 20.10.030, Table 20.10-2, 2035 City Growth Policy Land*)
15. The Title 20 Zoning Map includes shading for an Airport Influence Area adopted by resolution by Missoula County per provisions in state law. The resolution requires potential home buyers to receive written disclosure that the property is within the Airport Influence Area and properties may be impacted by noise and safety concerns related to approach and departure of aircraft.
16. Staff recommends conditions of approval that requires the developer to execute an avigation easement and provide a statement in the Development Covenants notifying property owners of impacts to property within the Airport Influence Area.

Conclusions of Law:

1. The subject property is zoned Hellgate Special District – Neighborhood General. The subdivision can be developed in compliance with the existing zoning regulations.
2. The current zoning allows higher density than is recommended by the *2035 Our Missoula City Growth Policy*, which specifies this area as Residential Medium Density, with 3 to 11 dwelling units per acre.
3. If approved, the Targeted Growth Policy Amendment and rezone to B2-1 Community Business would eliminate the discrepancy between allowable density under the special zoning district standards and the Growth Policy land use recommendation. The subdivision can be developed in compliance with the requested B2-1 zoning district standards.
4. The subdivision will comply with the Airport Influence Area Overlay if the conditions of approval are imposed.
5. Due to state law MCA 76-1-605(2)(b), no land use proposal shall be conditioned or denied based solely upon the lack of compliance with the Growth Policy.

B. PRIMARY CRITERIA COMPLIANCE

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The Natural Resources Conservation Service (NRCS) Soil Survey for Missoula County designates the subject property as Prime Farmland if Irrigated. (*Section 1, Project Summary, Subdivision Application, pages 6-7*)
2. The subject property is currently being used as an alfalfa/hay field; however, removal of the land from any kind of agricultural production has been anticipated since 2002, when the Hellgate Special Zoning District was adopted, and designated that future development on this parcel would be residential. (*Section 3, Subdivision Application, pages 6-7, Section 9, Hellgate Special Zoning District standards*)

Agricultural Water Users

3. There is an irrigation sprinkler pipeline that terminates at this site. (*Section 3, Subdivision Application, page 7, Section*)
4. With residential development of the parcel, the irrigation sprinkler can be abandoned. This has no effect on other users, as this is the last property that accesses the end of the pipeline. (*Section 3, Subdivision Application, page 7*)

Conclusions of Law:

1. This subdivision proposal removes 8.54 acres of land from agricultural production; however, this removal has been anticipated since the rezoning of the property for residential development in 2002.
2. No impacts to agricultural water users or water user facilities are foreseen as a result of this subdivision.

CRITERION 2: EFFECTS ON LOCAL SERVICES

Roads, Driveways, Drainage, Non-motorized Facilities

Findings of Fact:

1. The subject property is vacant. Mary Jane Boulevard extends through the Pleasant View Subdivision north of this parcel, and terminates at the northern boundary of the subject property. The intersection of Galway Avenue and Dublin Street borders the eastern boundary of the subject property. Galway Avenue terminates at the eastern boundary of the subject property. (*Preliminary Plat*)
2. This subdivision proposes the extension of Mary Jane Boulevard, functionally classified as a collector, from the north to south boundary of the subject property, for a distance of 400 linear feet. (*Section 3, Subdivision Application, page 12-13*)
3. This subdivision proposes the extension of Galway Avenue, functionally classified as a low density urban local street, from the east boundary and turning south to the south boundary of the subject property, for a distance of 540 linear feet. (*Section 3, Subdivision Application, page 12-13*)
4. Subdivision Regulations Sections 3-020 Table .2A specifies the following standards for an urban collector roadway with parking, bike lane, landscaped boulevard, and sidewalk on both sides: 90 foot wide right-of-way; 47 foot wide paved roadway from back of curb to back of curb that includes (2) parking lanes, (2) bike lanes, curb and gutter, (2) 7 foot wide landscaped boulevards, and (2) 5 foot wide sidewalks.
5. The applicant requests a variance from the width of dedicated right-of-way for Mary Jane Boulevard, seeking to provide 80 feet of right-of-way rather than 90 feet of right-of-way. All other standards for a collector roadway are met or exceeded. (*Section 4, Variance Request #1, Section 5, exhibit of Street Cross Section, Sheet 2 of 2, Preliminary Plat*)

6. The applicant has addressed the variance criteria in Section 6-010.1-.6 of the City Subdivision Regulations and lists the following reasons for the variance request:
 - a. The Urban Collector (with parking) road improvements fit within the requested 80 foot right-of-way width;
 - b. The proposed right-of-way is a curvilinear extension of the existing developed portion of Mary Jane Boulevard to the north.
(*City Subdivision Regulations, Section 6-010, Variances, Section 4, Variance Request*)
7. City Engineering recommends approval of the variance request and staff's recommended condition of approval. (*Agency Comment, City Engineering, 09/17/19*)
8. A recommended condition of approval requires the subdivider to provide plans for and installation of road improvements for Mary Jane Boulevard meeting Urban Collector (with parking) standards per the road section shown on Sheet 2 of 2 of the preliminary plat, within an 80 foot wide right-of-way. (*Section 5, exhibit of Street Cross Section, Sheet 2 of 2, Preliminary Plat*)
9. Subdivision Regulations Sections 3-020 Table .2A specifies the following standards for a low density urban local street with parking, landscaped boulevard and sidewalk each side: 70 foot wide right-of-way, 35 foot wide paved roadway from back of curb to back of curb, curb, gutter, 7 foot wide landscaped boulevard, and 5 foot wide sidewalk.
10. The applicant requests a variance from the width of dedicated right-of-way for Galway Avenue, seeking to provide a 47 foot wide right-of-way rather than the required 70 foot wide right-of-way. All other standards for a low density urban local street are met. (*Section 4, Variance Request #2, Section 5, exhibit of Street Cross Section, Sheet 2 of 2, Preliminary Plat*)
11. The applicant has addressed the variance criteria in Section 6-010.1-.6 of the City Subdivision Regulations and lists the following reasons for the variance request:
 - a. The road improvements for Galway Avenue match those required for a Low Density Urban Local Street;
 - b. The proposed right-of-way is an extension of the existing developed portion of Galway Avenue to the east.
 - c. The applicant proposes an 8 foot wide non-motorized access easement on each side of the 47 foot road right-of-way for the road improvements that do not fit within the right-of-way.
(*City Subdivision Regulations, Section 6-010, Variances, Section 4, Variance Request*)
12. City Engineering recommends conditional approval of the variance request, recommending a 61 foot wide right-of-way such that all required road improvements are installed within public right-of-way. (*Agency Comment, City Engineering, 09/17/19*)
13. A recommended condition of approval requires the subdivider to provide plans for and installation of road improvements for Galway Avenue meeting Low Density Urban Local Street standards per Section 3-020, Table .2A of the City Subdivision Regulations, within a 61 foot wide right-of-way. (*City Subdivision Regulations, Section 3-020, Table .2A*)
14. Mary Jane Boulevard and Galway Avenue extend to the southern boundary of the subdivision. The preliminary plat shows temporary turnaround easements and installation of turnarounds that extend off-site to the property adjacent to the south. (*Preliminary Plat, Sheet 1 of 2*)
15. City Engineering recommends a condition of approval requiring the subdivider to provide plans for and installation of the turnarounds within temporary turnaround easements on the

final plat, subject to review and approval by the City Engineer and City Fire. This is included as a recommended condition of approval. (*Agency Comment, City Engineering, 09/17/19*)

16. Section 3-020.3(A)(1) of the City Subdivision regulations requires each public road to provide for construction and perpetual maintenance of the road. Section 5-050.4(M & N) of the City Subdivision regulations requires the Special Improvement District (SID) statement to be provided on the plat and on each instrument of conveyance. A condition of approval is recommended requiring a SID statement on the plat and in the Development Covenants for future improvements and maintenance to Mary Jane Boulevard and Galway Avenue.
17. Section 3-020.4(H)(2) of the City Subdivision regulations requires street signs and traffic control devices to be approved by the City Engineer and consistent with the Manual on Uniform Traffic Control Devices adopted by the Montana Department of Transportation. A condition of approval requires a signage plan reviewed and approved by City Fire and the City Engineer prior to final plat approval and installation of signage meeting the above named standards.
18. Section 5-050 of the City Subdivision Regulations requires the subdivider to provide a boulevard landscaping and maintenance plan in accordance with Missoula Municipal Code (MMC) Title 12.32 prior to final plat approval. (*City Subdivision Regulations, Section 5-050, Submittal Requirements, Missoula Municipal Code, Title 12: Streets, Sidewalks, and Public Places*).
19. A condition of approval requires the subdivider to submit a boulevard landscaping and maintenance plan subject to review and approval by City Parks and Recreation. Utility lines shall not be located within the boulevard area without approval of City Parks and Recreation.

Transit

20. Section 3-010.7 and 3-020.1 of the City Subdivision Regulations require subdividers to provide safe, efficient and convenient transportation corridors for motorists, pedestrians, bicyclists and bus riders.
21. The subject property is within the Missoula Urban Transportation District (MUTD). The closest bus line is Route 11, which runs along Connery Way in the Hellgate Meadows Subdivision. This is a distance of .16 miles from the perimeter of the Hellgate Village Subdivision. (*Section 2, Bus Stops Exhibit; Mountain Line Route Map and Schedule*)

Grading, Drainage and Storm Water

22. Section 3-040 of the City Subdivision Regulations provides minimum standards for site grading and control of storm water runoff.
23. The submittal packet contains storm water calculations and statements that post-development storm water runoff will meet City of Missoula requirements. (*Storm Drainage Report, Section 7*)
24. The subdivider proposes to install one sump for every 10,000 square feet of impervious surface, with a total of 24 sumps for the planned 203,218 square feet of impervious area in the development. (*Storm Drainage Report, Section 7*)
25. Montana Department of Environmental Quality and Missoula Storm Water Utility regulations differ somewhat from the grading and drainage submittal standards in the City Subdivision Regulations, Section 3-040, Grading, Drainage and Erosion Control. (*Agency Comment, City Engineering, 09/17/19*)

26. Section 3-010.1.F requires subdivisions to meet all applicable laws, ordinances, and regulations, including but not limited to Montana Department of Environmental Quality and Missoula Storm Water Utility regulations.
27. Section 5-020.11 of the City Subdivision Regulations requires a complete grading and drainage plan to be submitted prior to final plat approval meeting Montana DEQ standards and approval by the City Engineer.
28. A recommended condition of approval requires the subdivider to provide a complete grading, drainage and storm water plan meeting Montana Department of Environmental Quality standards and receive approval of the City Engineer and Missoula Storm Water Superintendent, prior to final plat approval.

Conclusions of Law:

1. The subdivision will meet the road improvement standards, with approval of variance request #1 and conditional approval of variance request #2 regarding right-of-way width for public roads, and with imposition of the recommended conditions of approval.
2. The subdivision will meet the boulevard landscaping and sidewalk width standards if the recommended conditions of approval are imposed.
3. The subdivision submittal meets preliminary grading and drainage standards in the Missoula City Subdivision Regulations.
4. Final grading, drainage and storm water plans will be reviewed and approved by Montana DEQ, the City Engineer and the Missoula Storm Water Superintendent if the recommended conditions of approval are imposed.

Lots and Blocks

Findings of Fact:

1. Section 3-030.2.A(2) of the City Subdivision regulations states blocks may not exceed a maximum length of 480 feet in urban/suburban subdivisions.
2. The subdivision block made up of Lots 2, 3 and 4 is approximately 525 linear feet along the northern boundary. *(Sheet 1 of 2, Preliminary Plat)*
3. The applicant requests a variance from the maximum block length standard for the block containing Lots 2, 3 and 4. *(Section 4, Variance Request #4)*
4. Section 3-030.2.A(3) of the City Subdivision regulations states pedestrian access easements that create a break within a block are required where there is a special need to provide convenient pedestrian access to bus stops, schools, playgrounds, shopping, transportation, parks, common areas or open space, other lots, adjoining neighborhoods and community facilities.
5. The applicant has addressed the variance criteria in Section 6-010.1-.6 of the City Subdivision Regulations and lists the following reasons for the variance request:
 - a. The proposed streets in the subdivision will provide a safe, efficient corridor for all modes of transportation.
 - b. A public non-motorized access easement between Galway Avenue and Mary Jane Boulevard is shown on the preliminary plat at the mid-point of the block.*(Section 4, Variance Request #4, Sheet 1 of 2, Preliminary Plat)*
6. Staff recommends approval of the variance because there are not road connections available as the subject property borders a private common area of the Pleasant View Subdivision

along the north boundary. The pedestrian access easement between Galway Avenue and Mary Jane Boulevard mitigates the impact of block length and meets Section 3-030.2.A(3) of the City Subdivision regulations. (*Sheet 1 of 2, Preliminary Plat*)

Conclusion of Law:

1. The subdivision will meet the City Subdivision regulations for block length if the variance is approved.
2. The subdivision meets Section 3-030.2.A(3) of the City Subdivision regulations by providing the pedestrian access easement at the mid-point of the block, connecting Galway Avenue to Mary Jane Boulevard.

Water System and Sewer System

Findings of Fact:

6. The subdivision application packet states that there are water mains within 11 and 14 feet of the perimeter of this subdivision, and that the mains will be extended to serve the subdivision. (*Section 3, Subdivision Application, pages 15 & 16*)
7. The subdivider provided a water availability letter signed by the City Engineer and dated July 2018. (*Section 5, Water Availability Letter*)
8. The subdivision application packet states that a 30 inch sewer main runs through the development area, and was originally extended with the purpose of serving this development. (*Section 3, Subdivision Application, page 16*)
9. Missoula Water provided the following comments regarding public water supply for the subdivision:
 - a. Missoula Water's specifications allow dead end mains up to 500 feet in length. The proposed main in Galway Avenue appears to be around 500 feet. This is acceptable for this project, but any future extensions of the Galway and/or Mary Jane Boulevard mains will require the mains to be looped.
 - b. The subdivision submittal packet did not include details regarding water demands, therefore Missoula Water could not determine required main sizes. Multi-dwelling structures may require at least a 12-inch main, while 8-inch mains may be adequate for single dwelling residential structures.
 - c. Water mains should be installed at least 10 feet from the edge of easements.(*Agency Comment, City Water, Logan McGinnis, 08/14/19*)
10. City Public Works staff commented that the utility plans within the submittal packet appeared to indicate several locations where the sewer mains were not at least 10 feet from the edge of easements as well as 10 feet from any parallel water mains. (*Agency Comment, Public Works, 06/24/19 & City Engineering, 9/17/19*)
11. A recommended condition of approval requires the subdivider to provide utility easements and plans for and installation of sewer and water mains within public utility easements prior to final plat approval. All sewer and water mains shall be located at least 10 feet from the edge of the easement and all sewer and water mains shall be located at least 10 feet from any parallel sewer/water mains.

Conclusions of Law:

1. Public sewer and water are available to the subdivision and will comply with regulations if the recommended condition of approval is imposed. Each lot will be served by municipal sewer and water facilities in compliance with the Subdivision Regulations.

2. Review of water and sewer systems is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

Solid Waste

Findings of Fact:

1. The subdivider states that Republic Services will provide disposal service to the subdivision. (*Subdivision Application, page 15*)

Conclusions of Law:

1. Solid waste disposal service will be available to the subdivision and will be in compliance with Subdivision Regulations.
2. Review of solid waste disposal is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

Parks and Recreation

Findings of Fact:

1. Section 3-080 of the City Subdivision Regulations requires parkland dedication in the form of park or common area or cash-in-lieu of parkland for subdivisions.
2. Section 3-080.3 of the City Subdivision Regulations requires parkland dedication calculated as .02 acres X 10 dwelling units/acre X the net acreage of lots with three or more dwelling units. All of the lots within the subdivision will have more than three dwelling units.
3. The net lotted area within the subdivision is 7.25 acres. All of the lots will have more than 10 dwelling units/acre. Per Section 3-080.3 and .4 of the city subdivision regulations, the required parkland dedication for the subdivision is calculated as 0.02 acres X 10 dwelling units/acre X 7.25 acres = 1.45 acres, which equals 20% of the net lotted area of the subdivision. (*Preliminary Plat*)
4. The subdivision does not include any land designated as park or common area. Section 3-080.6 and .7 allow a cash payment in lieu of dedicating parkland with a subdivision. (*Preliminary Plat, Section 4, Variance Request #3*)
5. The applicant requests a variance from these parkland dedication standards. They request to not dedicate parkland or pay cash-in-lieu with the subdivision. Alternatively they propose to provide common area equal to 11% of the net lotted area of Lots 1, 2 and 5 at the time of Townhome Exemption Development review. (*Section 4, Variance Request #3*)
6. The applicant states that Title 20 will require 35% landscaping on Lots 3 & 4, however Title 20, Section 20.65.020.B requires 15% general landscaping and Section 20.65.020.C requires an additional 20% landscaped activity area for multi-dwelling parcels with 10 or more units. Lots 3 & 4 will each have 4 units, therefore the additional 20% landscaped area is not required. (*Title 20, Section 20.65.020.B & .C, Section 4, Variance Request #3*)
7. The applicant has addressed the variance criteria in Section 6-010.1-.6 of the City Subdivision Regulations and lists the following reasons for the variance request:
 - a. The applicant will propose Townhome Exemption Developments (TED) on Lots 1, 2 and 5 within the subdivision.
 - b. During TED review the applicant proposes to provide 11% of net lotted area of Lots 1, 2 & 5 in common area or cash-in-lieu.
 - c. There are public parks in Pleasant View, Hellgate Meadows and playing fields west of Flynn Lane at Hellgate Elementary School to serve this subdivision.(*City Subdivision Regulations, Section 6-010, Variances, Section 4, Variance Request*)

8. City Parks and Recreation provided the following comments:
- Because of the complexity of the multi-step process (subdivision followed by Townhome Exemption Development on three lots) chosen by the applicant, the request for the variance for parkland dedication does not provide enough information for Parks and Recreation to ensure a viable path to develop a neighborhood park meeting Master Park Plan and Subdivision standards for parkland/common area at the time of TED review.
 - Based on this multi-step process, the common area of the proposed TED lots would not provide as much area as is required through Subdivision Process.
 - The payment of cash-in-lieu at the time of subdivision would go toward any park or common area required at the time of TED review.
 - The nearest public park, in the Pleasant View subdivision, has reached its user capacity in terms of acres/1,000 residents.
 - The payment of cash-in-lieu at the time of subdivision ensures the proposed development makes its fair share contribution for improvements to a public neighborhood park in the areas south of Pleasant View Park.
- (Parks and Recreation Agency Comment, 06/28/19)*
9. Based on the input from City Parks & Recreation, staff recommends denial of Variance Request #3, and imposition of a condition of approval to require the subdivider to provide cash-in-lieu of parkland in accordance with parkland dedication calculations as described in City Subdivision Regulations Section 3-080.

Conclusion of Law:

- The subdivision will meet the required City Subdivision regulations for parkland dedication if the variance is denied and the condition of approval is imposed.

Schools

Findings of Fact

- The subdivision will create five (5) residential lots, and the subdivider proposes to develop up to eighty-seven (87) residential units on the lots. The subdivider estimates that between 17 and 44 children will attend Hellgate Elementary and Middle School, or Big Sky High School as a result of the subdivision. *(Project Summary; Subdivision Application, page 17)*
- The subdivider states that “without empirical data, it is difficult to assess the actual number of children that may reside in this new neighborhood.” *(Section 3, Subdivision Application, page 17)*

Conclusion of Law:

- No adverse impacts to schools requiring mitigation have been identified.

Fire Department

Findings of Fact:

- The Missoula City Fire Department will serve the subdivision. The nearest station is located approximately 1.25 miles away at Latimer Street. *(Subdivision Application, page 17)*
- City Fire Department commented that they have “review[ed] fire apparatus access roads and fire protection water supplies. Additionally, conditions pertaining to variance requests have been designed in coordination with City Fire Department requirements accommodating emergency vehicle access. The packet as submitted meets City Fire Department standards.” *(Agency Comment, City Fire, 06/29/19)*

3. The Missoula City Fire Department regularly requires an addressing system to be developed that conforms to the addressing requirements of the city. All new buildings are assigned an address at the time of building permit approval, and are required to meet City standards for signage. (*Subdivision Regulations Section 3-010.1F*)
4. A condition of approval requires the developer to provide plans for address signage subject to review and approval of the Missoula City Fire Department prior to final plat approval. (*Subdivision Regulations Section 3-010.1F*)
5. Subdivision regulations Section 3-010.1.F and 3-070.1 require water supply for Fire protection to meet Fire Code and be approved by City Fire.
6. A recommended condition of approval requires the developer to provide a fire hydrant plan, prior to final plat approval subject to review and approval by City Fire. Fire hydrants shall be installed prior to combustible construction as required by the City Fire Department approved hydrant plan. (*Subdivision Regulations Section 3-010.1.F and 3-070.1*)

Conclusion of Law:

1. Fire service is available to the subdivision if the recommended conditions of approval are imposed.

Law Enforcement

Findings of Fact:

1. The subdivision is located within the jurisdiction of the Missoula Police Department. (*Subdivision Application, page 17*)
2. The Missoula Police Department did not provide comments on the subdivision.

Conclusion of Law:

1. Law enforcement is available to the subdivision.

CRITERIA 3 AND 4: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

Wildlife & Wildlife Habitat

1. The subdivision is not located adjacent to public lands. (*Vicinity Map; Subdivision Application, pages 8 and 11*)
2. There is no protected habitat or sensitive species present on the subject property. (*Vicinity Map; Subdivision Application, page 11*)
3. No riparian resources or regulated floodplain exist on the property. (*Vicinity Map; Floodplain Map; Project Summary; Subdivision Application, pages 10-11*)

Weeds

4. Subdivision Regulations Section 3-010.1F requires the subdivision to comply with other regulations applicable to the land proposed for subdivision.
5. The Missoula County Noxious Weed Management Plan adopted by Resolution 2012-063 requires a weed management plan as part of subdivision plans. (*Missoula County Resolution 2012-063*)
6. The applicant has provided a Weed Management Plan as Exhibit A attached to the Development Covenants, which was signed off by the Missoula County Weed District Manager in March of 2019. (*Section 7, Covenants, Exhibit A*)

Conclusion of Law:

1. No impacts to the natural environment and wildlife habitat are foreseen as a result of this subdivision.
2. The subdivision meets the required City Subdivision regulations for Weed Management with the provision of the approved Revegetation & Weed Management Plan.

CRITERION 5: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

Hazardous Land

1. Subdivision Regulations Section 3-010.2 requires the mitigation of hazards to subdivision development, including but not limited to flooding and slopes of 25% or more.
2. The subject property is outside of the FEMA-identified 1% annual chance flood hazard areas and floodplain. (*Section 2, Floodplain Map*)
3. The application packet indicates that there are no slopes at or above 3%. (*Section 3, Subdivision Application, page 10*)
4. Section 3-010.1.F requires subdivisions to meet all applicable laws, ordinances, and regulations, including but not limited to the Air Program of the City-County Health Department.
5. The City-County Health Department's Air Quality Division comments in support of inclusion within the covenants of statements regarding the presence of radon and the prohibition against wood burning devices. (*Missoula City-County Health Department, Air Quality Division, Agency Comment, 06/18/19*)
6. A condition of approval requires the Amendments section in the Development Covenants to be amended to include the following sections in the list that require prior written governing body approval in order to be amended or deleted: Radon, Wood Burning Devices, Airport Influence Area & Avigation Easement, Address Signage Plan, Special Improvement District, Boulevard Landscaping & Maintenance Plan, Revegetation & Weed Management Plan, Living With Wildlife, and Amendments.

Conclusion of Law:

1. No adverse impacts to public health and safety are foreseen as a result of this subdivision if the conditions of approval are imposed.

C) COMPLIANCE: This subdivision complies with:

1) SURVEY REQUIREMENTS

Findings of Fact

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

1. This proposal meets the survey requirements.
- 2) SUBDIVISION REGULATIONS

Findings of Fact

1. Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

1. The subdivision will be brought into compliance with the local subdivision regulations if the conditions of approval are imposed.

3) REVIEW PROCEDURE

Findings of Fact

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Article 4 of the Missoula City Subdivision Regulations.
2. Notice of a public hearing on this subdivision was posted on the property on September 6, 2019, and letters were mailed to adjacent property owners on September 3, 2019.
3. The public meeting before the Land Use and Planning Committee of the City Council is scheduled for September 25, 2019.
4. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty days of such decision. The application shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider, a contiguous landowner, an owner of land within the City of Missoula who can establish a likelihood of material injury to property or its material value, or the City Council. In order to file an appeal, the plaintiff must be aggrieved by the decision, demonstrating that a specific personal and legal interest, as opposed to a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusion of Law:

1. This subdivision proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Article 4 of the Missoula City Subdivision Regulations.

D) PROVISION OF EASEMENTS FOR UTILITIES:

Findings of Fact:

1. According to the preliminary plat, water and sewer utilities will be installed within the rights-of-way for Mary Jane Boulevard and Galway Avenue. (*Preliminary Plat, Section 2*)
2. The Project Summary states that provision of electric service for this subdivision is split between Missoula Electric Cooperative and Northwestern Energy, with Northwestern also responsible for gas service. (*Section 1, Project Summary, page 3; Subdivision Application, page 15*)
3. A condition of approval requires the subdivider to provide utility easements and plans for and installation of sewer and water mains within public utility easements prior to final plat approval. All sewer and water mains shall be located at least 10 feet from the edge of the easement and all sewer and water mains shall be located at least 10 feet from any parallel sewer/water mains.
4. Subdivision Regulations Section 3-060.1 states that easements must be reviewed and approved by City Engineering.

Conclusion of Law:

1. Utility services are available to this subdivision and the subdivision can comply with Subdivision Regulations for utility access if the condition of approval is imposed.

E) PROVISION OF LEGAL AND PHYSICAL ACCESS:

Finding of Fact:

1. Legal and physical access will be provided to the subdivision via an extension of Mary Jane Boulevard from the north and Galway Avenue from the east. (*Preliminary Plat*)

Conclusion of Law:

1. The subdivision proposal meets the physical and legal access requirements of the Subdivision Regulations.

F) VARIANCE REQUESTS:

1. A variance is requested from Section 3-020. Table .2A, Standards for Design of Roads and Streets. This section requires a 90 foot wide right-of-way for streets designated as Urban Collectors, such as Mary Jane Boulevard. The applicant requests to vary from this standard for Mary Jane Boulevard, and provide an 80 foot wide right-of-way.

RECOMMENDATION:

Development Services recommends **APPROVAL** of the variance request.

FINDINGS:

A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.

Granting of the variance as submitted does not pose a threat to public safety, health or welfare, nor would it prove injurious to person or property. Aside from the narrower width of right-of-way, Mary Jane Boulevard will be built to meet all other applicable standards, including width of pavement, curb, gutter, landscaped boulevard and sidewalk. All improvements fit within the right of way, and there is one foot of extra right-of-way width on both sides of the road, beyond the edge of the sidewalks.

B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.

The circumstance unique to this property is that the proposed right-of-way width matches that existing and provided to the north, where Mary Jane has been built as part of the Pleasant View Homes subdivision. The applicant proposes dimensions that will match the existing, already built infrastructure.

C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.

The shape and condition of the existing infrastructure to which this development makes a connecting extension is the reason for this request. Imposing more strict application of the subdivision road standards regulations would result in loss of density for this project, creating an undue hardship to the owner which would jeopardize the feasibility of this project.

D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the adopted regional or vicinity plans for the area.

Granting of this variance has no implications that affect either Missoula Title 20 Zoning regulations, or the Our Missoula 2035 City Growth Policy.

E. The variance will not cause an increase in public costs.

The variance will not cause an increase in public costs.

F. The hardship has not been created by the applicant or the applicant's agent or assigns.

The hardship has not been created by the applicant. Rather it is created by the need to connect to existing infrastructure built to different standards.

2. A variance is requested from Section 3-020. Table .2A, Standards for Design of Roads and Streets. This section requires a 70 foot wide right-of-way for streets designated as Low Density Urban Local Street, such as Galway Avenue. The applicant requests to vary from this standard for Mary Jane Boulevard, and provide a 47 foot wide right-of-way.

RECOMMENDATION:

Development Services recommends **CONDITIONAL APPROVAL** of Variance #2, permitting a 61 foot wide right-of-way for Galway Avenue subject to the conditions of approval.

FINDINGS:

- A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

Conditional approval of the variance request requiring a 61 foot right-of-way and subject to the condition of approval does not pose a threat to public safety, health or welfare, nor would it prove injurious to person or property. Aside from the narrower width of right-of-way, Galway Avenue will be built to meet all other applicable standards, and all improvement will be within the right of way.

- B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

The situation is not unique as the proposed 47 foot wide right-of-way does not match the existing right-of-way width of Galway Avenue to the east which is 55 feet in width in Hellgate Meadows Subdivision approved in 2002.

- C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

There are no topographical conditions that create a hardship for the owner to meet the subdivision standards. Public improvements built within in public right-of-way are preferred in order for the City to provide future maintenance and replacement of the improvements. Conditional approval of the variance requiring a 61 foot wide right-of-way such that all the right of way improvements fit within the right-of-way provides relief from the 70 foot required right-of-way width.

- D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the adopted regional or vicinity plans for the area.**

Conditional approval of the variance requiring a 61 foot wide right-of-way such that all the right of way improvements fit within the right-of-way complies with local regulations.

- E. The variance will not cause an increase in public costs.**

The variance will not cause in increase in public costs.

- F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship has been created by the applicant preferring a narrower right-of-way.

3. A variance is requested from Section 3-080.3, Requirements for Park Dedication. This section requires parkland dedication in the form of park or common area or cash-in-lieu of parkland at the time of subdivision.

RECOMMENDATION:

Development Services recommends **DENIAL** of the variance request.

FINDINGS:

- A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

Granting of the variance compromises the public welfare by providing no parkland and no cash-in-lieu, which is used to improve public parks in the area that will be used by future residents of the subdivision. Parks and Recreation does not support this variance request.

- B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

The multi-stage process the applicant is following for this development of subdivision followed by Townhome Exemption Development on each lot is unique. The subdivider could meet the subdivision regulations by providing cash-in-lieu of parkland dedication, which allows for more units on each lot. At the time of application for a Townhome Exemption Development, the developer would not be required to provide additional park or recreation area because the requirement would have been met at the time of subdivision review.

- C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

There are no topographical conditions that prevent the dedication of parkland or payment of cash-in-lieu of parkland.

- D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the adopted regional or vicinity plans for the area.**

Granting of this variance is contrary to some goals and objectives of the Our Missoula 2035 City Growth Policy which encourages increased density where it is supported by infrastructure, such as parks. Cash-in-lieu of parkland with this subdivision would provide improvements to parks in the area that would serve residents of this subdivision.

- E. The variance will not cause an increase in public costs.**

The variance could cause an indirect increase in public costs, as the Parks Department would have to fund alternate means of providing more parkland in this area or improvements to parks, where existing parks are at capacity.

- F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship has been created by the applicant.

4. A variance is requested from Section 3-030.2.A(2) and (3), which require maximum block length of 480 feet or less, and pedestrian easements to create connections within a block.

RECOMMENDATION:

Development Services recommends **APPROVAL** of the variance request.

FINDINGS:

A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.

Granting of the variance does not compromise the public welfare. The non-motorized public access easement connecting Galway Avenue to Mary Jane Boulevard mitigates the block length distance by providing a means of pedestrian connectivity.

B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.

The conditions upon which this variance is based are unique in that the existing road layout and block lengths were set by the subdivision to the north. The design of this subdivision is constrained by having to connect to the location, orientation and dimension of the existing adjacent streets.

C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.

A hardship to the owner would result in imposing this regulation strictly, as addition of roads to the north are not physically possible due to the block length was set by the subdivision to the north.

D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the adopted regional or vicinity plans for the area.

Granting of this variance does not have implications for Missoula Title 20 Zoning regulations, or the Our Missoula 2035 City Growth Policy.

E. The variance will not cause an increase in public costs.

The variance will not cause an increase in public costs.

F. The hardship has not been created by the applicant or the applicant's agent or assigns.

The hardship has not been created by the applicant.

III. RECOMMENDED MOTIONS

1. **APPROVAL** of Variance #1, permitting an 80 foot wide right-of-way for Mary Jane Boulevard subject to the conditions of approval.
2. **CONDITIONAL APPROVAL** of Variance #2, permitting a 61 foot wide right-of-way for Galway Avenue subject to the conditions of approval.
3. **DENIAL** of Variance #3, requiring the dedication of park/common area or cash-in-lieu or combination of both subject to the conditions of approval.
4. **APPROVAL** of Variance #4, permitting the block comprised of Lots 2, 3 and 4 to exceed the maximum 480 linear foot block length with the pedestrian access easement between Galway Avenue and Mary Jane Boulevard at the mid-point of the block.
5. **APPROVAL** of the **Hellgate Village Subdivision**, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

IV. RECOMMENDED CONDITIONS OF SUBDIVISION APPROVAL

Roads and Access:

1. The following statement shall be included on the face of the plat and in the Development Covenants under a Section titled "Special Improvement District", subject to review and approval by Development Services prior to final plat approval: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID, based on benefit, for future improvements and maintenance to Mary Jane Boulevard and Galway Avenue, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities, and may be used in lieu of their signatures on an SID petition."
2. A signage plan in conformity with the Manual on Uniform Traffic Control Devices, including provisions for temporary signage during construction, permanent signage, and cost of installation to be included in the security deposit, shall be reviewed and approved by City Engineering prior to final plat approval.
3. The subdivider shall submit plans for and install road improvements for Mary Jane Boulevard meeting Urban Collector (with Parking) standards per the road section shown on Sheet 2 of 2 of the preliminary plat, within an 80 foot wide right-of-way, prior to final plat approval, subject to review and approval of Development Services.
4. The subdivider shall submit plans for and install road improvements for Galway Avenue meeting Low Density Urban Local Street standards per Section 3-020, Table .2A of the City Subdivision Regulations, within a 61 foot wide right-of-way.
5. The subdivider shall provide plans for and installation of fire department turnarounds at the southern end of Mary Jane Boulevard and Galway Avenue as shown on Sheet 1 of 2 of the Preliminary Plat within temporary turnaround easements included on the final plat, subject to review and approval by the City Engineer and City Fire.

Parkland Dedication, Boulevard Landscaping & Weeds:

6. The subdivider shall provide Parkland Dedication in the form of cash-in-lieu of parkland and shall provide Parkland Dedication Calculations and a copy of the Summary Appraisal Report, in compliance with Section 3-080.7 of the City Subdivision regulations, subject to City Parks and Recreation approval, prior to final plat approval. Proof of payment of cash-in-lieu of parkland equal to the fair market value of the amount of land that would have been statutorily required to be dedicated is required prior to final plat approval, subject to review and approval of City Parks and Recreation.
7. The subdivider shall submit a boulevard landscaping and maintenance plan, subject to review and approval by City Parks and Recreation, prior to final plat approval. Boulevard landscaping shall be installed prior to final plat approval or included in an Improvements Agreement guaranteed by a security, subject to review and approval by City Parks and Recreation, prior to final plat approval. The Boulevard Landscaping and Maintenance Plan shall be included in the Development Covenants, subject to review and approval by Development Services, prior to final plat approval. Utility lines shall not be located within the boulevard area without approval by City Parks and Recreation, prior to final plat approval.

Grading, Drainage and Storm Water:

8. The subdivider shall provide a complete grading, drainage and storm water plan meeting Montana Department of Environmental Quality standards, prior to final plat approval, subject to review and approval by Missoula Storm Water Superintendent and City Engineer.

Utilities:

9. The subdivider shall provide utility easements and plans for installation of sewer and water mains within public utility easements prior to final plat approval, subject to review and approval by the City Engineer. All sewer and water mains shall be located at least 10 feet from the edge of the easement and all sewer and water mains shall be located at least 10 feet from any parallel sewer/water mains.

Fire Hydrants and Signage:

10. The subdivider shall provide an address signage plan in the Development Covenants subject to review and approval by Missoula City Fire prior to final plat approval.
11. The subdivider shall provide a fire hydrant plan, subject to review and approval by the Missoula City Fire prior to final plat approval.

Avigation Easement:

12. An avigation easement shall be obtained and included in the Development Covenants for the subject property in compliance with the Airport Influence Area Resolution, subject to review and approval by the Airport Authority and Development Services, prior to zoning compliance approval of the townhome exemption declaration.
13. The following statement shall appear in the Development Covenants, subject to review and approval by Development Services, prior to zoning compliance approval of the townhome exemption declaration: "This property is in the Airport Influence Area and lot owners should be aware of the possibility of increased noise and safety risk resulting from the proximity to approaching and departing aircraft. Lot owners should consult the Airport Authority and any relevant documents at the time of purchase."

Development Covenants:

14. The subdivider shall revise the Amendments section of the Development Covenants to include the following sections in the list that require prior written governing body approval in order to be amended or deleted: Radon, Wood Burning Devices, Airport Influence Area & Avigation Easement, Address Signage Plan, Special Improvement District, Boulevard Landscaping & Maintenance Plan, Revegetation & Weed Management Plan, Living With Wildlife, and Amendments, subject to review and approval of Development Services, prior to final plat approval.

V. REFERENCES CITED

The following materials are referenced throughout this document. For ease of reading, short versions of the citations (shown in bold) are used in-text, and full citations are included here.

Plans & Regulations

M.C.A.: Montana Code Annotated, 2017

<https://www.leg.mt.gov/bills/mca/index.html>

Subdivision Regulations: *City of Missoula Subdivision Regulations*, adopted by the Missoula City Council and amended April 28, 2014

<http://www.ci.missoula.mt.us/DocumentCenter/View/22394>

2035 Our Missoula City Growth Policy

<http://www.ci.missoula.mt.us/1748/Our-Missoula>

Missoula Municipal Code, Title 20: Zoning, adopted by the City Council and amended February 27, 2019

https://library.municode.com/mt/missoula/codes/code_of_ordinances?nodeId=TIT20ZO

Missoula Municipal Code, Title 12: Streets, Sidewalks, and Public Places

<http://www.ci.missoula.mt.us/DocumentCenter/View/36507/Municipal-Code-Title-12-Sts-Sdwks--Pub-Places-PDF?bidId=>

Missoula County Property Information System

<https://gis.missoulacounty.us/propertyinformation/>

Elements of the application packet for Hellgate Village, submitted March 6, 2019

Project Summary: Section 1

Maps & Exhibits: Section 2

Subdivision Application: Section 3

Variance Request: Section 4

Supplemental Drawings: Section 5

Hydrogeology: Section 6

Covenants, History & Easements: Section 7

Neighborhood Meeting: Section 8

Rezoning Request Information: Section 9

Element/Sufficiency Review Correspondence: Section 10

Agency Review Comments: Section 11

Other Resources

Wastewater Service Area Map: as of March 19, 2012

<ftp://ftp.ci.missoula.mt.us/Maps%20and%20Graphics/City%20Maps/PDF/WastewaterServiceAreaMap.pdf>

Missoula County Noxious Weed Management Plan: Adopted by the Missoula Board of County Commissioners in Resolution 2012-063

<http://missoulaeduplace.org/images/weeds/noxiousweedmanagementplan/2012weedplan.pdf>

Montana Department of Natural Resources and Conservation

<http://dnrc.mt.gov/divisions/water/water-rights/new-appropriations-program>

VI. ATTACHMENTS

1. Subdivision Project History Form
2. Agency Comment - City Engineering, September 2019
3. Agency Comment - City Parks and Recreation, August 2019
4. Missoula Water, August 2019

ATTACHMENT #1
SUBDIVISION PROJECT HISTORY

Project: Hellgate Village Subdivision
Applicant: HEH LLC
Representative: Jeff Smith, P.E., WGM Group

	Dates	
Pre-application Meeting	3/4/2019	
Element	<u>Submitted</u> First: 05/15/2019 Second: 05/24/2019 Third: 06/07/2019	<u>Complete</u> 06/10/2019
Sufficiency	<u>Submitted</u> First: 06/10/2019 Second: 07/30/2019	<u>Sufficient</u> 08/21/2019
Governing Body Review	<u>Submitted</u> 08/23/2019 LUP: 9/25/2019, Action CC Agenda: 10/7/2019 CA or CR	<u>35-day Deadline</u> 10/10/2019
Extension Granted	No	
LUP	09/25/2019 (action item)	
Public Notice	<u>Posted</u> 09/03/2019	<u>APOs Sent</u> 09/03/2019
Plat Approval Expiration Date	10/7/2022	