



Governing Body Submittal

for the

River View Subdivision

A Nineteen(19) Lot City Major Subdivision

THAT PROPERTY DESCRIBED AS PLAT OF THE WEST HALF (W1/2) OF LOT 9 OF COBBAN AND DINSMORES ORCHARD HOMES ADDITION NO. 2 IN MISSOULA COUNTY, MONTANA, THE SAME BEING LAID OUT UPON A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER(NW1/4NE1/4) OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY MONTANA.
CONTAINING A TOTAL OF 2.38 ACRES, MORE OR LESS.

Property Owners:

Robert & Coleen Anderson
1923 River Road, Missoula, MT 59801

Date	Subdivision Requirements
03/31/2021	Pre-Application Meeting
08/19/2021	Element Submittal
08/26/2021	First Element Review
09/24/2021	Second Element Submittal
10/4/2021	Second Element Review
10/8/21	Third Element Submittal
10/26/21	First Sufficiency Submittal
11/16/21	First Sufficiency Review
12/06/21	Second Sufficiency Submittal
12/27/21	Sufficiency Review Complete
12/28/21	Governing Body Submittal

Provided By:

IMEG Corp

IMEG Project No. 21001296.00

PROJECT SUMMARY

Owner and Developer: Homes for Missoula, LLC

Representative: Joe Dehnert & Danny Oberweiser with IMEG CORP

Subdivision Name: River View Subdivision

Number of Lots Proposed: Nineteen Proposed Lots

Number of Acres: 2.38 Acres

Legal Description: THAT PROPERTY DESCRIBED AS PLAT OF THE WEST HALF (W1/2) OF LOT 9 OF COBBAN AND DINSMORES ORCHARD HOMES ADDITION NO. 2 IN MISSOULA COUNTY, MONTANA, THE SAME BEING LAID OUT UPON A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4NE1/4) OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY MONTANA.

CONTAINING A TOTAL OF 2.38 ACRES, MORE OR LESS

Project Summary:

The River View Subdivision is a major subdivision which proposes 19 lots to be utilized for residential purposes. All lots will be utilized for single family homes. The property is located directly adjacent to the south of River Road between Carter Court and Lafray Lane. The site is currently utilized for one single family home. This existing home will be removed as part of the development of the site. The proposed lots will be connected to the City of Missoula water and sewer systems.

Summary of Roads:

The property is located directly adjacent to the south of River Road between Carter Court and Lafray Lane. A road with a preliminary name of Road A has been proposed within the subdivision. This roadway proposes singular access off of River Road which will form a T at a dead-end turn-around within the proposed subdivision.

Summary of Non-Motorized Facilities:

There are sidewalks and boulevards proposed on either side of proposed Road A. The proposed sidewalks on the southern end of the property will serve as a pedestrian connection to Lafray Park located directly adjacent to the southwestern property boundary.

Variance Requests:

This project includes variance requests pertaining to: (1) Missoula City Subdivision Regulations 3-020.5.A, B (3), B (5), and B (6) (Cul-de-sacs, Cul-de-sac road percentage representation, Cul-de-sac minimum right-of-way and pavement width), (2) 3-020 Table .2A, 3-020.3.C, and 3-020.4.N ("Low Density Local Residential Street Right-of-Way minimum width and street width, Table .2A compliance, and parking lane requirements for local residential streets), (3) 3-030.2.A (2) (blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions), and (4) 3.020 Table .2A and 3-020.3.H.(2) (Right-of-Way minimum width for Urban collectors (without parking) and Table .2A standards for subdivisions abutting Urban Collectors (without parking)).

Zoning and Growth Policy:

The proposed area is currently zoned under RT10 Residential (two-unit/townhouse) designation but will be rezoned at RT5.4 Residential (two-unit/townhouse) which is a residential zoning district. The RT5.4 Residential (two-unit/townhouse) dictates a minimum parcel size of 5,400 sqft. New development on the proposed lots will comply with all applicable Title 20 regulations.

The 'Our Missoula' 2035 City Growth Policy is the applicable regional plan for the property. The recommended land use designation for this property in the growth policy is Residential Medium Density. According to the 'Our Missoula' 2035 City Growth Policy, this land use designation is "...intended to fit with many already established residential neighborhoods and acknowledge the single dwelling residential building type as the primary use with the potential for accessory dwellings as well." The 'Our Missoula' 2035 City Growth Policy also lists the proposed RT5.4 zoning of the property as a current relatable zoning for the Residential Medium land use area.



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX:

EXHIBIT 2B – CITY MAJOR SUBDIVISION APPLICATION

A. GENERAL INFORMATION

1. The subdivider has one year after the pre-application meeting to submit a formal subdivision application. Otherwise, a new subdivision pre-application meeting is required.
2. One submittal packet and full-sized preliminary plat is required for each Element Review submittal. The subdivider is encouraged to schedule a meeting with the case planner to submit the formal application packet for Element Review. If requested the meeting will be scheduled within 10 working days of the case planner and the subdivider's conversation regarding the Element meeting request. The Element Review period starts the day the packet is submitted to Development Services for review and the fee is paid.
3. Once the application packet is deemed complete for Element Review, one submittal packet and full-sized preliminary plat is required for Development Services staff review for each Sufficiency submittal, in addition to packets mailed to agencies identified in the subdivision agency review list. Alternatively, if an electronic packet is submitted meeting the electronic packet submission guidelines, the agency sufficiency packets can be provided electronically.
4. For each Sufficiency submittal via electronic packet, applicants will send agencies a hard copy cover letter and an electronic cover letter notifying them that the project has commenced 1st, 2nd, 3rd, etc. Sufficiency review. This letter should include a link to the subdivision packet on the DS website, review deadlines, contacts, and other information for the Sufficiency review as indicated by DS.
5. Upon completion of Agency Sufficiency Review, the application packets submitted for Planning Board and City Council review must include any agency comment received during Agency Sufficiency Review as well as any applicant responses to the agency comment, if applicable. In addition, Planning Board and City Council review packets must include the letter declaring the application packet Sufficient, and all Element and Agency Sufficiency Review letters from DS. Except for the addition of these materials, the packets submitted for Planning Board and City Council review must be exactly the same as the packet that was deemed Sufficient.
6. Packets for Planning Board review must be provided as hard copy packets, bound along the left edge via plastic comb, plastic coil, or similar style binding device. Single-corner staple fastening does not constitute binding of the left edge. Each packet shall contain full-sized preliminary plats and supplementary data sheets.
7. Packets for City Council review must be provided in an electronic format per the electronic packet submittal guidelines.
8. Name of proposed subdivision: **River View**
9. Name(s) of Subdivider: **Homes for Missoula, LLC**
Mailing Address: **Contact Agent**
Telephone Number: **Contact Agent**
Email Address: **Contact Agent**
10. Name(s) of Owner of Record: **Robert & Coleen Anderson**
Mailing Address: **1923 River Road, Missoula, MT 59801**
Telephone Number: **Contact Agent**
Email Address: **Contact Agent**
11. Name and Company of Representative: **IMEG, Corp/Paul Forsting, AICP**

Mailing Address: **1817 South Ave. W, Suite A, Missoula, MT 59801**
Telephone Number: **406-721-0142**
Email Address: **paul.t.forsting@imegcorp.com**

12. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below. Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Applicant's Signature

Date

Owner's Signature

Date

Representative's Signature

Date

B. SUBJECT PROPERTY INFORMATION

General location of subdivision and address (if address has been assigned): **1923 River Road, Missoula, MT, 59801**

Legal Description - complete and unabbreviated: **THAT PROPERTY DESCRIBED AS PLAT OF THE WEST HALF (W1/2) OF LOT 9 OF COBBAN AND DINSMORES ORCHARD HOMES ADDITION NO. 2 IN MISSOULA COUNTY, MONTANA, THE SAME BEING LAID OUT UPON A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4NE1/4) OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY MONTANA.**

CONTAINING A TOTAL OF 2.38 ACRES, MORE OR LESS.

Township, Range, Section(s): **Township 13 North, Range 19 West, Section 20**

Subdivision, Lot(s), Block(s): **(C2D) Cobban Dinsmores Orchard Homes Addition NO. 2 Lot 9 W1/2**

Tract(s), COS#: **N/A**

Geocode: **04-2200-20-1-19-09-0000**

Number and type of lots proposed: **19 Residential Lots**

Average Lot Size: **+/- .1 Acre**

Median Lot Size: **.1 Acre**

Total acreage of subdivision: **2.38 Acres**

Total net acreage of lots within the proposed subdivision: **1.89 Acres**

Total acreage in streets and roads: **.49 Acres**

Total acreage in parks or common area: **None**

Gross Density: **5,456 sq/ft**

C. TYPE OF SUBDIVISION PROJECT (Check all that apply):

- ☒ Major (6 or more lots)
☒ Residential
☐ Commercial/Industrial
☐ Mobile Home Park
☐ RV Park
☐ Condominium
☐ Subdivision PUD

D. ZONING AND GROWTH POLICY COMPLIANCE

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Existing Land Use
Adjacent (North)	RT10 Residential (two-unit/townhouse)	Detached House
Adjacent (South)	RM2.7 Residential (multi-dwelling)	Warehouse, Wholesale and Freight Movement
Adjacent (East)	RT10 Residential (two-unit/townhouse)/Carters Orchard Homes PUD	Detached Houses
Adjacent (West)	RT10 Residential (two-unit/townhouse)	Detached houses, Parks & Recreation

2. Is the property zoned? **Yes**
 - a. If yes, what is the current zoning of the property? **The current zoning for the property is RT10 Residential (two-unit/townhouse), but a rezone application has been submitted for the property to be zoned to RT5.4 Residential (two-unit/townhouse).**
 - b. If yes, provide a zoning map (if available). If the property is split zoned, show the zoning district boundaries on the plat or a Supplemental Data Sheet with the plat as a basemap. **Please see the Zoning Map and Zoning District Standards in Section B.**
 - c. If yes, provide a copy of the zoning district standards which apply to the proposed subdivision. **Please see Zoning Map and Zoning District Standards in Section B.**
 - d. If yes, describe how the project complies with the existing zoning district. **Contingent upon the approved rezone from RT10 Residential (two-unit/townhouse) to RT5.4 Residential (two-unit/townhouse) the proposed project will comply with zoning standards by adhering to the allowed uses in the RT5.4 Residential (two-unit/townhouse) standards listed in Chapter 20.05 of the City of Missoula's Municipal Code, specifically in regards to density (5,400 sf minimum parcel area (Net Density = 103,788 sf / 5,400 sf = 19.22 units)) and setback regulations as noted in Chapter 20.05. Please see the Zoning Map and Zoning District Standards in Section B of this application. Additionally, the proposed RT5.4 Residential (two-unit/townhouse) zoning is made in accordance with the 'Our Missoula' City Growth Policy for this area. The policy notes to identify appropriate areas in the community to develop medium density housing to make housing affordable and accessible. In accordance with this, the proposed rezone is located in an area that has already been identified within the Missoula urban area future land use designation map amended February 13, 2017 as an area for medium density residential uses. This proposed zoning would incorporate medium density residential development and fits well within the existing growth policy and zoning standards. The growth policy also supports protecting open space with infill projects and compactly developed communities. The growth policy further notes to guide development to focus inward. The rezone of this property is in the core of Missoula which will provide an inward location and compactly-developed community in accordance with the growth policy.**
3. Do you intend to zone the property, or will the property have to be re-zoned to allow for this development? **Yes**
 - a. If yes, what is the proposed zoning for the subject property? **RT5.4 Residential(two-unit/townhouse).**
 - b. If a zoning change is requested concurrently with the proposed subdivision, provide a complete and signed rezoning application and a copy of the proposed zoning district regulations. **Rezoning application has been included with this submittal.**
4. Will this property be required to be annexed into the City? **No**
 - a. If yes, what zoning district does the City Council intend to apply upon annexation? **N/A**
 - b. If yes, provide a copy of the Resolution of Intent to Annex approved by City Council. **N/A**
5. Is the property within the Urban Growth Area? **Yes**

6. Which comprehensive plan(s) of the Missoula City Growth Policy apply to this property? **The 'Our Missoula 2035 City Growth Policy' applies to the property.**
7. What is the current land use designation for this property, as indicated in the applicable comprehensive plan? **Residential Medium Density**
Provide a map of the land use designation and legend from the applicable comprehensive plan / growth policy. **Please see 2035 Growth Policy map in Section B.**
8. Describe how the project complies with the land use designation and the goals and policies of the Growth Policy. **The project complies with the land use designation of Residential Medium Density (RMD). RMD allows for 3 to 11 dwelling units per acre. The subdivision proposed herein aligns with this land designation offering 8 units per acre. As mentioned above, the proposed RT5.4 Residential (two-unit/townhouse) zoning is made in accordance with the 'Our Missoula' City Growth Policy for this area. The policy notes to identify appropriate areas in the community to develop medium density housing to make housing affordable and accessible. In accordance with this, the proposed rezone is located in an area that has already been identified within the Missoula urban area future land use designation map amended February 13, 2017 as an area for medium density residential uses. This proposed zoning would incorporate medium density residential development and fits well within the existing growth policy. The growth policy also supports protecting open space with infill projects and compactly-developed communities. The growth policy further notes to guide development to focus inward. The rezone of this property is in the core of Missoula which will provide an inward location and compactly-developed community in accordance with the growth policy.**

The property is in a well-established existing residential neighborhood. The residents in this area benefit from a very attractive mature tree cover. The rezoning of this site will promote development which will bring road, sidewalk, boulevard, and landscaping improvements to complement the existing built environment.

In accordance with the growth policy for this area, the property is close to existing adjacent and surrounding infrastructure that has already been constructed. Existing water and sewer trunk lines are available for use of this site. In addition, there are existing Mountain Line stops located on Russell St., which is less than 0.75 miles from the property. This adjacent infrastructure is in accordance with the growth policy for the area as the multiple transportation options will be a benefit to future residents and will reduce automobile dependence.

9. Is a Planned Unit Development proposed? **No** If a Planned Unit Development is proposed, provide additional submittal requirements per Section 3-120.2. **N/A**

E. CLUSTER AND CONSERVATION DEVELOPMENT

1. Is Cluster and Conservation Development per Section 3-180 proposed? **No**
 - a. If yes, provide additional submittal requirements described in Section 3-180. **N/A**

F. PHASING

1. Is this subdivision proposed to be developed in phases? **No**
If yes, provide a phasing plan per Section 4-070.2 & 4-070.3 (and optional Phasing Plan Narrative) which indicates the following: **N/A**
 - a. each phase of the subdivision numbered in the order in which they are proposed to be filed; **N/A**
 - b. which lots and which improvements will occur in each phase; **N/A**
 - c. a legend that lists each phase and specific final plat filing deadline for each phase, including the month, day and year that each phase will be submitted for final plat review; and, **N/A**
 - d. the amount of parkland dedication required for each phase and the amount provided for each phase. **N/A**

- e. If the Phasing Plan is in color, also number each phase directly on the platted areas. **N/A**

G. COVENANTS AND/OR HOMEOWNER'S ASSOCIATION

1. As a separate attachment, provide proposed draft covenants and restrictions to be included in deeds and contracts for sale. **Draft Covenants have been included in Section C.**
2. Is common property to be deeded to a property owner's association? **No**

If common property is to be deeded, provide draft covenants and restrictions per Section 5-020.14K. **N/A, there are no common areas proposed with this subdivision.**

2. Are there existing or proposed covenants and/or a homeowner's association? **No**

If yes, provide existing covenants, restrictions, and/or property owner's or homeowner's association documents or other documents that outline deed restrictions that apply to the subdivision. **N/A.**

If yes, the proposed draft covenants shall specify they apply to the proposed subdivision and are supplemental to the existing covenants and restrictions. **The draft covenants specify that they apply to the River View Subdivision.**

H. PROJECT SUMMARY

As a separate attachment labeled "*Project Summary*" and included at the beginning of the submittal packet, provide a narrative description of the proposed project and existing site conditions.

Summarize the following information:

- | | |
|------------------------------------|--|
| ▪ Owner; | ▪ Legal description; |
| ▪ Developer; | ▪ Summary of roads; |
| ▪ Representative name and company; | ▪ Summary of non-motorized facilities; |
| ▪ Subdivision name; | ▪ Variances requested, if any; and |
| ▪ # of lots proposed; | ▪ Zoning & growth policy compliance |
| ▪ # of acres; | |

Please see Section A for the Project Summary.

I. MAPS, DATA SHEETS, AND MATERIALS

As separate attachments, provide the following Maps and Data Sheets with the site clearly identified. All full-size (24" x 36") Supplemental Maps and Data Sheets shall be folded to a maximum of 9" x 12". Where appropriate, required information may be combined as long as the information is clearly presented. Use the preliminary plat as a base map where practical and feasible. Please check the box if the Supplemental Map or Data Sheet is included in the packet and state where in the packet it is located. If the item is not included in the submittal packet, please note "N/A".

☒ **A vicinity map** showing the subject property and the area within 1,000 feet of the subject property. **A Vicinity map has been included in Section B.**

☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **A Zoning map and a copy of the zoning district standards have been included in Section B.**

☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties. **A Comprehensive Plan map and a Land Use map have been included in Section B.**

☒ **Adjacent properties.** A map showing the relationship of the proposed subdivision to adjacent subdivisions, certificates of survey, and public or private rights of way and any other access.

Include the zoning of adjacent properties and the location of any buildings, railroads, power lines, towers, roads, and other land uses on adjacent lands. Show the names of platted subdivisions and numbers of certificates of surveys on the map. **Please see Preliminary Plat included in Section A.**

☒ **Adjacent ownership.** A map showing the ownership of adjacent lands, including lands across public and private rights of way. **Please see the Adjacent Properties and Ownership Exhibit included in Section B.**

☒ **Certificate of survey and/or prior subdivision history** of subject property and adjacent properties. **A Certificate of Survey and prior subdivision history has been included in Section C.**

An aerial photo of the subject property and vicinity extending at least 200 feet from the property boundaries. **An aerial photo of the subject property and vicinity extending at least 200 feet from the property boundary has been included in Section B.**

☒ **An existing conditions map** per Section 4-010.1B(1) including location, current land use, land cover (such as cultivated areas, paved areas), natural features (such as lakes, streams, riparian vegetation), all existing structures and improvements, and all encumbrances, such as easements. **An existing conditions map has been included on sheet 1 of the supplemental data sheets included in Section A.**

☒ **Landscaping and maintenance plans** for common areas, and boulevard plantings, as may be required. **No Common Areas are proposed with this subdivision. Please see the covenants in Section C for measures regarding landscaping and maintenance for boulevard plantings.**

☒ **Variance requests.** If the proposed subdivision cannot comply with all subdivision standards, provide an attachment labeled "Variance Request(s)" and identify, for each standard not met, the section of the subdivision regulations for which the variance request is being sought and address the variance criteria (in Section 6-010 of the City of Missoula Subdivision Regulations) for each variance request.

This project includes variance requests pertaining to: (1) Missoula City Subdivision Regulations 3-020.5.A, B (3), B (5), and B (6) (Cul-de-sacs, Cul-de-sac road percentage representation, Cul-de-sac minimum right-of-way and pavement width), (2) 3-020 Table .2A, 3-020.3.C, and 3-020.4.N ("Low Density Local Residential Street Right-of-Way minimum width and street width, Table .2A compliance, and parking lane requirements for local residential streets), (3) 3-030.2.A (2) (blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions), and (4) 3.020 Table .2A and 3-020.3.H.(2) (Right-of-Way minimum width for Urban collectors (without parking) and Table .2A standards for subdivisions abutting Urban Collectors (without parking)).

☒ An attachment labeled "**Neighborhood Comment and Response**," with minutes from neighborhood meetings and any comments received during the meeting(s).

Please see Section E for Neighborhood Meeting notes

J. WATER AND SANITATION REPORT

The State of Montana [MCA 76-3-622] requires subdividers to provide the following water and sanitation information for any new subdivision that will include a new water supply system or new wastewater facilities. In compliance with this law, attach a separate document entitled "Water & Sanitation Report" which contains the following:

☒ 1. **Map.** A vicinity map or plan that shows:

- a. The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of flood plains; surface water features; springs; irrigation ditches;
- b. Existing, previously approved, and, for parcels fewer than 20 acres, proposed water wells and wastewater treatment systems; for parcels less than 20 acres, mixing zones;
- c. The representative drain-field site used for the soil profile description; and
- d. The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities.

☒ 2. **Description.** A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including the following:

- a. Whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Montana Department of Environmental Quality (DEQ).
- b. If the water supply and wastewater treatment systems are shared, multiple user, or public, a statement of whether the systems will be public utilities as defined in 69-3-101, MCA and subject to the jurisdiction of the public service commission or exempt from public service commission jurisdiction and, if exempt, an explanation for the exemption.
- c. If the water supply is provided by a multiple user water supply system, per Section 3- 070, submit the system design prepared by a professional engineer to comply with design and construction requirements for public water supply systems specified by rules adopted pursuant to MCA Title 75, Chapter 6.

☒ 3. **Lot Layout.** A drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by the Montana Department of Environmental Quality pursuant to 76-4-104, MCA.

☒ 4. **Suitability.** Evidence of suitability for new on-site wastewater treatment systems that, at a minimum, include:

- a. A soil profile description from a representative drain-field site identified on the vicinity map that complies with standards published by Montana Department of Environmental Quality;
- b. Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater

treatment system and a limiting year, and

- c. In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that ground water will not exceed the minimum vertical separation distance of 4 feet.

☒ **5. Water Quantity.** For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:

- a. Obtained from well logs or testing of onsite or nearby wells;
- b. Obtained from information contained in published hydro-geological reports; or
- c. As otherwise specified by rules adopted by the Montana Department of Environmental Quality pursuant to 76-4-104, MCA. distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting year, and
- d. In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that ground water will not exceed the minimum vertical separation distance of 4 feet.

☒ **6. Water Quality.** Evidence of sufficient water quality in accordance with rules adopted by the Montana Department of Environmental Quality pursuant to 76-4-104, MCA.

☒ **7. Impacts to groundwater quality.** Preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301, MCA and 75-5-303, MCA related to standard mixing zones for groundwater, source specific mixing zones, and non-significant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis, the sub-divider may perform a complete non-degradation analysis in the same manner as is required for an application that is reviewed under Title 76, Chapter 4.

K. ENVIRONMENTAL ASSESSMENT, PRIMARY REVIEW CRITERIA REPORT, SUMMARY OF PROBABLE IMPACTS, AND SUBDIVISION REGULATION COMPLIANCE

Montana Code Annotated (M.C.A. 76-3-603) requires the submittal of an Environmental Assessment for all major subdivision proposals and defines minimum requirements for its contents. The Environmental Assessment must address the requirements of M.C.A. 76-3-603, and clearly demonstrate that the proposed subdivision will have no adverse impacts on agriculture, agricultural water user facilities, local services, natural environment, public health and safety, wildlife and wildlife habitat, or the report must identify the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts. Provide a narrative that addresses each Section of the Environmental Assessment. In addition, respond to the following questions which address the primary review criteria. Where requested, provide maps and data sheets. All maps and data sheets shall be folded to 8½" x 11". Where appropriate, required information may be combined as long as the information is clearly presented. Where a plan is required, use the preliminary plat as a base map if practical and feasible.

Per M.C.A. 76-3-603, an Environmental Assessment must accompany the preliminary plat and must include the following information. For your reference, the bulleted list below summarizes the Environmental Assessment requirements that will be fully satisfied by completing Parts 1 through 6 of this Section.

☒ **Environmental description.** Provide a narrative that describes:

- Every body or stream of surface water that may be affected by the proposed subdivision,
- Available groundwater information,
- Topography,

- Vegetation, and
- Wildlife use within the area of the proposed subdivision.

☒ **Probable impacts.** A summary of the probable impacts of the proposed subdivision based on the primary review criteria described in M.C.A. 76-3-608;

☒ **A community impact report** containing a statement of anticipated needs of the proposed subdivision for local services, including education and school bus routes; Mountain Line bus routes, roads and maintenance; water, sewage, and solid waste facilities; and fire and police protection (per MCA 76-3-603(c)); See Section 6;

☒ **Coordination of roads.** A description that explains how the subdivision provides for coordination of roads within subdivided land with other roads, both existing and planned (per MCA 76-3-603(d) and MCA 76-3-501);

☒ **Land dedication.** A description of the dedication of land for roadways and for public utility easements (MCA 76-3-501(3));

☒ **Road improvements.** A description of the proposed improvements of roads (MCA 76-3-501(4));

☒ **Open space.** A description of how the subdivision provides adequate open space for travel, light, air, and recreation (MCA 76-3-501(5));

☒ **Sanitation.** A description of sanitary facilities (MCA 76-3-501(7)). The applicant may cross-reference Section J, the Water and Sanitation Report, and other relevant areas of the application;

☒ **Congestion.** A description of the proposed subdivision's mitigation measures to avoid or minimize congestion (MCA 76-3-501(8)); and

☒ **Avoidance of impacts.** A description of how the proposed subdivision will avoid unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public services, or that would necessitate an excessive expenditure of public funds for the supply of services (MCA 76-3-501(9)).

1. IMPACT ON AGRICULTURE: Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to agriculture.

Agricultural land includes land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, prime farmland if irrigated, farmland of statewide importance, and farmland of local importance.

According to the Natural Resources Conservation Services (NRCS), the property is 100% located on soil classified as 114-Urban Land which is not prime farmland, prime farmland if irrigated, or land of agricultural importance. The objective of the NRCS Soil Resource Report included in Section D of this submittal is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. As the NRCS Report classified the entirety of the land as 114-Urban Land with no qualifying elements listed that qualify it as agricultural or timber land it was determined that the property is not agricultural or timber land. In an effort to further investigate the potential for the property to support current or historic agricultural or timber processes historic imagery dating back to 1955 was analyzed for presence of agricultural or timber land operations. The historic imagery available via the Missoula County Property Information System was referenced against the National Agricultural Statistics Service interactive CropScope map which shows various crops dating back to 1997. CropScope identified the subject property as an area containing a mix of Wetlands surrounding the Clark Fork River, Nonag/Undefined land in areas adjacent to the Clark Fork River, and Developed Land/Medium to High Intensity intermixed between nonagricultural and undefined areas. Please see the CropScope Exhibit Located in Section B. To further analyze the potential

for historic or current agricultural operations the clearest historic imagery on the Missoula County Property Information System from 1972 was analyzed to determine if any portion of the property contained agricultural operations. Based on the imagery from 1972, the only land that could have been potentially used for agricultural operations was last seen as a 47,417.18 square foot portion located on the southern half of the property. Since that time, none of the imagery available shows that portion of the property being used for agricultural operations as evidenced by lack of farming equipment, livestock, signs of ground disturbance for plowing or harvesting, etc. Please see the Prior Agricultural Use 1972 Exhibit included in Section B. The lack of farming equipment, lack of livestock, and lack of signs of ground disturbance for plowing or harvesting combined with the classification of Water, Nonag/Undefined, and Developed Land from the CropScape service serves as ample justification that this property has not been used for agricultural operations for at least 50 years.

a. **Agriculture production.** Is the proposed subdivision located on land currently or previously used for agricultural production? **No**

If yes, identify the number of acres in production on a map. **N/A**

b. **Description.**

i. Describe the productivity of the land and whether the subdivision would remove from production any agricultural or timber land. **The subdivision would not remove any agricultural or timber land from production.**

ii. Describe agricultural operations and other uses of land on the adjacent property. **There are no agricultural operations on adjacent properties**

iii. Describe what measures will be taken, if any, to control family pets. **Please see the covenants for measures in regards to control of family pets. Covenants are located in Section C.**

vi. Describe any existing fence lines around the subdivision boundary, which protect agricultural lands under an ownership other than that of the subdivider, and describe any measures which will be taken to ensure that the owners of the subdivision will share with the owner of the agricultural lands in the continued maintenance of the fence. **There are no existing fence lines around the boundary subdivision which protect agricultural lands.**

c. **Soil type.** Is the proposed subdivision located on land with a soil type defined by the Natural Resources Conservation Services (NRCS) as having agricultural importance (Prime, Prime if Irrigated, Statewide or Local Importance)? **No**

If yes, which type(s)? **N/A**

i. **Soils map.** If yes, identify each area on a copy of the preliminary plat and provide a Soils Map and Table from the Soil Survey, published by the U.S. Department of Agriculture, the Natural Resources Conservation Service, and the Forest Service, showing the soil type(s) found within the proposed subdivision. **Please see included soils report from the Natural Resources Conservation Service (NRCS) in Section D.**

ii. **Soils assessment.** Provide a soils assessment per Section 5-020.14M. **Not applicable as the property does not contain land currently used for agricultural production.**

iii. **Sewer and zoning.** If the soil type is defined as Prime or Prime if Irrigated, is the subdivision proposing or required to connect to sewer, or is the property unzoned? **N/A**

iv. **Irrigation.** If the soil type is defined as Prime if Irrigated, is the property served by an existing, developed irrigation system or water right, including wells and adjacent irrigation ditches? **The property is not served by an existing, developed irrigation system or water right, and thus this section is not applicable.**

- 2. IMPACT ON AGRICULTURAL WATER USER FACILITIES:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to agricultural water user facilities. **No potentially significant adverse impacts have been identified that would negatively impact agricultural water user facilities as the only agricultural water user facility is an offsite irrigation ditch which is protected by an elevated berm running along the entire southern edge of the property. This elevated berm, combined with the fact that the closest potential building sites are over 40 feet from the existing offsite irrigation ditch, will further serve to protect the offsite irrigation ditch from any impact during development.**
- a. **Location.** Is the subdivision located on land with agricultural water user facilities or adjoining an agricultural water user facility? **No. There are no agricultural water user facilities on, in connection with, or adjoining the property. There is an offsite irrigation ditch located adjacent to the south of an elevated berm which runs the length of the southern edge of the property. Per the City of Missoula's subdivision regulations Section 3-060.4 a subdivider must show on the preliminary plat and dedicate on the final plat, ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. As there are no existing water delivery ditches, pipelines, and facilities in the proposed subdivision and no water being conveyed through the subdivision, this section is not applicable.**
- i. If yes, describe the facilities (irrigation ditch, well, etc.). **Not applicable as there are no irrigation ditches located on the property.**
- b. **Ditches.** Are any irrigation ditches located on or adjacent to the property? **Yes, there is an offsite irrigation ditch located adjacent to the south of the property.**
- i. If yes, provide the name and contact information for the responsible ditch company. **Orchard Homes Ditch Company; (406) 544-4687; info@orchardhomesditch.com.**
- ii. If yes, do you intend to provide access to the irrigation ditch for all lots? **No**
1. If no, if the average lot size in the proposed subdivision will be one acre or less, provide for disclosure notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots. **A provisional disclosure has been included in the draft covenants included in Section C.**
- c. **Abandonment or transfer of water rights.** Does the subdivision involve the abandonment or transfer of water rights from the property being subdivided? **No**
- i. If yes, provide documentation that the water rights have either been removed from the land or that the process has been initiated to remove the water rights from the land. **N/A**
- ii. If yes, the fact the water rights have been or will be removed from the land within the subdivision shall be denoted on the preliminary plat. **N/A**
- iii. If no, the subdivider shall, unless otherwise provided under separate written agreement or filed easement, show on the preliminary plat, ditch easements for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. A minimum width of 10 feet is required on each side of irrigation ditch canals and ditches for maintenance purposes unless a

lesser width is agreed to by the owner of the ditch right. **N/A**

- d. **Removal of facilities.** Does the subdivision involve the abandonment or removal of agricultural water user facilities? **No**
- e. **Maintenance.** Will the proposed subdivision or associated improvements alter access for maintenance of agricultural water user facilities? **No**
- f. **Water availability.** Will the proposed subdivision or associated improvements alter the movement or availability of water? **No**
- g. **Disturbance.** Will any proposed construction disturb an existing irrigation ditch or well or result in any changes to agricultural water use? **No**

3. **IMPACT ON NATURAL ENVIRONMENT:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to the natural environment. **Based on the evaluation criteria below we issued a State Historic Preservation Office Report (located in Section E of this submittal), a Natural Heritage Program Environmental Summary (located in Section D of this submittal), a Natural Resources Conservation Services Soil Report (located in Section D of this submittal), and a Montana Bureau of Mines and Geology seismic, surface water, and ground water analysis (located in Section D of this submittal) to determine any impact to historic, paleontological, archaeological, cultural, geological, surface water, ground water, wetland, riparian, and vegetation resources that may be located on the property. Please review Sections K.3.a through K.3.g below for more in depth discussions on each natural resource examined therein and any proposed mitigation efforts.**

a. Public lands

i. Is the subdivision proposal adjacent to public lands? **Yes**

1. If yes, how will the proposed subdivision affect adjacent public land uses?

The proposed subdivision will arrange non-motorized transportation facilities to provide safe, efficient, access to Lafray Park which will facilitate functional use of the park by future residents. There should be a positive impact on the adjacent public land use because of the increased access from future residents.

2. If yes, describe any applicable land management policies of any public lands adjacent to or near the proposed subdivision. **The applicable land management policies for Lafray Park include the *Missoula Open Space Plan*, the *Non-motorized Transportation Plan*, the *Missoula County Parks and Conservation Plan*, and the *Master Parks and Recreation Plan for the Greater Missoula Area*. The proposed subdivision will do a cash-in-lieu parkland dedication per Missoula City Subdivision Regulations Section 3-080, and provide reliable access to Lafray Park. This cash-in-lieu dedication combined with the proposed non-motorized connection to Lafray Park aligns with the scope of the *Missoula Open Space Plan* by ensuring "....a coherent and connected open space system, with access to a park, trail, open space land, natural area, or recreation area is available for every neighborhood".**

3. If yes, describe how access to public lands will be affected by this subdivision. **The proposed subdivision will arrange non-motorized transportation facilities to provide safe, efficient, access to Lafray Park which will facilitate functional use of the park by future residents. There should be a positive impact on the adjacent public land use because of the increased access from future residents.**

b. Historical features

i. Are there are any known historic, paleontological, archaeological or cultural sites, structures or objects on or within a half-mile of the proposed subdivision? **Yes**

1. If yes, identify any known historical, paleontological, archaeological or cultural sites, structures and/or objects within a half-mile of the proposed subdivision, provide a site map identifying these features which may be affected by the proposed subdivision and describe any plans to protect such sites or properties.

The Montana State Historic Preservation Office (SHPO) indicated in their report, included in Section E of this application, that

“any structure of fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are within the Area of Potential Effect, and are over fifty years old, we would recommend that they be recorded, and a determination of their eligibility be made prior to any disturbance taking place.”

As the proposed subdivision dictates the removal of the existing home, and the home is over fifty years old, we have reviewed the existing structure for any of the conditions of merit listed on the Historic Property Record Form provided by the SHPO, and found that the existing structure:

- a. Is not associated with any notable historic events.**
- b. Is not associated with a significant local, state, or national historic person (s)**
- c. Does not have any significant architectural merits.**
- d. Does not yield answers to particular archaeological questions.**

We presented our findings, along with comprehensive photos of the existing home to SHPO and they confirmed their decision that a cultural resources inventory is not warranted, but that the home be determined for eligibility of historic recording. Eric Newcombe, the Historic Architecture Specialist at the State Historic Preservation Office was contacted to determine the best path forward for determining historic eligibility. He recommended we contract with an Historic Architecture Specialist to complete the Historic Property Record Form and contact our local historic preservation officer. The Historic Preservation Officer for the city of Missoula, Elizabeth Johnson, was contacted and she also confirmed that an Historic Architecture Specialist was the preferred contractor to complete the form. Both individuals stated that as the subject property is not receiving nor leveraging any federal funding and is privately owned, that upon submittal of the Historic Property Record Form the home’s eligibility for historic recording would be determined, but that the home can be demolished regardless of its eligibility status. The applicant has initiated the eligibility determination process which will be completed prior to preliminary plat approval.

- 2. If yes, discuss the impact of the proposed development on any historic features, and the need for inventory, study and/or preservation with the State Historic Preservation Office (SHPO). Provide a written statement outlining any recommendations of SHPO and any plans for inventory, study and/or preservation and any mitigation planned to overcome any adverse impacts. Please see the SHPO exhibit included in Section E of this application, and review the response listed above for the need to inventory or register the existing home on the proposed subdivision property.**
- c. Water rights**
- i. Have the water rights been severed from the subject property? After conducting a Water Rights Query via the DNRC query system ([DNRC Water Right Query System \(mt.gov\)](http://dnrc.mt.gov)) the only pertinent water right for the area as outlined via the Montana Cadastral service belongs to Ashley and Matthew Jones and is tied to 1931 River Rd for Domestic, Lawn,**

and Garden use at a maximum flow rate of 15 GPM for a maximum volume of 2.25 Acre feet over a .13 acre area. As there are no active water rights for 1923 River Road, no water rights can be severed from the property and thus, this section is not applicable. A copy of the water right mentioned above is included in Section D of this submittal.

d. Groundwater

- i. Does high seasonal groundwater rise within 15 feet of the surface of the property? **IMEG Corp. conducted groundwater monitoring at the proposed subdivision property during seasonal run off and recorded weekly measurements through the 'peak', between April 23rd, 2021 and July 1st, 2021. The shallowest depth to groundwater during that time was 16.5 feet on June 6th, 2021. This procedure was conducted in accordance with City of Missoula Public Works standards. Please see the attached Groundwater Monitoring results included in Section D.**
 1. When evidence of high groundwater or unstable soil is present, provide a groundwater drainage mitigation plan prepared by a licensed professional engineer to mitigate the problem. The plan shall include, but not be limited to, measures to prevent the migration of groundwater through water, sewer and drainage trenches. **According to the Natural Resources Conservation Services Report included in Section D, the property contains soil classified as 114-Urban Land. According to the Montana Bureau of Geology and Mines the geological map unit assigned to the property as Holocene Alluvium. Neither the Natural Resources Conservation Services Report nor the Montana Bureau of Geology and Mines analysis indicated the clay, silt, sand, and gravel soil as being unstable or prone to landslides. As mentioned above, the groundwater monitoring results indicated no presence of high groundwater. That information combined with the report and analysis provided indicate a groundwater drainage mitigation plan is not required.**
- ii. What are the maximum and minimum depths to the water table, and on what dates were those depths determined? **As mentioned above, the groundwater monitoring concluded the shallow water table is approximately 16.5 feet dependent on the year. Additionally, although there are no wells located on the property there are multiple existing wells located nearby the property according to the Ground Water Information Center. Of those wells, two well logs were selected for a maximum and minimum depth of the static water level. One of those wells known as GWIC ID: 152138 showed a maximum depth to static water level of 30'. The other well known as GWIC ID:68898 showed a minimum depth to static water level of 6 feet. The maximum water level depth was determined in 1995. The minimum depth to water level was determined in 1972. A copy of these well logs has been included in Section D of this submittal. The data from these well logs as well as the groundwater monitoring concludes that shallow water table depth of 16.5' is extremely accurate, while the maximum depth of 30' is reasonably accurate.**
- iii. What is the depth of aquifers and aquifer recharge areas from the surface of the property? **The aquifer along the Clark Fork River area is known to have surface water recharge in this area. It is not anticipated that this subdivision site will contribute to this recharge.**
- iv. Describe the steps necessary to avoid depletion or degradation of groundwater recharge areas. **This subdivision is proposed to be connected to City of Missoula Water and should not impact the aquifer depletion.**

e. Surface water

- i. **Delineated floodplain.** Is any portion of the property within a FEMA-designated 100-

year or Shaded Zone X floodplain? **No, please see the Floodplain Map included in Section B of this submittal.**

- 1. If any portion of the property is within a FEMA-designated 100-year or Shaded Zone X floodplain, provide a map with a legend showing the designated areas, and/or areas removed by FEMA through a Letter of Map Amendment. This section is not applicable as no section of the property is located within a 100-year or Shaded Zone X floodplain. Please see the screen shot of the FEAM floodplain Panel 30063C1195E included as the Floodplain Map in Section B, which shows our development in relation to the delineated (regulatory) floodplain.**
- ii. Non-delineated floodplain.** Are any proposed building sites within 20 vertical feet and 1,000 horizontal feet of a stream draining an area of 15 square miles or more and in the same drainage basin, in an area where no official floodway delineation or floodway study of the stream has been made (in accordance with 3-010.2A)? **The proposed development is approximately 3,164 feet elevation based on the survey conducted by a PLS. According to the FEMA Floodplain Map the Clark Fork River Base Flood Elevation most near our development is 3,167 feet elevation. Therefore, yes there are proposed buildings within 20 vertical feet of a stream. However, the Clark Fork is a “delineated floodplain”, and it is located greater than 1,000 feet horizontally from the development property. No other stream, drainage or floodway has been identified within 1,000 feet horizontally of our project based on field visits, historical aerial imagery, and a survey conducted by a PLS. Therefore, this section is not applicable to this development. Please see the screen shot of the FEAM floodplain Panel 30063C1195E included as the Floodplain Map in Section B, which shows our development in relation to the delineated floodplain.**
 - 1. If any proposed building sites are within 20 vertical feet and 1,000 horizontal feet of a stream draining an area of 15 square miles or more and in the same drainage basin, in an area where no official floodway delineation or floodway study of the stream has been made (in accordance with Section 3-010.2A), submit a Flood Hazard Evaluation Report. No Flood Hazard Evaluation Report is required as the property is not located with 20 vertical feet and 1,000 horizontal feet of a stream draining an area of 15 square miles or more that has not received an official floodway delineation or study.**
- iii. Mapping.** Locate on a plat overlay or sketch map all surface water and the delineated floodways that may affect or be affected by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding. **The Supplemental Data Sheets included in Section A display the existing conditions of the property which has been surveyed by a PLS, and outline all surface waters, streams, lakes, rivers, marshes, ditches, aqueducts, reservoirs, irrigation or drainage systems, and delineated floodways that may affect or be affected by the proposed subdivision.**
- iv. Description.** Describe all surface water that may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year that water is present. Describe the proximity of proposed construction (such as buildings, sewer systems, and roads) to surface waters. **As noted on the Existing Conditions Exhibit included in the Supplemental Data Sheets attached in Section A of this submittal, and on the MBMG Surface Water Exhibit attached in Section D there are no surface waters that may affect or be affected by the proposed subdivision. The nearest surface water is the offsite irrigation ditch that will not be affected by this**

development. Said irrigation ditch is approximately 42' from any proposed construction.

- v. **Wetlands.** If wetlands are present, the subdivider shall provide wetlands investigation completed by a qualified consultant using the U.S. Army Corps of Engineers' Wetlands Delineation Manual Technical Report Y-87-1 (1987 Manual). If the investigation indicates the presence of wetlands, a wetlands delineation shall be shown on the final plat. If any construction or changes are proposed which require a 404 Permit, the subdivider shall provide evidence of such permit to the planning department. **The property has been surveyed by a PLS in which no wetlands were identified as noted in the Existing Conditions Exhibit included with the Supplemental Data Sheets attached in Section A of this submittal. Additionally, the Natural Heritage Program Environmental Summary indicated no presence of wetlands on the subject property. A copy of this report is included in Section D of this submittal.**
- vi. **Water quality.** Please indicate which if any of the following water quality permits have been applied for and describe the reasons why these permits are required: **As no portion of the property is located within the 100-year or Shaded Zone X Floodplain, is not preventing a river or stream from existing in their natural state, is not impacting the chemical, physical, and biological integrity of the nations water, will not temporarily increase water turbidity, and will not impact flow for a navigable water way a 310 permit, SPA 124 Permit, Floodplain Permit, Section 404 Permit, 318 Authorization, or Navigable Rivers Land Use License or Easement is not required.**
1. 310 Permit (Local Conservation District)
 2. SPA 124 Permit (Department of Fish, Wildlife, and Parks)
 3. Floodplain Permit (City Floodplain Administrator)
 4. Section 404 Permit, Section 10 Permit (U.S. Army Corps of Engineers)
 5. 318 Authorization (Department of Environmental Quality)
 6. Navigable Rivers Land Use License or Easement (Department of Natural Resources and Conservation)

f. Vegetation and Riparian Resource Areas

- i. **Plant types.** Describe the vegetative types by plant community, relative age, and condition. **The project site consists of a mix of grasses, shrubs, trees, and weeds. The age of this vegetation varies from a year or less to trees that are likely older than 20 -30 years. Although this area is not irrigated, the vegetation appears to be in a healthy condition.**
- ii. **Measures to preserve existing vegetation.** Describe any measures that will be taken to preserve trees and other natural vegetation as much as possible (such as locating roads, lot boundaries, and planning of construction to avoid damaging tree cover).

No proposed open spaces are included for this property. The density of vegetation throughout the site is constant and portions of this vegetation will be preserved outside of the proposed road location and residential dwelling locations.

- iii. **Critical plant communities.** Describe measures that will be taken to protect critical

plant communities (such as keeping structural development away from these areas, and setting aside areas for open space). **According to the Natural Heritage Program Environmental Summary included in Section D of this submittal this project contains no known critical plant communities.**

- iv. **Weeds.** Identify areas containing noxious weed growth. Describe proposed means of weed control, especially means to prevent weed growth on areas disturbed by construction. **There are weeds intermixed with the other vegetation throughout the property. The presence of weeds has been noted on the Vegetation Exhibit.**
- v. **Wetlands and riparian resource areas.** Are there any wetland and/or riparian resource areas on the property per Section 2-020.102? **There are no wetlands present on the property as noted in the Existing Conditions Exhibit included with the Supplemental Data Sheets attached in Section A of this submittal. Additionally, the Natural Heritage Program Environmental Summary indicated no presence of wetlands or riparian resource areas on or adjacent to the subject property. A copy of this report is included in Section D of this submittal.**
 - 1. If Riparian Resource Areas are within or adjacent to the proposed subdivision, provide a Riparian Management Plan per the submittal requirements in Sections 3-130.3 and 5-020.14L. Show areas of riparian resource and proposed buffers on a supplemental data sheet.
- vi. **Map.** Provide a map showing the distribution of the vegetation types (such as existing trees, vegetation clusters, marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest) and critical plant communities such as stream bank or shoreline vegetation, vegetation on steep or unstable slopes, vegetation on soils highly susceptible to wind or water erosion. **Please see Vegetation Map in Section B.**

g. Geology / Hydrology / Soils / Slopes

- i. **Description.** Describe the geologic, soil, or topographic conditions and any measures that will be taken to address potential problems encountered in the construction of roadways, basements, water supply trenches, sewer supply trenches, septic tank and drainfield installation, and/or underground electrical and telephone lines. **According to the Natural Resources Conservation Services Report included in Section D, the soil type for the subject property is 114-Urban Land. This soil type is conducive to development as landslides, liquefaction, and other seismic hazards are quite low. This information is further validated by the Montana Bureau of Mines and Geology analyses because the property is located on Alluvium from the Holocene which is comprised of well sorted-clay, silt, sand, and gravel. The only geological hazard associated with this soil classification, according to the MBMG is occasional flooding during 100-year storm events. However, the subject property is not located in the 100-year Floodplain according to FEMA as shown on the Floodplain Map included in Section B. Additionally, development, including major subdivisions, have been built along River Road for over 50 years with no seismic outfall occurring due to roadway construction, utility construction, or home construction. These empirical data combined with the information offered in both the NRCS Report and the MBMG analyses indicates that the geologic and soil conditions in the area should present no problems during construction of roadways and underground utility lines. Lastly, the project does not include septic tank and drainfield installation. Please see the Grading and Drainage Report, Utility Construction Plans, and Road Constructions Plans included in Section D of this submittal for more**

information regarding the design measures and plans for the proposed construction.

- ii. **Cut and fill.** Describe the location and amount of any cut or fill three (3) or more feet in depth and plans to prevent erosion and promote revegetation of those cuts and fills. **Please see the Road Construction Plans included in Section D of this submittal for plans to prevent erosion during road construction. The preliminary plans do not show cut or fill three or more feet in depth.**
- iii. **U.S.G.S. topographic map.** Provide a detailed current U.S. Geological Survey topographic map with an outline of the subdivision clearly indicated. **Please see the USGS Vicinity Exhibit included in Section B.**

- iv. **Limitations map.** Provide a Geologic / Topographic Limitations Map which locates any unusual geologic, soil, or topographic condition on the property which may limit the capability for building or excavation using ordinary and reasonable construction techniques. Conditions include, but are not limited to: shallow depths to bedrock, depth to aquifers and aquifer recharge areas (source: Montana Bureau of Mines and Geology Groundwater Information Center - GWIC), basin closures (Source: Department of Natural Resources, Missoula Regional Office), a high groundwater table, unstable or expansive soils, and slopes in excess of 25%. **According to the Natural Resources Conservation Services Report included in Section D, the soil type for the subject property is 114-Urban Land. This soil type is conducive to development as landslides, liquefaction, and other seismic hazards are quite low. This information is further validated by the Montana Bureau of Mines and Geology analyses because the property is located on Alluvium from the Holocene which is comprised of well sorted-clay, silt, sand, and gravel. The only geological hazard associated with this soil classification, according to the MBMG is occasional flooding during 100-year storm events. However, the subject property is not located in the 100-year Floodplain according to FEMA as shown on the Floodplain Map included in Section B. Additionally, development, including major subdivisions, have been built along River Road for over 50 years with no seismic outfall occurring due to roadway construction, utility construction, or home construction. These empirical data combined with the information offered in both the NRCS Report and the MBMG analyses indicates that the geologic and soil conditions in the area should present no problems during construction of roadways and underground utility lines. Lastly, the project does not include septic tank and drainfield installation. Please see the Grading and Drainage Report, Utility Construction Plans, and Road Construction Plans included in Section D of this submittal for more information regarding the design measures and plans for the proposed construction.**

The NRCS Report and the MBMG analyses did not identify any unusual geologic, soil, or topographic conditions on the property which may limit the capability for building or excavating during construction. Most importantly, there has been no evidence of unusual geologic, soil, or topographic conditions during any of the historic development along River Road.

Please see Potentiometric Surface of the Basin-Fill and Bedrock Aquifer, Mineral and Missoula Counties, Western Montana by John I. LaFave attached as the Potentiometric Surface Exhibit included Section D. This map identifies the area of our development as Quaternary sediments with shallow aquifers (less than 80' below surface), which show there are no concerns of shallow bedrock.

- v. **Geotechnical report.** If the proposed subdivision includes land areas with the potential for landsliding, slope instability, or high ground water, provide a report by a qualified soil or geotechnical engineer indicating the locations, character, and extent of all areas subject to landsliding, slope instability, and high ground water, and prominently designate these areas on the preliminary plat and other records of conveyance. **The proposed site does not include land areas with the potential for landsliding, slope instability, or high ground water so a Geotechnical Report is not required for this project.**

vi. **Steep Slopes/Slope category map.** Does the subject property have slopes of 25% or greater? **No**

1. If yes, designate these areas as "No-Build Zone/Steep Slope" on the plat. **Not applicable as the property does not have slopes of 25% or greater per the Existing Condition exhibit which was surveyed by a PLS.**

vii. **Hillside density adjustment calculation worksheet.** If the subdivision has sites proposed for development located on slopes over fifteen (15) percent, submit a hillside report per the requirements in Section 5-020.14E and a density adjustment calculation worksheet per the requirements in Section 3-140.4. A hillside density adjustment calculation worksheet is available at the Development Services Office. **This is not applicable because the property does not have slopes of 15% or greater. Therefore, a hillside report is not required. The topographic conditions of the site can be seen on the Existing Conditions Exhibit included in the Supplemental Data Sheets attached in Section A of this submittal.**

4. **IMPACTS ON WILDLIFE AND WILDLIFE HABITAT:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to wildlife and wildlife habitat. **In an effort to determine if any impacts to wildlife and wildlife habitat will occur due to the proposed subdivision a Natural Heritage Program Environmental Summary was conducted to identify species occurrences, other observed species without site specific occurrences, other species potentially present based on their range, presence of associated habitats, land cover mapped as ecological systems, wetland and riparian areas, land management categories, and biological reports associated with plant and animal observations. The Environmental Summary serves to compliment the Wildlife and Vegetation Exhibits included in Section B and helps narrow down the list of species provided by Montana Fish, Wildlife, and Parks. It is worth noting that the Environmental Summary lists species by modeled or observed associated habitats and how common they are throughout the area. Included below are species that have associated habitats that are over 40% common in the area. The Evening Grosbeak, Western Spotted Skunk, Rufous Hummingbird, Little Brown Myotis, North American Porcupine, Loggerhead Shrike, Bald Eagle, Panic Grass, Pale-Yellow Jewel-Weed, Pointed Brown Sedge, and Columbia Watermeal. In order to help mitigate any adverse impacts to the animal species listed above a "Living with Wildlife" section has been added to the draft covenants. In order to help mitigate any adverse impacts to the plant species listed above the proposed subdivision will adhere to the approved Weed Management Plan included in Section C of this submittal. That plan will insure that the disturbance of ground during construction is revegetated and maintained weed free so native plant species can thrive.**

a. **Species types.** Per Montana Fish, Wildlife, and Parks maps and data, which species of fish and wildlife use the area to be affected by the subdivision? **A Wildlife and Wildlife Habitat Exhibit has been included in Section B. The exhibit identifies the wildlife that Montana Fish, Wildlife, and Parks database lists as being known to utilize all or a portion of the section, township, range that this project is located within. This list is complimented by the Natural Heritage Program Environmental Summary included in Section D of this submittal. For the complete list of species known to frequent this area, please review both the exhibit included in Section B and the summary included in Section D.**

b. Wildlife mitigation.

- i. Describe any proposed measures to protect, enhance, or minimize degradation of wildlife habitat (such as keeping buildings and roads back from shorelines, setting aside marshland as open space, using a cluster development to limit development on sensitive areas). **The proposed subdivision is prioritizing lots under 5,000 square feet and 20' setbacks to ensure each house has yard spacing around all sides of the proposed homes which allows room for native vegetation to grow. Additionally, the proposed subdivision will adhere to boulevard tree planting standards to enhance habitat for avian species in the area. As no sensitive areas, marshlands, or shorelines are located on or adjacent to the subject property no other mitigation is proposed.**
- ii. Describe any proposed measures to minimize or mitigate conflicts between residents and wildlife (such as covenants that require garbage and pet food to be kept indoors). **As mentioned above, the proposed subdivision includes "Living with Wildlife" language in the draft covenants included in Section C**
- c. **Map.** Provide a map identifying any known critical or key wildlife areas such as big game winter ranges, grizzly bear linkage corridors, waterfowl nesting areas, habitat for rare or endangered species, and wetlands and riparian resource areas per Montana Fish, Wildlife, and Park's maps and data and other appropriate resources. **A Wildlife and Wildlife Habitat Exhibit has been included in Section B. This language informs future homeowners that they must accept the responsibility of living with wildlife that frequent the area and take measures to ensure all anti-habitation efforts are taken such as properly storing garbage, pet food, and other potential attractants.**

5. IMPACTS ON PUBLIC HEALTH & SAFETY: Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to public health and safety. **Two public health and safety points that were stressed by residents in the area during the neighborhood meeting were Street Side improvements to River Road and non-motorized access to Lafray Park as River Road currently lacks the Street Side requirements for an Urban Collector (without parking) and Lafray Park offers open space recreation opportunities for residents in the area. The proposed subdivision includes Street Side improvements to River Road and non-motorized access to Lafray Park. The proposed subdivision will serve to improve public health and safety by providing adequate, safe, transportation options for both motorized and non-motorized travel in the area. Please review the response below for specifics regarding public health and safety concerns.**

a. Air Stagnation Zone. Is the property within the Air Stagnation Zone? **Yes**

b. Airport Influence Area. Is the property within the Airport Influence Area? **No**

- i. If the property is within the Airport Influence Area, provide a map showing the boundaries of the Airport Influence Area with the site identified and other sub-areas (such as Runway Protection Zone (RPZ), Extended Approach and Departure Areas (EADA), and the 65 dnL noise contour). **Not applicable as the property is not within the Airport Influence Area.**

- c. **Avoidance and mitigation of hazards.** Describe avoidance or mitigation measures that are proposed to address identified hazard(s) and provide a map locating the hazards.

Examples of health and safety hazards are:

- i. areas containing high pressure gas lines or high voltage lines;
- ii. land on or adjacent to Superfund or hazardous waste sites;
- iii. land on or adjacent to abandoned landfills, mines, well, waste sites or sewage treatment plants; and
- iv. areas identified as a high seismic hazard.

The Existing Conditions Exhibit included with the Supplemental Data Sheets attached in Section A of this submittal outline all of the existing conditions of the site including the location of high-pressure gas lines or high voltage lines, land on or adjacent to Superfund or hazardous waste sites, and land on or adjacent to abandoned landfills, mines, well, waste sites or sewage treatment plants. The MBMG Geologic Conditions Exhibit included in Section D of this submittal outlines seismic hazards in the area. As none of the hazards listed above are represented on the Existing Conditions Exhibit, and the MBMG Geologic Conditions Exhibit does not show any seismic activity over 4.0 on the Richter Scale within 30 miles of the property no mitigation is proposed.

- d. **Nuisances.** If the proposed subdivision contains on-site or nearby off-site land uses that create a nuisance (such as noise, dust, smoke, or unpleasant odors), identify such nuisances and describe avoidance or mitigation measures that are being proposed to address them. The subdivision will not create any nuisances in the area. **In order to limit an nuisances caused by the proposed subdivision a “Nuisances” section is included in the Covenants attached in Section C. The language from this section ensures that no noxious or offensive activity shall be carried on or permitted upon any Lot or Ownership Unit, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. After consulting with the current property owners regarding nuisances in the area, the only nuisance noted was occasional noise along River Road due to increased traffic between Russel and Reserve after dark. In an effort to help mitigate the noise from River Road, Street Side improvements including a planted boulevard are being proposed.**

6. **COMMUNITY IMPACT REPORT & IMPACT ON LOCAL SERVICES:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to local services. **The subdivision should provide no major impacts on local services.**

- a. **Transportation facilities – motorized and non-motorized.** Describe the proposed subdivision’s mitigation measures to avoid or minimize congestion (MCA 76-3-501(8)); **In an effort to mitigate and minimize congestion along River Road due to the proposed subdivision offers on street parking and garage parking for each proposed residence. These measures help to ensure that no additional congestion resulting from on-street parking occurs along River Road which is an Urban Collector (without parking). During the neighborhood meeting, residents brought up the traffic and parking congestion issues created when parents have to drive their children to the intersection of River Rd and Lafray Ln for school bus pick-up. The proposed subdivision will improve the street side non-**

motorized infrastructure which will help reduce this congestion as children can safely walk from the proposed subdivision to the school bus pick-up location. Please see the School Bus Stop Exhibit included in Section B.

- i. **Bridges and culverts.** Describe characteristics such as location, name, type, width, design load, and vertical clearance, of any existing or proposed bridges or culverts within the subdivision or on roads providing access to the subdivision. **The closest bridges to the proposed subdivision are on Russel St and Reserve St. There are no other bridges or culverts within the subdivision or on River Rd.**
- ii. **Non-motorized transportation facilities.** Describe existing and proposed non- motorized transportation facilities that will serve the proposed subdivision, including sidewalks and bike lanes/stripping. **There is approximately .2 miles of sidewalk surrounding the cul-de-sac road in the adjacent subdivision, Carter's Orchard Homes, which terminates at the property boundaries along River Road. There is existing trail infrastructure located in the adjacent city park, Lafray Park, which provides access for recreation. The proposed subdivision will add 5' sidewalks and 7' boulevards along both sides of the proposed road and along all frontages of River Road that are within the property boundaries, totaling approximately .2 miles. The sidewalks within the subdivision will provide pedestrian connection the Lafray Park along the southwestern property boundary. The subdivision will also create a 10' wide public non-motorized easement along its southern boundary per City of Missoula Parks department request. We understand this easement to be used for potential future trail connections to Lafray Park. No improvements are proposed within this easement as part of this development.**
- iii. **Bus Routes.** Provide a map showing the locations of any bus stops and turnarounds for school buses and public transit, or provide a narrative description of bus routes in lieu of a map. If the project is located on an existing school bus route, show the route and the nearest bus stop relative to the proposed subdivision. If a bus stop is proposed within the subdivision, indicate the type and location on a Supplemental Data Sheet. **Please see Bus Route Map in Section B displaying current school bus stops.**
- iv. **Roads.** Complete the following table to describe current conditions and, if applicable, any proposed improvements to roads serving the subdivision. If necessary, provide information about additional roads on a separate sheet.

<i>Road name</i>	River Road.	Road A		
Onsite or offsite	Offsite	Onsite		
Right-of-way type (public/private) If public, state the jurisdiction.	City	City		
Right-of-way width	Varies	29.5'		
Surface type (gravel, chip-seal, asphalt)	Asphalt	New Asphalt with Chip and Seal		
Surface width and, if applicable, shoulder width	29.5'	25.5'		
Maximum grade	+/- 3%	+/- 3%		

Road length	1.18 miles before intersecting with Russel St and N. Grove St.	+/- 566 ft.		
Maintenance responsibility (City, private)	City	City		
Road maintenance agreement (if private) (yes, no, or N/A)	N/A	N/A		
Curbs/gutters Drainage swales	Swales	Curb/gutter		
Sidewalk, trail, and boulevard widths	Sidewalk and Boulevards inconsistent along road	7' boulevard, 5' sidewalk		
Bike Lanes	None	N/A		
Estimated time for completion	Already Complete	2023		
Road Classification (collector, arterial, etc.)	Urban Collector (without parking)	Low Density Local Residential		

1. **Year-round access.** If year-round vehicular access to all lots and common facilities within the subdivision is not provided, explain why. **There will be year-round vehicle access to all lots and common facilities within the subdivision.**
2. **Arterial access.** If access to any individual lot is directly from an arterial street or road, explain why access was not provided by means of a road with a lesser classification. **No access to any individual lot is directly from an arterial street or road.**
3. **Private road access.**
 - a. Does access to the property cross any private properties not owned by the subdivider or property owner? **No**
 - i. If access to the subdivision is across private property not owned by the subdivider, provide a list labeled "Legal Access" containing the names and owners of those properties. Include documentation of perpetual legal access (including but not limited to easements, agreements, and access permits or other forms of access permission) or describe how perpetual legal access will be obtained prior to the filing of the final plat. The documentation must be sufficient to demonstrate perpetual legal access. The information must be provided for any access routes required. **N/A**
 - b. Are private roads proposed? **No**

If private roads are proposed, include a private road maintenance plan in a development agreement or draft covenants. **Not Applicable as no**

private roads are proposed

- c. Are short courts proposed? **No**

If short courts are proposed, provide a plan meeting the standards of Section 3-020.6B and a variance request addressing the criteria in Section 6-010. **Not applicable as no short courts are proposed**

- d. Are Homezone/Woonerf streets proposed? **No**

If Homezone/Woonerfs are proposed, provide a plan meeting the standards of Section 3-020.7 **Not applicable as no Homezone/Woonerf streets are proposed.**

- e. Are Cul-de-sac/Circle/Loop streets proposed? **Yes**

If Cul-de-sac/Circle/Loop streets are proposed, provide a plan meeting the standards of Section 3-020.5B and a variance request addressing the criteria in Section 6-010. **Please see Variance Requests in Section A of this submittal and the Road Construction Plans in Section D.**

4. Traffic impact narrative:

- a. What is the expected increase in the number of automobile trips per day that the proposed subdivision will generate? For traffic estimates, please reference the most recent edition of *Trip Generation: An ITE Informational Report*. **152 Trips Per Day.**

- b. Identify all existing transportation corridors, (including bicycle and pedestrian routes) within a quarter-mile radius of the project and provide a summary describing how this project is likely to impact those transportation corridors.

The northern boundary of the property is directly adjacent to River Road. River Road is without sidewalks or bike lanes in this location. Lafray Lane, Skyla Court, and Missy's Way all offer motorized access to residents within a quart-mile radius. There is approximately .2 miles of sidewalk surrounding the cul-de-sac road in the adjacent subdivision, Carter's Orchard Homes, which terminates at the property boundaries along River Road. There is existing trail infrastructure located in the adjacent city park, Lafray Park, which provides access for recreation. There is a pedestrian bridge which connects Lafray Park to North Johnson Street and Idaho Street. As the proposed subdivision proposes on-street parking and parking garages as well as non-motorized access to Lafray Park and Street Side infrastructure along the River Road frontage only positive impacts to the surrounding transportation corridors are anticipated.

- c. What are the planned improvements to existing public and private access roads to mitigate the impacts anticipated from this subdivision? **The subdivision will provide Street Side improvents along the River Road frontage and add curb and gutter adjacent to River Road. These planned improvements will not only mitigate potential impacts from the subdivision but will improve the conditions of non-motorized travel along River Road as well as improve stormwater drainage as River Road current**

utilizes swales for stormwater runoff.

5. Street and road plans, including at a minimum, the following information:

- a. Using the subdivision plat as a base map show the following:
 - i. Street names
 - ii. Right-of-way widths
 - iii. Surface widths
 - iv. Street grades
 - v. Type and location of sidewalks and curbs/gutters
 - vi. Minimum site distances and curb radii at corners
 - vii. Locations and characteristics of bridges and culverts
 - viii. Location of street lights
 - ix. For cul-de-sac streets, provide the widths of turn-around radii, minimum right-of-way widths at turn-arounds, minimum surface widths at turn-arounds and total length
 - x. Number and location of on-street parking spaces, if applicable
 - xi. Bike lanes – existing or proposed.

The Road Construction Plans included in Section D of this submittal satisfy all of the criteria outlined above.

- b. **Typical cross sections** including pavement and base thickness for each type of proposed road or road improvement proposed within the subdivision and adjacent to the subdivision which serves the subdivision. **This has been included in the Road Construction Plans included in Section D of this submittal.**
- c. **Road profiles and cross sections** for all proposed streets and roads which have grades exceeding seven (7) % or cuts/fills exceeding three (3) feet. **Not applicable as there are no proposed streets or roads which have grades exceeding 7% or cuts/fills exceeding 3 feet.**

6. Grading and drainage plans, including at a minimum the following information:

- a. Provide a report that addresses the following:
 - i. A description of the proposed storm drainage and calculations for a 10-year frequency 1-hour storm and a 100-year frequency 1-hour storm on site and a method to mitigate adverse impacts for a 100-year frequency 1-hour storm. **The Grading and Drainage Report has been included to address the above items in Section D of this submittal.**
 - ii. Conveyance, treatment, and disposal of storm water for both on-site and off-site facilities. **The Grading and Drainage Report has been included in Section D of this submittal.**
- b. Using the subdivision plat as a base map, show the following:
 - i. proposed grades of all streets;

- ii. proposed drainage facilities for all lots, blocks, and other areas (show accurate dimensions, courses and elevations);
 - iii. graded slopes;
 - iv. existing and proposed contours; and
 - v. design for suitable drainage facilities for any surface run-off. If detention or retention areas are proposed, provide cross sections of the facilities and inlet and outlet location and elevations. **Please see the Road Construction Plans that address the above items in Section D of this submittal.**
- c. Provide a storm water pollution prevention plan (SWPP) for all lots, blocks, and other areas (show accurate dimensions, courses and elevations). **Please see Sheet 8 of the Road Construction Plans in Section D for a proposed SWPP Plan.**
 - d. Submit a Slope Category Map showing grades between 5-10%, 10.01%-20%, 20.01%-25%, and over 25%. **As no grades over 25% or between 5% and 20% are present on the subject property a slope category map is not required. This is confirmed with the Existing Conditions Exhibit created from the survey completed by a PLS.**
- 7. Traffic study.** Submit a Traffic Study if the proposed subdivision generates 200 or more average weekday daily trips and the City Engineer requires submittal of a Traffic Study. The Traffic Study must address the current capacities of adjacent roads and nearby intersections and provide an analysis of level of service (LOS) changes that will occur as a result of the development of the proposed subdivision. Identify the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to transportation facilities. If the City Engineer determines that a Traffic Study is not required, submit written documentation indicating so. **As the anticipated number of vehicle trips per day is expected to increase with an estimate of 152 vehicle weekday trips a Traffic Study is not required. 152 trips per day was provided to us by Dave DeGrandpre with his pre application meeting notes. We have confirmed this number by using the U.S. Department of Transportation Federal Highway Administrations average of 9.5 trips per day per household, with 82 percent being vehicle trips (source: <https://www.fhwa.dot.gov/policy/2010cpr/chap1.cfm>).**
- 8. Coordination of roads.** Describe how the subdivision provides for coordination of roads within subdivided land with other roads, both existing and planned (per MCA 76- 3-603(d) & MCA 76-3-501 and Subdivision Regulations Section 1-030.3B). **This project will be reviewed by the Engineering Staff at Development Services. Coordination with this agency is ongoing.**
- 9. Right-of-way Easements.** Describe the dedication of land for roadways and for public utility easements or the provision for right-of-way easements per MCA 76-3- 501(3) and Subdivision Regulations Section 1-030.3C. **Below is a list of proposed easements created with this**

development. Please see the Preliminary Plat for visual representation of described easements below.

- 29.5' Right-of-Way dedication currently named Road 'A'.
- 20' S.E. & U.E. adjacent to Road 'A' Right-of-Way on either side for sidewalk maintenance and northwestern energy utilities. Note: this also satisfies the front yard building setback of 20'.
- 10' S.E. & U.E. on the south boundary of Lot 8 for sidewalk maintenance and northwestern energy utilities.
- 10' S.E. & U.E. on the north boundary of Lots 1 and 19 for sidewalk maintenance and northwestern energy utilities.
- 6' S.E. on the south boundary of Lot 12 for sidewalk maintenance.
- 20' S.E. & U.E. on the north boundary of Lots 9, 10 & 11 for sidewalk maintenance and northwestern energy utilities.
- 10' Public non-Motorized Easement along the southern boundary of Lots 9, 10 & 11 for future trail connectivity option with City of Missoula Parks Department.
- 1' No Access strips between shared driveway approaches adjacent to Road 'A' and adjacent to River Road right-of-way.

- b. **Utilities and Services:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to utilities. **NorthWestern Energy will provide electricity and natural gas to the subdivision, numerous wireless providers will provide telephone service, Direct TV and Dish Network will provide Cable TV, and Republic Services will provide solid waste collection and disposal. No mitigation has been proposed as no potentially significant adverse impacts have been identified from utility service providers.**

- i. **Service providers.** List the following service providers and, if applicable, how the service will be provided:

- Electricity: **Northwestern Energy**
- Telephone: **Numerous Wireless Providers**
- Natural Gas: **Northwestern Energy**
- Cable TV: **Direct TV, Dish Network**
- Solid Waste Collection and Disposal: **Republic Services**

- ii. **Over-head utilities.** If any utilities are proposed to be over-head, explain why. **This project does not propose overhead utilities.**

- iii. **Street lighting.** Is street lighting proposed? **No**

If yes, who will install and maintain proposed street lighting? **Not applicable as the proposed subdivision is not proposing street lighting.**

- iv. **Utilities Plan,** including at a minimum the following information:

1. Existing and proposed utilities located on and adjacent to the tract, including:
 - a. The approximate location, size and depth of sanitary and storm sewers, or the location of septic tanks, subsurface treatment systems, replacement areas, detention/retention basins, and irrigation and storm drainage ditches.
 - b. Approximate location, size and depth of water mains, water lines, wells, and fire hydrants if within 500 feet. **Please see Fire Hydrant Exhibit located in Section B.**
2. Approximate location of gas lines, electric, cable TV, and telephone

lines and street lights. **See Sheet 5 of Road Construction Plans in Section D for Utility Plan.**

- c. **Water supply:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to water supply. **City of Missoula Public Works indicated in the Pre-Application Meeting and the DRT Core meeting that this project will be supported and will be served by City of Missoula municipal water system. No adverse impacts to the public system were noted and no mitigation efforts were brought to our attention at that time. It is understood that a 'will serve' letter will be issued as part of the City Engineering Stage 2 Checklist submittal upon element sufficiency through Development Services.**
- i. **Water system.** Identify and describe the type of water supply planned for household use (such as, an existing public or multi-family system, new public or multi-family system or individual system). **The proposed lots will connect to the existing water main located in River Road.**
1. Water supply via wells require well isolation zones. Provide easements for well isolation zones encroaching onto adjoining private property. **This project will connect to the City of Missoula's water system. As no wells are proposed, no well isolation zones are necessary.**
- ii. **Nearest public water main.** How far is the proposed subdivision boundary from the nearest public water main? **The nearest public water main is located in the adjacent River Road easement. Please see the Proposed Layout included in the Supplemental Data Sheets attached in Section A.**
- iii. **Description of use.** Describe how water will be provided for household use. **A water main connecting to the existing Missoula water system is proposed to provide water for household use.**
- iv. **Capacity.** Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the anticipated, final population of the subdivision. Are there any anticipated effects on existing water systems or wells within the area? **This property will connect to the Missoula Water Municipal Water Facilities. These facilities will be expanded to serve the lots. We estimate that each home will utilize approximately 250 gallons per day (GPD) of water making the total estimated GPD for the entire project 4,750 GPD. Permission to connect to Missoula Water Municipal Facilities will be pursued during stage 2 engineering upon element sufficiency.**
- v. **State standards.** Indicate whether the plans for water supply meet the standards of MDEQ for quality, quantity and construction criteria. **The proposed subdivision will connect to Missoula City Water. The Montana Department of Environmental Quality (MDEQ) standards will be met for this project. Please see the Utility Construction Plans included in Section D of this submittal for existing water main locations and proposed connections.**
- vi. **Existing public system.** If the subdivider proposes to connect to an existing water system:
1. Identify and describe that system. **Missoula Water Municipal Facilities**

2. Provide written evidence that permission to connect to that system has been obtained. **Permission to connect to Missoula Water Municipal Facilities will occur during stage 2 engineering.**
 3. State the approximate distance to that system.
The nearest water main is located in River Road. Please see the Supplemental Data Sheets included in Section A of this submittal for location of the existing water main.
 4. State the cost of extending or improving the existing water system to service the proposed development. **Preliminary, approximate costs are \$100,700.**
 5. Show that the existing water system is adequate to serve the proposed subdivision.
Permission to connect to Missoula Water Municipal Facilities will occur during stage 2 engineering following element sufficiency.
- vii. New public system.** If a separate public water system is to be installed, describe:
1. Who is to install that system and when it will be completed. **Not applicable as no separate public water system is to be installed.**
 2. Who will administer and maintain the system at the beginning of subdivision development and when subdivision is completed. **Not applicable as no separate public water system is to be installed.**
 3. Provision of evidence that the water supply is adequate in quantity, quality, and dependability (75-6-102 MCA). **Not applicable as no separate public water system is to be installed.**
- viii. Individual system.** If individual water systems are to be provided, describe the adequacy of supply of the ground water for individual wells or cisterns and how this was determined. **Not applicable as no individual water systems will be installed.**
- d. Sewage disposal:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts. **The lots are currently within the Missoula Wastewater Facilities Service Area and are proposed to connect to the public sanitary sewer disposal facilities. They will connect via an extension to the existing sewer main currently located in the River Road easement, adjacent to the property. Additional mitigation has not been proposed.**
- i. Identify and describe the type of sewage disposal system planned for the subdivision. **The subdivision is proposed to connect to City sewer.**
 - ii. How far is the proposed development boundary from the nearest public sewage system main? **The nearest public sewage system main is located directly adjacent to the property in River Road. Please see the Supplemental Data Sheets included in Section A of this submittal for current sewer main location.**
 - iii. Is the property currently wholly within a Wastewater Facility Service Area and eligible to access public sanitary sewer disposal facilities? **Yes**
 1. If yes, provide the approval letter from the City Sewer Service Review Committee certifying the property for connection to and usage of the public sanitary sewer system. **Permission to connect to Missoula City Sewer will occur during stage 2 engineering upon element sufficiency.**
 2. If any portion of the property is outside the Wastewater Facility Service Area, provide a copy of the City Council-approved Resolution expanding the Wastewater Facility Service Area to serve the property. **Not applicable as no portion of the property is outside the Wastewater Facility Service Area.**

- e. **Schools:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to schools. **In an effort to determine if the proposed subdivision would adversely impact any of the schools in the area an inquiry was sent out to staff at Hawthorne Elementary, C.S. Porter Middle School, and Big Sky Highschool. Based on their responses, no adverse impacts were identified. Responses from staff at both Hawthorne Elementary and Big Sky Highschool indicated that the schools can handle an increase in enrollment. The principal at Big Sky High School indicated that the only limiting factor to capacity is staffing related and if more teachers are required they will work with the district to get more teachers to support the numbers. Please see the School Inquiry included in Section E of this submittal.**
- Identify the name of the schools and school districts (elementary and secondary) that will serve the proposed subdivision. **Hawthorne Elementary, C.S. Porter Middle School, and Big Sky High School.**
 - Estimate the number of school-aged children this subdivision is likely to add to the district. **According to census information gathered and analyzed by Statista between 1960 and 2020 the average number of children under 18 in families with children in the United States grows at a maximum rate of .5 children under 18 per year (assuming a household has two parents). As the exact number of families with children cannot be determined at this time it is anticipated that the proposed development will align with the average trend and families that move to the proposed subdivision would contribute a maximum of .5 annual growth to children under the age of 18 in this area (www.statista.com).**
- f. **Emergency Services:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to emergency services. **The proposed subdivision design accomodates adequate, safe, access for emergency service vehicles. No potentially significant adverse impacts are expected to occur to emergency service providers in the area due to the proposed subdivision. A police officer attending the neighborhood meeting asked if street side infrastructure was going to be installed along the proposed subdivision's frontage to River Road. They said the interaction between school aged children and early morning traffic in the area is a very real public health concern for emergency service providers. As the proposed subdivision will improve the street side infrastructure along River Road we anticipate only positive impacts to emergency service providers in the area.**

- Complete the table below:

	Name of service provider	Distance between service provider and proposed subdivision
Fire protection	City of Missoula Fire Department	~ 2.5 Miles
Police protection	Missoula Police Department	~ 2.1 Miles

Ambulance	St. Patrick Hospital	~ 1.7 Miles
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- ii. How will water supply for fire protection be provided? **There is an existing fire hydrant along the northern edge of the property directly adjacent to River Road. A fire hydrant is proposed at the southern terminus of proposed Road A.**
 - iii. Is the property, or any portion of the property, located within a Wildland Residential Interface? **No, please see the Wildland Urban Interface Map included in Section B of this submittal.**
 1. If yes, include the standards in Exhibit 6 of the Subdivision Regulations in a development agreement between the governing body and the developer or in the covenants, except in those cases when the need to protect areas of riparian resources or habitat for species of special concern outweigh the danger of wildfire. **Not applicable as the property is not located within a Wildland Residential Interface.**
 2. If yes, does the subdivision design include more than one access route providing ingress and egress from within the subdivision that meets the standards contained in Section 3-020.4L for providing emergency travel? **Not applicable as the property is not within the Wildland Urban Interface**
 - iv. If the proposed subdivision is not within a fire district, provide an application for annexing into the appropriate fire district. **Not applicable as the subdivision is located within the City of Missoula Fire Department district.**
- g. Housing:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to housing. **No adverse impacts to housing in the area were presented during the neighborhood meeting. The concerns presented during the meeting revolved around making homes for Missoulians because the residents in the area want to see people move to Missoula and stay in Missoula. The proposed subdivision aligns with the "Our Missoula" growth policy which prioritizes the identification of appropriate areas in the community to develop medium density housing to make housing affordable and accessible. The growth policy also supports protecting open space with infill projects and compactly developed communities. The growth policy further notes to guide development to focus inward. The proposed subdivision addresses the concerns raised in the neighborhood meeting and aligns with the priorities of the growth policy by proposing infill development in a compactly developed community. Based on the concerns raised in the neighborhood meeting and the city of Missoula's declared need for infill development no potentially significant adverse impacts to housing are expected.**
- i. Describe the total number of dwellings anticipated by type (such as single dwelling, multiple dwelling, or mobile home). **It is estimated there will be 19 single dwellings.**
 - ii. Estimate the market cost of the dwellings and rents for rental units in this subdivision. **According to Missoula Organization of Realtors, the median price for a Missoula Home is \$420,000 as of the first quarter of 2021.**
 - iii. What is the approximate average number of bedrooms per dwelling unit anticipated for the subdivision? **4**
 - iv. Is the subdivision planned as a second home? **No**

v. What is the expected date of full development and occupancy for this subdivision? **Estimated date for full development and occupancy is 2023 – 2024.**

i. **. Open space and parkland dedication:** Answer the questions below. In addition, provide a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to open space and park land. **The proposed subdivision will provide a 10' non- motorized public access easement to Lafray Park. No potentially significant adverse impacts have been identified based on the criteria outlined within this section of the application.**

i. **Open spaces:** Describe how the subdivision provides adequate open spaces for travel, light, air, and recreation (per MCA 76-3-501(5)). **The proposed subdivision creates lots with setbacks which provide adequate room for travel, light, and air within the subdivision. Proposed lots will have 20' front setbacks which will create adequate open space in the proposed subdivision. The network of proposed sidewalks will provide access to Lafray Park which provides recreation potential to residents as well.**

ii. **Park land:** Complete the table below to calculate the park dedication requirement for the subdivision:

	Lots 0-0.5 acres	Lots 0.51 – 1.0 acres	Lots 1.01 – 3.0 acres	Lots 3.01 - 5.0 acres	Lots >5.0 acres	All Other Lots	Total
No. of dwellings/ acre proposed or allowed by zoning	8 du/acre	1	1	1	1		
Total acreage in lot category	1.9					x	
Park dedication requirement	x 0.11	x 0.075	x 0.05	x 0.025	x 0	x 0.02	
Park dedication requirement	= .209 acres	=	=	=	0	=	<u>.209 acres</u>
Total parkland proposed							<u>0 acres</u>

- How will the parkland requirement be satisfied (such as public parkland dedication, common area deeded to a property owner's association, previous parkland dedication, cash in-lieu, or waiver of dedication)? **As the property is located directly adjacent to Lafray Park and the proposed subdivision will provide non-motorized access to said park, the developer requests cash-in-lieu of .209 acres of parkland dedication**
- If common area is proposed, provide a description of the proposed park and recreation facilities, maintenance and development schedule. Describe how park and

recreation facilities will be installed and maintained. Common areas must be installed, inspected, and approved prior to being turned over to the Homeowners' Association. **Not applicable as no common area is proposed.**

3. If cash-in-lieu is proposed, describe the circumstances that make the parkland dedication undesirable. At the time the final plat is filed, an appraisal of the fair market value of the un-subdivided, unimproved amount of land that would have been otherwise dedicated to parkland will be required to be provided by the subdivider. **The existing conditions of the property dictate the proposed park dedication requirement as undesirable. There is currently a subdivision directly adjacent to the east (Carter's Orchard Homes), a park directly adjacent to the west (Lafray Park), and rental properties directly adjacent to the south (JT Rental Properties) which prohibits the dedication of the proposed allotted park space. The proposed 10' non-motorized public access easement and the proposed 5' sidewalks will provide safe access to the existing Lafray park for all future residents of the River View subdivision.**
4. If the parkland requirement will be satisfied through a previous dedication, describe the original dedication and demonstrate how the previous dedication meets the requirements for this proposal. **Not applicable as the parkland requirement will not be satisfied through a previous dedication.**
5. If this is a manufactured home community or recreational vehicle park, have plans been made to develop a recreation area? **Not applicable as this is not a manufactured home community or recreational vehicle park.**
 - a. If yes, provide a proposed preliminary plan with as much applicable information as is required to be shown on a preliminary plat. **Not applicable as this is not a manufactured home community or recreational vehicle park.**

L. PRELIMINARY PLAT REQUIREMENTS: Preliminary plat submittals must conform to the requirements of the Subdivision Regulations Section 5-010. The following list is provided in order to assist applicants in preparing preliminary plats; however, it is not intended to be an all- encompassing or exclusive list.

1. Preparation: The plat must be prepared by a professional land surveyor licensed to practice in the State of Montana.

2. Format: The size of the plat must be 24" x 36" with a 1½" margin on the binding side and should be folded to a maximum of 9" x 12". Each sheet shall show the number of that sheet and the total number of sheets included.

3. Identifying Information: The following identifying information must be clearly indicated on the plat.

- ☒ Subdivision or development name
- ☒ Legal description
- ☒ North arrow
- ☒ Scale used on the plat

- ☒ Names of owner(s) of record and sub-divider(s)
- ☒ Date plat was drawn

4. Survey Information: The following survey information shall be shown on the preliminary plat or shall be contained in a written statement or supplementary drawing accompanying the preliminary plat:

- ☒ Exterior boundaries of the platted tracts;
 - ☒ Approximate location of all section or legal subdivision corners pertinent to the subdivision boundaries. Township, range, principal meridian, section and quarter section(s) if portion of a
-

section, or other general legal description;

☒ Approximate dimensions and area of each lot. Lots and blocks shall be designated by number and area.

☒ All streets, alleys, avenues, roads, and highways and the proposed width of each, with existing and proposed street names;

☒ The area, locations, boundaries, and dimensions of all parks, common areas, and other areas dedicated for public use;

☒ The total gross area of the subdivision and the total net area, exclusive of public areas and rights-of-way;

☒ Ground elevations of the tract: elevations and benchmarks. Contour intervals shall be vertical intervals of two (2) feet where the average slope of the subdivision is less than ten (10) percent and at intervals of five (5) feet where the average slope of the subdivision is ten (10) percent or greater;

☒ Approximate location and identification of all existing and proposed private and public easements and rights-of-way, including descriptions of their widths and purposes;

☒ Existing and/or proposed irrigation ditch easements;

☒ Easements for any feature or improvement that encroaches onto adjoining private property;

☒ Proposed locations of intersections, other access points and access control lines for any subdivision requiring access to major highways or thoroughfares, including those under state jurisdiction;

☒ Identified hazard areas shall be prominently shown on the subdivision plat and in other records of conveyance;

☒ Any proposed "No-Build Zones" and "No-Build/No-Alteration Zones";

☒ The area of the subdivision within the FEMA-designated floodway and/or flood-fringe, if applicable.



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

CITY REZONE APPLICATION

A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **River Road Rezone**
4. Name(s) of Applicant: **Homes for Missoula, LLC**
Mailing Address: **Not Applicable**
Telephone Number: **Not Applicable**
Email Address: **Not Applicable**
5. Name(s) of Owner of Record: **Robert and Coleen Anderson**
Mailing Address: **1923 River Road Missoula, MT, 59801**
Telephone Number: **Not Applicable**
Email Address: **Not Applicable**
6. Name and Company of Representative: **IMEG Corp, Inc. c/o Paul Forsting**
Mailing Address: **1817 South Ave West, Suite A, Missoula, MT 59801**
Telephone Number: **(406) 721-0142**
Email Address: **paul.t.forsting@imegcorp.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes, the applicant owns the property proposed to be rezoned.**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Applicant's Signature

Date

Coleen S. Anderson

8/11/21

Owner's Signature

Date

Robert Anderson

8/11/21

Representative's Signature

Date

Nicholas Cole

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **The property is located directly adjacent to the south of River Road between Carter Court and Lafray Lane at 1923 River Rd.**

Legal Description - complete and unabbreviated: **THAT PROPERTY DESCRIBED AS PLAT OF THE WEST HALF (W1/2) OF LOT 9 OF COBBAN AND DINSMORES ORCHARD HOMES ADDITION NO. 2 IN MISSOULA COUNTY, MONTANA, THE SAME BEING LAID OUT UPON A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4NE1/4) OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY MONTANA.**

CONTAINING A TOTAL OF 2.38 ACRES, MORE OR LESS.

Township, Range, Section(s): **Township 13 North, Range 19 West, Section 20**

Subdivision, Lot(s), Block(s): **Cobban and Dinsmore Orchard Homes Addition , West half of Lot 9.**

Tract(s), COS#: **Not Applicable**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **Not applicable, the legal description provided above is the same as the boundary of the property proposed to be rezoned.**

Geocode: **04220020119090000**

C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Existing Land Use
Adjacent (North)	RT10 Residential (two-unit/townhouse)	Detached House
Adjacent (South)	RM2.7 Residential (multi-dwelling)	Warehouse, Wholesale and Freight Movement
Adjacent (East)	RT10 Residential (two-unit/townhouse)/Carters Orchard Homes PUD	Detached Houses
Adjacent (West)	RT10 Residential (two-unit/townhouse)	Detached houses, Parks & Recreation

2. What is the current zoning of the property (including intensity designator)? **The property is currently zoned with RT10 Residential (two-unit/townhouse) designation.**

3. What is the requested zoning for the property (including intensity designator)? **The applicant is requesting to rezone the property with RT5.4 Residential (two-unit/townhouse) designation.**

4. What is the applicable comprehensive plan and land use designation for the property? **The applicable comprehensive plan is the 'Our Missoula' City Growth Policy. This area is shown on the Missoula urban area future land use designation map amended February 13, 2017 as Residential Medium Density (RMD).**

5. What is the intended use for the property? **The intended use for the property is a Major City Subdivision containing 19 residential lots. The proposed area is currently zoned under RT10 Residential (two-unit/townhouse) designation but will be rezoned at RT5.4 Residential (two-unit/townhouse). The RT5.4 Residential (two-unit/townhouse) dictates a minimum parcel size of 5,400 sqft. The project complies with the land use designation of Residential Medium Density (RMD). RMD allows for 3 to 11 dwelling units per acre. The proposed subdivision aligns with this land designation offering 8 units per acre. New development on the proposed lots will comply with all applicable Title 20 regulations.**

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;

The proposed RT5.4 Residential (two-unit/townhouse) zoning is made in accordance with the 'Our Missoula' City Growth Policy for this area. The policy notes to identify appropriate areas in the community to develop medium density housing to make housing affordable and accessible. In accordance with this, the proposed rezone is located in an area that has already been identified within the Missoula urban area future land use designation map amended February 13, 2017 as an area for medium density residential uses. This proposed zoning would incorporate medium density residential development and fits well within the existing growth policy. The growth policy also supports protecting open space with infill projects and compactly-developed communities. The growth policy further notes to guide development to focus inward. The rezone of this property is in the core of Missoula which will provide an inward location and compactly-developed community in accordance with the growth policy.

The property is in a well-established existing residential neighborhood. The residents in this area benefit from a very attractive mature tree cover. The rezoning of this site will promote development which will bring road, sidewalk, boulevard, and landscaping improvements to complement the existing built environment.

In accordance with the growth policy for this area, the property is close to existing adjacent and surrounding infrastructure that has already been constructed. Existing water and sewer trunk lines are available for use of this site. In addition, there are existing Mountain Line stops located on Russell St., which is less than 0.75 miles from the property. This adjacent infrastructure is in accordance with the growth policy for the area as the multiple transportation options will be a benefit to future residents and will reduce automobile dependence.

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

The zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. There are main transportation corridors near this property that facilitate efficient and adequate travel opportunities for future residents. This property is adjacent to River Road. Public transit opportunities for this area have already been designed and are offered by Mountain Line.

The zoning is designed to facilitate the adequate provision of water and sewer as public water and sewer mains already exist for this property. The zoning is designed to facilitate the adequate provision of school as properties in this area are in the Hawthorne Elementary, C.S. Porter Middle School, and Big Sky High School district. These schools provide adequate facilities for school-aged children. The zoning is designed to facilitate the adequate provision of parks as there are multiple parks located in the area. To facilitate the adequate provision of other public requirements, the property is also near commercial services that will serve this property. The close proximity to these commercial services will be a benefit to the development. No adverse impacts are anticipated as a result of the proposed rezone and all other public requirements will be improved by developing this area.

2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

The proposed zoning for this property considers the effect on both motorized and non-motorized transportation systems. There is an existing sidewalk adjacent to the east of the site. Many of the adjacent streets surrounding this property have sidewalks that provide adequate

pedestrian facilities for transportation. These sidewalks will be utilized for non-motorized transportation to and from the property. While designated bicycle paths are not located immediately adjacent this property, there are bike lanes and pedestrian facilities within the surrounding area to provide non-motorized transportation to and from the property.

The property is also located in the core of Missoula, which places it in close proximity to major streets and intersections that provide efficient access to motorized transportation systems.

3. Whether the zoning considers the promotion of compatible urban growth;

The proposed rezone request will continue the promotion of compatible urban growth and will provide a compactly-developed community. The subject property is located directly adjacent to multiple residential properties and is near Missoula's major commercial corridors. The proposed rezone of the property is compatible with this character of the area. The rezone would encourage development in order to expand the existing residential area. This rezone will provide an example for neighboring property owners who also want to explore their options for redeveloping their own properties.

The land use designation for this area allows for medium density development and this zoning falls within this category. The close proximity of the existing commercial services makes this property an ideal location for development. Future residents will be able to take advantage of being near multiple commercial conveniences as well as being close to several of Missoula's parks. The proximity to major roadways, yet also being located adjacent to a residential street will provide a convenient motorized transportation option for future residents. The proposed rezone of this property will also provide new residential construction to conserve the value of buildings in this area.

4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;

The proposed rezone is designed to promote public health, safety and the general welfare on the property to be rezoned. The property is located in an urban area at the center of Missoula which provides many commercial services and conveniences that promote the general welfare of members of this community. The property is also located near emergency services that provide quick emergency response times as well as quick access and transportation to the hospitals in Missoula. This convenient access promotes public health and public safety for future members of the community.

4b. Whether the zoning is designed to secure safety from fire and other dangers;

The proposed rezone is designed to secure safety from fire and other dangers. The existing Missoula water mains in the area will be connected to and utilized for future development on this property. The City of Missoula Police Department and the City of Missoula Fire Department serve the area. The property is also located within an urban area of Missoula so quick response time for emergency personnel to arrive at the property will also secure safety from fire and other dangers. Future development on the property will be designed in a way to secure safety from fire and other dangers.

4c. Whether the zoning considers the reasonable provision of adequate light and air;

The proposed zoning considers the reasonable provision of adequate light and air. The rezone is proposed in the core of Missoula to protect open spaces further outside of town. The required building setbacks for the proposed zoning will be similar to the existing setbacks for the homes in the area. These setbacks provide adequate light and air for this area.

4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

The proposed zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area. The rezone of this area will encourage

development and will promote community growth while utilizing the multiple existing services already provided in the area. The surrounding streets and sidewalk network will be utilized and the proposed use will continue to provide residential construction to conserve the value of buildings in this area. This residential construction will fit in with the existing residential use in the area, accommodating the most appropriate use of the land. The close proximity of the existing adjacent commercial services to this proposed rezone also encourages residential use as the most appropriate use of this land. This rezone will provide an example for neighboring properties who also want to explore their options for redeveloping their own properties.

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

Yes, the proposed zoning is suitable for residential uses and the rezone is in accordance with the character of the district. As discussed in detail in this application, there are multiple existing residential properties surrounding this property. The proposed residential use of the property is not peculiar. The project is in close proximity to similar uses and the character is consistent with the district.

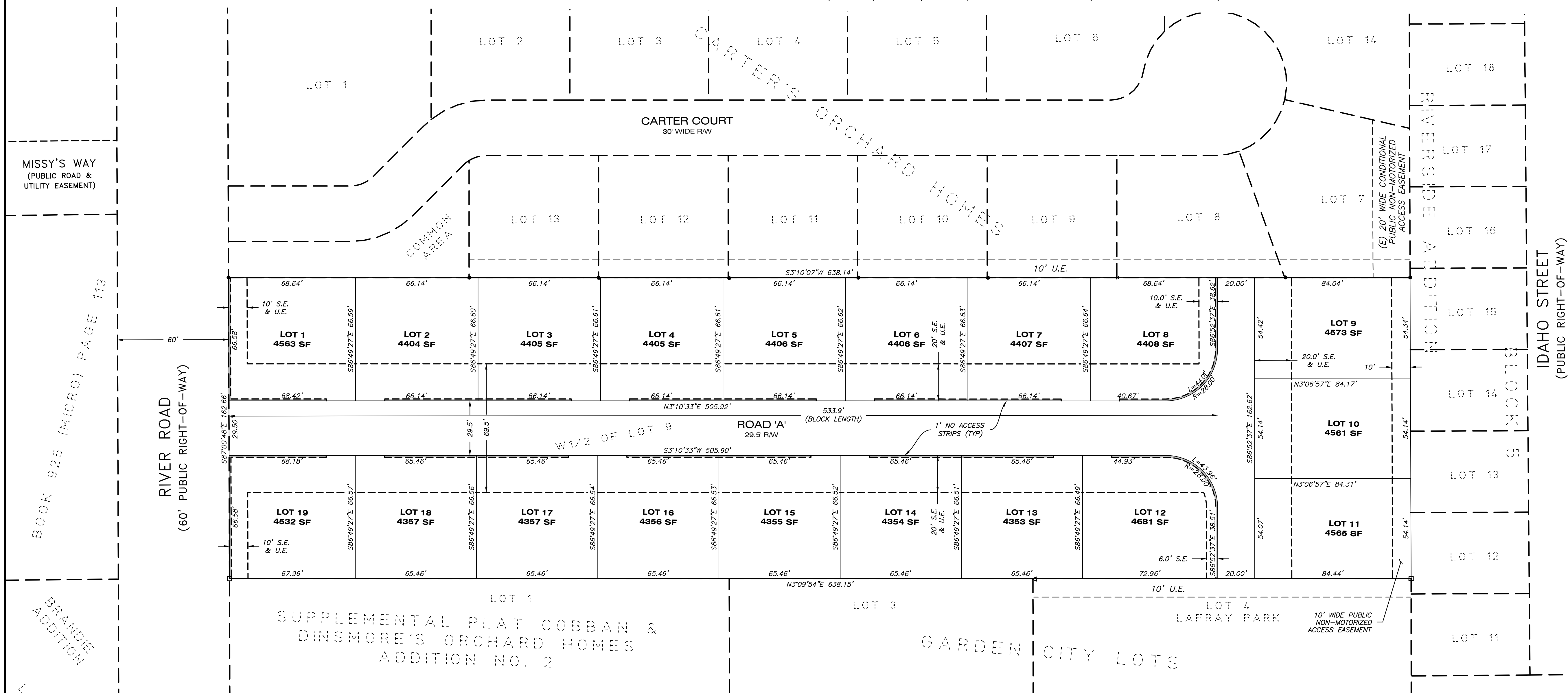
E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- ☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property. **A vicinity map is attached.**
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **A zoning map is attached.**
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries. **An aerial photo is attached.**
- ☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties. **A growth policy / comprehensive plan map is attached.**
- ☒ **The current plat** of the subject property. **A copy of the Plat for this subdivision has been attached.**

PRELIMINARY PLAT OF RIVER VIEW

LOCATED IN THE NE1/4 OF SECTION 20, T.13N., R.19W., P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA



CERTIFICATION OF CITY PLANNER:

APPROVED THIS _____ DAY OF _____, 20____.

SS _____
CITY OF MISSOULA LAND USE PLANNER

CERTIFICATION OF THE HEALTH DEPARTMENT:

APPROVED THIS _____ DAY OF _____, 20____.

SS _____
MISSOULA CITY - COUNTY HEALTH DEPARTMENT

CERTIFICATION OF CITY ENGINEER:

I, _____, CITY ENGINEER FOR THE CITY OF MISSOULA, MONTANA, DO
HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF **RIVER VIEW** AND I FIND THAT IT CONFORMS TO THE
SURVEYING AND ROADWAY REQUIREMENTS OF STATE REGULATIONS AND LOCAL REGULATIONS ENACTED
PURSUANT THERETO.

DATED THIS DAY OF , 20 .

SS _____
CITY OF MISSOULA ENGINEER

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND PREPARED IN CONFORMANCE WITH THE APPLICABLE SECTIONS OF THE MONTANA SUBDIVISION AND PLATTING ACT AND THE REGULATIONS ADOPTED THEREUNDER.

SS _____
 MATTHEW JACOBSON, PROFESSIONAL LAND SURVEYOR
 MONTANA LICENSE NO. 13748LS _____ DATE _____

PREPARED BY:



1817 SOUTH AVE. W. STE. A PH: 406.721.0142
MISSOULA, MT FAX: 406.721.5224
59801 www.imegcorp.com

IMEG PROJECT NO. 21001296

CERTIFICATION OF CITY ATTORNEY:

I, _____, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF
RIVER VIEW AND I FIND THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF 76-3-612 MCA, AND LOCAL
 REGULATIONS ENACTED PURSUANT THERETO.

DATED THIS _____ DAY OF _____, 20____

SS _____
CITY OF MISSOULA ATTORNEY

CERTIFICATION OF MAYOR OF THE CITY OF MISSOULA:

THE CITY OF MISSOULA DOES HEREBY APPROVES THIS SUBDIVISION IN THE INTEREST OF THE PUBLIC AND HEREBY ACCEPTS THOSE PUBLIC RIGHTS-OF-WAY AND EASEMENTS SHOWN AND DEDICATED HEREON.

DATED THIS _____ DAY OF _____, 20____.

SS _____
MAYOR, CITY OF MISSOULA

ATTEST: _____
CLERK, CITY OF MISSOULA

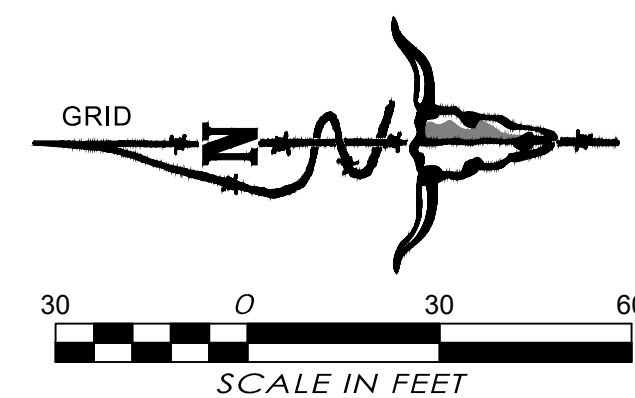
PERIMETER LEGAL DESCRIPTION:

THAT PROPERTY DESCRIBED AS PLAT OF THE WEST HALF (W1/2) OF LOT 9 OF COBBAN AND DINSMORE ORCHARD HOMES ADDITION NO. 2 IN MISSOULA COUNTY, MONTANA, THE SAME BEING LAID OUT UPON A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4NE1/4) OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY MONTANA.

CONTAINING A TOTAL OF 2.38 ACRES, MORE OR LESS

LEGEND

COS = CERTIFICATE OF SURVEY
R/W = RIGHT OF WAY
U.E. = UTILITY EASEMENT
S.E. = SIDEWALK EASEMENT
R/W = RIGHT-OF-WAY




BASIS OF BEARING:
CARTER'S ORCHARD HOMES

DATE:
MAY 2021 - SEP 2021

RECORD OWNERS:
ROBERT G. ANDERSON, JR &
COLEEN S. ANDERSON

SURVEY COMMISSIONED BY:
HOMES FOR MISSOULA LLC

TOTAL SUBDIVISION AREA:
2.38 ACRES (TOTAL SUBDIVISION)
1.89 ACRES (LOTS)
0.49 ACRES (ROADS)

1/4	SEC.	T.	R.
	20	13N.	19W

SHEET 1 OF 1
RIVER VIEW

**A SUBDIVISION OF THE CITY OF MISSOULA
MISSOULA COUNTY, MONTANA**

LEGEND

(E) PROPERTY BOUNDARY

(E) ADJACENT PROPERTY BOUNDARY

(E) EASEMENT

(E) WATER LINE

(E) WATER SERVICE

(E) SEWER LINE

(E) SEWER SERVICE

(E) OVERHEAD UTILITY

(E) BURIED POWER

(E) GAS LINE

(E) TELEPHONE LINE

(E) TELEVISION LINE

(E) FIBER OPTIC LINE

(E) FENCE LINE

(E) MAJOR CONTOUR

(E) MINOR CONTOUR

(E) ASPHALT

(E) GRAVEL

(E) CONCRETE

(E) SEWER MANHOLE

(E) FIRE HYDRANT

(E) WATER VALVE

(E) SUMP

(E) ELECTRICAL TRANSFORMER

(E) POWER METER

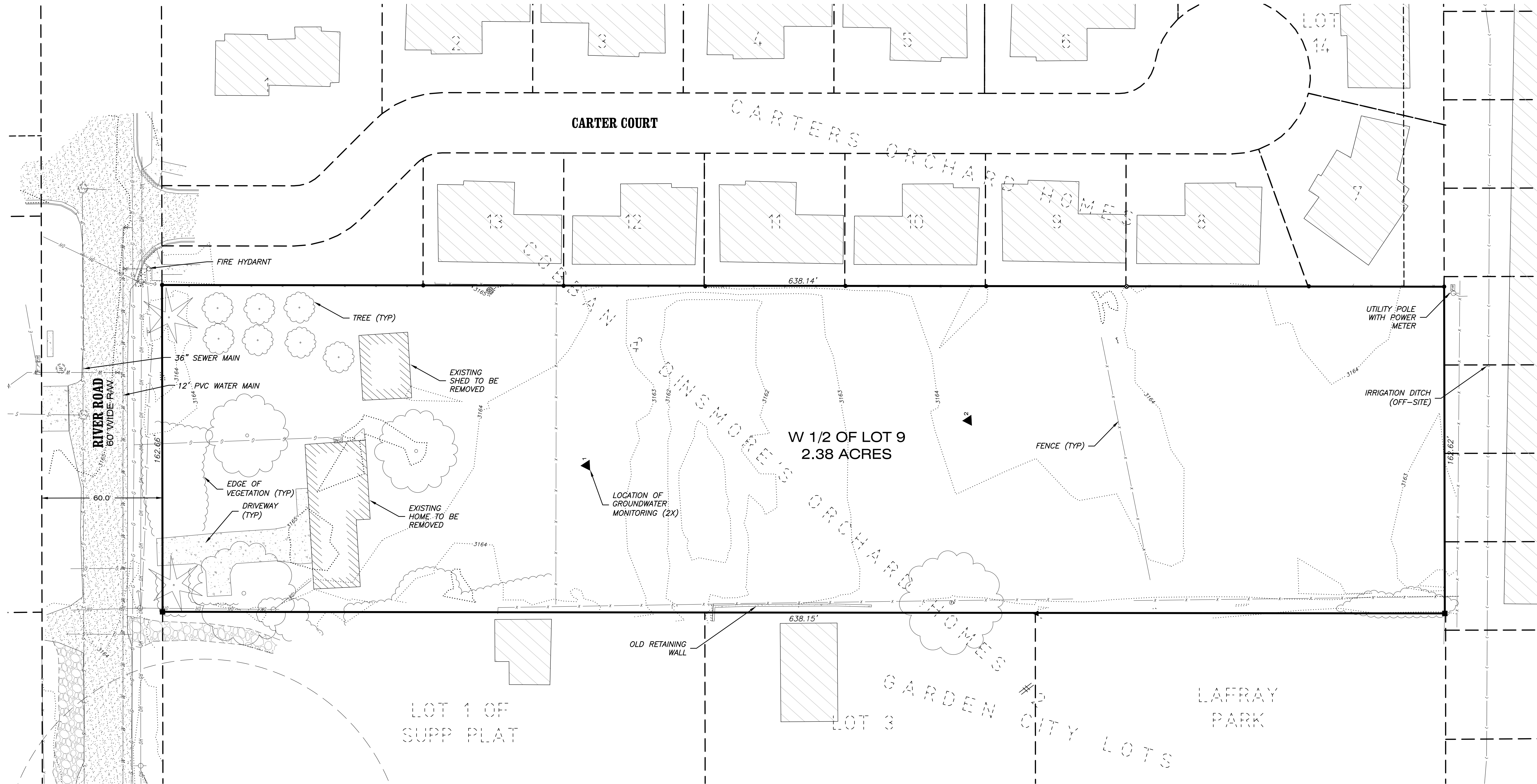
(E) GAS METER

(E) POWER POLE

(E) GUY WIRE

(E) DECIDUOUS TREE

(E) CONIFEROUS TREE



1817 SOUTH AVE. W. STE. A
MISSOULA, MT 59801
PH: 406.721.0142
FAX: 406.721.5224
WWW.IMEG-CORP.COM

DATE	
REVISIONS	
DESIGNED:	DO
DRAFTED:	DO
CHECKED:	PF
DATE:	DEC. 2020

LOCATION:	1923 RIVER ROAD WEST 1/2 OF LOT 9 COBBAN & DOWNSMORE'S ORCHARD HOMES #2 MISSOULA COUNTY
PREPARED FOR:	HOMES FOR MISSOULA, LLC.

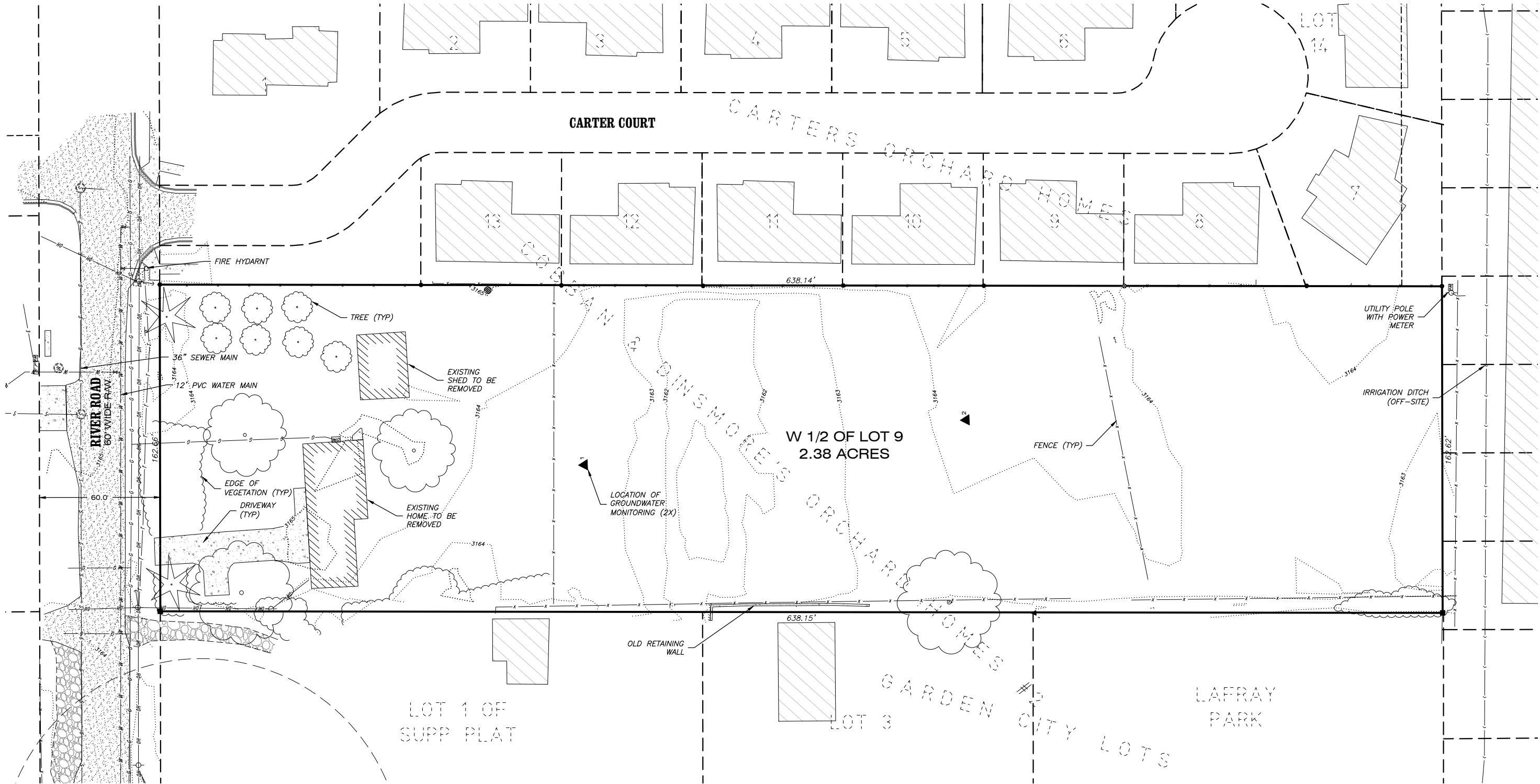
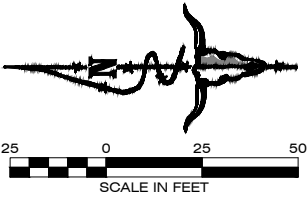
PROJECT NAME	RIVER VIEW SUBDIVISION
PROJECT NO.	21001298
SHEET	1 OF 3
SHEET TITLE	EXISTING CONDITIONS SUPPLEMENTAL DATA SHEETS

DWG LOCATION: \\FILESERVER\PROJECTS\2021\21001298\000\DRAWINGS\DWG\21001298-0001.DWG



LEGEND

(E) PROPERTY BOUNDARY	(S)	(E) SEWER MANHOLE
(E) ADJACENT PROPERTY BOUNDARY	(W)	(E) FIRE HYDRANT
(E) EASEMENT	(WS-WS-WS)	(E) WATER VALVE
(E) WATER LINE	(S)	(E) SUMP
(E) WATER SERVICE	(SS-SS-SS)	(E) ELECTRICAL TRANSFORMER
(E) SEWER LINE	(OH)	(E) POWER METER
(E) SEWER SERVICE	(E)	(E) GAS METER
(E) OVERHEAD UTILITY	(G)	(E) POWER POLE
(E) BURIED POWER	(T)	(E) GUY WIRE
(E) GAS LINE	(TV)	(E) DECIDUOUS TREE
(E) TELEPHONE LINE	(FO)	(E) CONIFEROUS TREE
(E) TELEVISION LINE	(X)	
(E) FIBER OPTIC LINE		
(E) FENCE LINE		
(E) MAJOR CONTOUR		
(E) MINOR CONTOUR		
(E) ASPHALT		
(E) GRAVEL		
(E) CONCRETE		



DATE	
REVISIONS	
DESIGNED: DO	
DRAFTED: DO	
CHECKED: PF	
DATE: DEC 2020	

1923 RIVER ROAD
WEST 1/2 OF LOT 9
COBBAN & DINSMORE'S ORCHARD HOMES #2
MISSOULA COUNTY

HOMES FOR MISSOULA, LLC.

RIVER VIEW SUBDIVISION

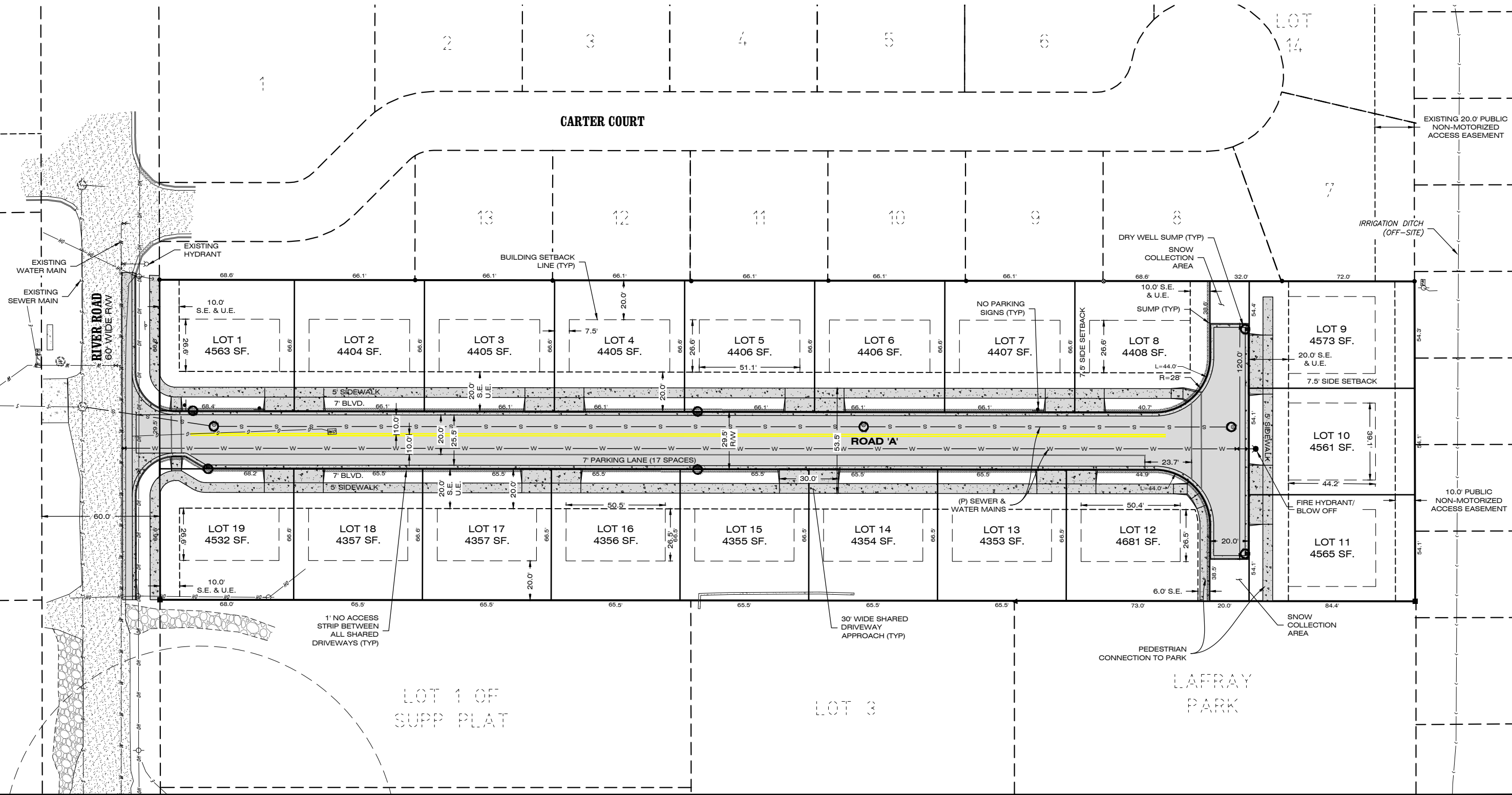
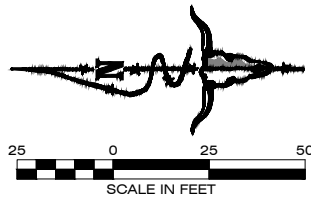
EXISTING CONDITIONS
SUPPLEMENTAL DATA SHEETS

PROJECT NO. 21001296
SHEET 1 OF 3

DATE: 10/6/2021 1:12:18 PM

LEGEND

- | | | |
|--------------------------------|----------------------------|---------------------------------|
| (E) PROPERTY BOUNDARY | (E) SEWER MANHOLE | (P) PROPERTY LINE |
| (E) ADJACENT PROPERTY BOUNDARY | (E) FIRE HYDRANT | (P) EASEMENT |
| (E) EASEMENT | (E) WATER VALVE | (W) (P) WATER LINE |
| (E) WATER LINE | (E) SUMP | (WS) (P) WATER SERVICE |
| (WS) (P) SEWER LINE | (E) ELECTRICAL TRANSFORMER | (S) (P) SEWER LINE |
| (SS) (P) SEWER SERVICE | (E) POWER METER | (SS) (P) SEWER SERVICE |
| (OH) (E) OVERHEAD UTILITY | (E) GAS METER | (P) ASPHALT |
| (E) BURIED POWER | (E) POWER POLE | (P) CONCRETE |
| (G) (E) GAS LINE | (E) GUY WIRE | (P) SEWER MANHOLE |
| (T) (E) TELEPHONE LINE | (E) DECIDUOUS TREE | (P) FIRE HYDRANT |
| (TV) (E) TELEVISION LINE | (E) CONIFEROUS TREE | (P) SUMP |
| (FO) (E) FIBER OPTIC LINE | | (P) CLASS II TREE (SPECIES TBD) |
| (X) (E) FENCE LINE | | |
| (E) MAJOR CONTOUR | | |
| (E) MINOR CONTOUR | | |
| (E) ASPHALT | | |
| (E) GRAVEL | | |
| (E) CONCRETE | | |



DATE	
REVISIONS	
DESIGNED: <u>DO</u>	
DRAFTED: <u>DO</u>	
CHECKED: <u>PF</u>	
DATE: <u>DEC 2020</u>	

1923 RIVER ROAD
WEST 1/2 OF LOT 9
COBBAN & DINSMORE'S ORCHARD HOMES #2
MISSOULA COUNTY

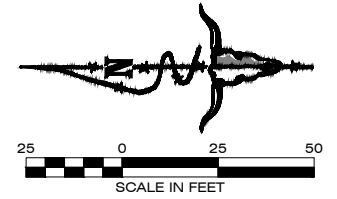
PREPARED FOR:
HOMES FOR MISSOULA, LLC.

RIVER VIEW SUBDIVISION
PROPOSED LAYOUT
SUPPLEMENTAL DATA SHEET

PROJECT NO.
21001296
SHEET:
2 OF 3

LEGEND

- | | | | | | |
|--|--------------------------------|--|----------------------------|--|---------------------------------|
| | (E) PROPERTY BOUNDARY | | (E) SEWER MANHOLE | | (P) PROPERTY LINE |
| | (E) ADJACENT PROPERTY BOUNDARY | | (E) FIRE HYDRANT | | (P) EASEMENT |
| | (E) EASEMENT | | (E) WATER VALVE | | (P) WATER LINE |
| | (E) WATER LINE | | (E) SUMP | | (P) WATER SERVICE |
| | (E) WATER SERVICE | | (E) ELECTRICAL TRANSFORMER | | (P) SEWER LINE |
| | (E) SEWER LINE | | (E) POWER METER | | (P) SEWER SERVICE |
| | (E) SEWER SERVICE | | (E) GAS METER | | (P) ASPHALT |
| | (E) OVERHEAD UTILITY | | (E) POWER POLE | | (P) CONCRETE |
| | (E) BURIED POWER | | (E) GUY WIRE | | (P) SEWER MANHOLE |
| | (E) GAS LINE | | (E) DECIDUOUS TREE | | (P) FIRE HYDRANT |
| | (E) TELEPHONE LINE | | (E) CONIFEROUS TREE | | (P) SUMP |
| | (E) TELEVISION LINE | | | | (P) CLASS II TREE (SPECIES TBD) |
| | (E) FIBER OPTIC LINE | | | | |
| | (E) FENCE LINE | | | | |
| | (E) MAJOR CONTOUR | | | | |
| | (E) MINOR CONTOUR | | | | |
| | (E) ASPHALT | | | | |
| | (E) GRAVEL | | | | |
| | (E) CONCRETE | | | | |



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DRAFTED: DO
CHECKED: PF
DATE: DEC 2020

WEST 1/2 OF LOT 9
COBBAN & DINSMORE'S ORCHARD HOMES #2
MISSOULA COUNTY

PREPARED FOR:

HOMES FOR MISSOULA, LLC.

RIVER VIEW SUBDIVISION

21001296

PROPOSED LAYOUT SUPPLEMENTAL DATA SHEET

2 OF 3

DWG LOCATION: I:\FILES\ACTIVE\PROJECTS\2021\21001206\DESIGN\CIVIL3_DRAFTING\1_DRAWINGS\AU\CAD\EXHIBITS\SUPP DA\A-2\1001206.DWG

Variance Request #1 –Right-of-way and street minimum widths, public street and road right-of-way standards, and parking lane requirements.

A variance from Sections 3-020 Table .2A, 3-020.3. C., and 3-020.4. N. proposing 45' minimum right-of-way width and 33' standard road width, proposing public street and road rights-of-way meet the standards in Table .2A, and proposing parking lane requirements on both sides of local residential streets and cul-de-sacs, respectively.

Rule (s):

3-020 Streets, Sidewalks, and Trails

Table .2 A (Low Density Local Residential Street)

Table .2 A Standards for Geometric Design of Roads and Streets			
Roadway Designation - City Functional Classification Map link	Local Residential Street	Low Density Local Residential Street (see also 12' parking lane; lots or greater than 80' lot average frontage)	Home Zones/Woonerf
Functional Classification	Local Street	Local Street	Local Street
Purpose	Access	Access	Access
Daily Traffic Volumes	0 - 250	0 - 250	0-250
Roadway			
Right-of-way (Minimum)	47'	45'	28'
Street Width (Back of Curb to Back of Curb) (minimum)	35'	33'	28'
Number of Travel Lanes (typical)	2	2	-
Lane Width (minimum)	10'	10'	12' - one way 16' - two way
Parking Lane Width (parallel)	7'	6'	-
Street Side			
Sidewalk Width (minimum)	5'	5'	-
Boulevard Width (minimum)	7'	7'	-
Bike Lanes	-	-	-
Trails	Trails are considered alternatives to sidewalks in certain areas and are preferred between cul-de-sacs and may be located outside the established street and road right of way corridor if they satisfy the Parks and Open Space trails criteria in 3-080.		
Buses	When development is adjacent to or within 1/4 mile of an established public transit or school bus route, subdivision may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities. Subdividers are encouraged to consult with the Missoula Urban Transportation District and Missoula County Public Schools early in the planning and design process.		
Landscaping	Streetside landscaping may include shrubs, ground cover, mulch, and irrigation and should incorporate xeriscape methods in accordance with Title 22, Chapter 12.02 Comprehensive Tree and Shrub Planting, Pruning, and Maintenance Regulations.		
Streetside Accessories	The City Engineer and subdivider will determine specific streetside accessory locations, types, and numbers during the design and permitting process.		
Utilities			

3-20 Streets, Sidewalks, and Trails

.3 Access, Rights-of-Ways, and Easements

C. Public street and road rights-of-way must meet the standards in Table .2A

3-020 Streets, Sidewalks, and Trails

.4 Street Design and Improvements

N. A parking lane is required on both sides of local residential streets and cul-de-sacs.

Request (s):

Approval of a proposed right-of-way width of 29.5 and proposed road width of 25.5' for Road A. Approval of variations from Geometric Design Standards of Roads and Streets presented in Table .2A. Approval of a single 7' parking lane on the western side of Road A.

Reason (s):

The proposed road will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements outlined in the City of Missoula Subdivision Regulations. The existing conditions of the property dictate the proposed road, and its ensuing dimensions, as the predominant practical design for a road in this subdivision. The slightly narrower design prioritizes safe, efficient, travel for both motorized and non-motorized traffic, and still adheres to the minimum setback standards for residential buildings outlined in the City of Missoula Subdivision Regulations. Ultimately, the goal for this subdivision is to help fill the much-needed demand for housing within Missoula, and proposed subdivision will be served by a Low Density Local Residential Street that meets all the requirements stipulated in the City of Missoula Subdivision Regulations with the exception of parking, road and Right-of-way (ROW) width, and turnaround design. The proposed unit design will accommodate detached garages which, combined with the single 7' proposed parking lane, will provide ample parking for all future residents living in the subdivision.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 1.) The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.*

The proposed road is designed to provide adequate traffic circulation and safe access to all proposed lots within the River View Subdivision. The granting of the road width, right of way width, and parking lane variances does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

- 2.) The conditions upon which the request for a variance is 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 particular shape of the proposed subdivision property development cannot be achieved without the use of the Road A design outlined in the Preliminary Plat. By utilizing that particular design for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.



- 3.) *Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict letter of these regulations are enforced.*

The proposed subdivision will be served by a road that allows safe access to all proposed lots within the subdivision. Enforcing the strict letter of the regulations would result in a hardship to the owner because no other means of motorized transportation infrastructure are feasible if the intuitive design and character of the subdivision is to be maintained.

- 4.) *The variances will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.*

This variance request will not violate the provisions of the City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 6.) *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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way nor any other road design to provide safe access for motorized and non-motorized transportation to future residents.



Variance Request #2 –Geometric Design of Roads and Streets and Dead-End Streets, Cul-de-Sacs, Circle Loops Streets, and turnarounds.

A variance from Sections 3-020.5.A, 3-020.5.B(3), 3-020.5.B(5), and 3-020.5.B(6) prohibiting the presence of Cul-de-Sacs, loop and circle streets, and turnarounds, prohibiting cul-de-sac streets from representing over 15% of total roadways in a subdivision, dictating that the minimum right-of-way of turnaround or cul-de-sac radius be at least 50 feet, and the dictating that the minimum pavement width of the turnaround or cul-de-sac radius be 45 feet, respectively.

Rule (s):

3-020 Streets, Sidewalks, and Trails

.5 Dead-End Streets, Cul-de-Sacs, and Circle and Loop Streets

A. Cul-de-sacs, loop and circle streets, and turnarounds, are prohibited. Dead-end streets are prohibited.

B. If approved by variance, the following standards apply:

(3) Permanent cul-de-sac streets may not represent more than 15% of the total roadway miles in a subdivision unless the Office of Planning and Grants Director, and the City Engineer determines that a practical difficulty exists due to the presence of streams, steep slopes, other natural resources or significant physical constraints. Connections must be made with existing roads or streets or planned roads or streets.

(5) The minimum right-of-way of the turn-around or cul-de-sac radius is 50 feet.

(6) The minimum pavement width of the turn-around or cul-de-sac radius is 45 feet.

Request (s):

Approval of a proposed hammer head turnaround for Road A which represents over 15% of total roadway miles in the proposed subdivision, has less than a 50ft turnaround radius right of way, and has less than a 45 ft turnaround radius pavement width. Please see proposed Road A on the Preliminary Plat.

Reason (s):

The proposed road will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements outlined in the City of Missoula Subdivision Regulations.

The existing conditions of the property dictate the proposed road, and its ensuing dimensions, as the predominant practical design for a road in this subdivision. The proposed turn-around will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements. The existing conditions of the property dictate the proposed hammerhead turnaround as the predominant practical design for subdivision ingress and egress. There is currently a subdivision directly adjacent to the east (Carter's Orchard Homes), a park directly adjacent to the west (Lafray Park), and rental properties directly adjacent to the south (JT Rental Properties) which allows for no further extension of a roadway and requires a turnaround be used as the transportation corridor for residents.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 1.) *The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.*

The proposed road is designed to provide adequate traffic circulation and safe access to all proposed lots within the River View Subdivision. The granting of the turnaround variance, complete with variations from total roadway miles, turnaround radius, and pavement width radius does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

A turnaround in the proposed subdivision aligns with other subdivisions in the area like the Carter's Orchard Homes which utilizes a cul-de-sac to provide residential access.

- 2.) *The conditions upon which the request for a variance is 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 particular shape of the proposed subdivision property development cannot be achieved without the use of the Road A design outlined in the Preliminary Plat. By utilizing that particular design for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.

- 3.) *Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict letter of these regulations are enforced.*

The proposed subdivision will be served by a road that allows safe access to all proposed lots within the subdivision. Enforcing the strict letter of the regulations would result in a hardship to the owner because no other means of motorized transportation infrastructure are feasible if the intuitive design and character of the subdivision is to be maintained.



- 4.) *The variances will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.*

This variance request will not violate the provisions of the City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 6.) *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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way nor any other road design to provide safe access for motorized and non-motorized transportation to future residents.

The following 8 points address the specific standards for the turnaround components of the variance listed above. The specific components from *Section 3-020.5.B* included in this variance request are highlighted below:

- 1.) *Where additional future street extension is proposed, a temporary turn around or cul-de-sac must be provided.*
 - a. **No future street extensions are proposed with this subdivision.**
- 2.) *Cul-de-sacs and turnarounds must meet the requirements of the City Engineer and Fire Chief.*
 - a. **The proposed turnaround (currently Road A) will meet both the City Engineer and Fire Chief requirements. The City Engineer and Fire Chief will have the opportunity to comment during the agency review period.**
- 3.) *Permanent cul-de-sac streets may not represent more than 15% of the total roadway miles in a subdivision unless the Office of Planning and Grants Director, and the City Engineer determines that a practical difficulty exists due to the presence of streams, steep slopes, other natural resources, or significant physical constraints. Connections must be made with existing roads or streets or planned roads or streets.*
 - a. **The intuitive design of the proposed subdivision mandates the presence of roadway access to residential lots. The existing conditions of the property dictate the proposed turnaround as the predominant practical design for subdivision ingress and egress. There is currently a subdivision directly adjacent to the east (Carter's Orchard Homes), a park directly adjacent to the west (Lafray Park), and rental properties directly adjacent to the south (JT rentals) which allows for no further extension of a roadway and requires a hammerhead turnaround.**



4.) *The maximum length of a cul-de-sac street must not be more than 600 feet.*

a. **The distance from River Road to the southern terminus of the proposed cul-de-sac is just over 300'.**

5.) *The minimum right-of-way of the turn-around or cul-de-sac radius is 50 feet.*

a. **The 'T' style, or 'hammerhead', turn around will provide an efficient transportation corridor for utility service providers, residents, and emergency services. The minimum right-of-way and pavement width for cul-de-sac radii are based on traditional, circular, turn-around design. The existing conditions of this property and surrounding properties prohibit a traditional, circular, design. The dimensions of the proposed turn-around adheres to all of the principles driving the dimensional standards for circular cul-de-sacs but doesn't adhere to radius variance standards because those standards are designed to ensure cul-de-sacs can serve as safe, efficient, means of transportation. The proposed turnaround for this property has 20 ft widths on the eastern and western edges. The entire length of the turn-around is 120 ft with a turnaround radius of 21.5 ft in the center of the cul-de-sac. There are snow storage areas directly adjacent to the eastern and western edges of the turn-around, and ample room for emergency services access based on the length, width, and radius provided above.**

6.) *Cul-de-sacs over 45 feet in radius must include a water permeable center island.*

a. **The proposed turnaround has an intuitive design determined by the existing conditions of the proposed subdivision and surrounding area. The hammerhead design accommodates the layout of the property and will provide ample space for emergency services and adequate, safe, residential traffic circulation. The proposed turnaround has a pavement width of 20 ft and pavement length of 120 ft. The proposed turn-around radius has a pavement width of 21.5 ft. These dimensions allow for adequate, safe, residential traffic circulation and provide room for snow removal areas and emergency service turnarounds.**

7.) *Cul-de-sacs over 45 feet in radius must include a water permeable center island. The proposed turnaround does not exceed 45 feet in radius. This specific standard is not applicable for the proposed turn around.*



- 8.) *Development with cul-de-sacs, circle and loop streets, or turnarounds must provide non-motorized access easements that connect the ends of these streets with each other or provide non-motorized access to existing or reasonably expected future streets, schools, shopping, parks, trails, or open space, bus stops and community facilities.*
- a. **The proposed turnaround dead ends at the southern end of the property which is directly adjacent to the east of Lafray Park. Non-motorized transportation infrastructure, 5' sidewalks, are proposed to connect the southern end of proposed Road A with Lafray Park.**



Variance Request #3 –Lots and Blocks

A variance from Sections 3-030.2.A (2) proposing blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Rule (s):

3-030 Lots and Blocks

.2 Blocks

A. Blocks must be designed to assure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists and transit users as well as motor vehicles, and to take advantage of the opportunities or to mitigate the limitations of the topography. Specifically:

(2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Request (s):

Approval of a proposed block length of 638.4 ft.

Reason (s):

The proposed block length is designed to assure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists, and transit users as well as motor vehicles and to take advantage of the opportunities and limitations of the specific property. The existing conditions of the property dictate the longer block length to accommodate the proposed number of lots for the subdivision. Ultimately, the goal for the subdivision is to help fill the much-needed demand for housing within Missoula, and the proposed 19 lots serve to accomplish that goal while adhering to the City of Missoula Subdivision Regulations except for the total block length of 480 feet.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 1.) The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.*

The proposed block length is designed to insure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists, and transit users as well as motor vehicles and to take advantage of the opportunities and limitations of the specific property. The granting of the increased block length does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

- 2.) The conditions upon which the request for a variance is 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 particular shape of the proposed subdivision property development cannot be achieved without the increased block length. By utilizing the longer block length for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.

- 3.) *Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict letter of these regulations are enforced.*

Enforcing the strict letter of the regulations would result in a hardship to the owner because no other proposed block lengths are feasible if the intuitive design and character of the subdivision is to be maintained.

- 4.) *The variances will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.*

This variance request will not violate the provisions of the City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 6.) *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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for any other block length while still providing safe access for motorized and non-motorized transportation to future residents.






Variance Request #4 –Standards for Geometric Design of Roads and Streets

A variance from Sections 3-020 Table .2A and 3-020.3.H.(2) proposing the minimum Right-of-way width for Urban Collectors (without Parking) and subdivision abutting existing or proposed streets must provide dedication of right-of-way to meet the requirements of Table .2A.

Rule (s):

3-020 Streets, Sidewalks, and Trails

Table .2 A (Urban Collector Without Parking)

Table .2 A Standards for Geometric Design of Roads and Streets			
Roadway Designation - City Functional Classification Map link	Minor Arterial (with parking)	Urban Collector (without parking)	Urban Collector (with parking)
Functional Classification	Minor Arterial	Collector	Collector
Purpose	Regional	Access	Access
Daily Traffic Volumes	3,500 - 15,000	1,000 - 7,500	1,000 - 7,500
Roadway			
Right-of-way (Minimum)	100'	80'	90'
Street Width (Back of Curb to Back of Curb) (minimum)	57' with turn lane 47' without turn lane	41' with turn lane 31' without turn lane	57' with turn lane 47' without turn lane
Number of Travel Lanes (typical)	2+ center turn lane or 2 lanes	2+ center turn lane or 2 lanes	2+ center turn lane or 2 lanes
Lane Width (minimum)	10'	10'	10'
Parking Lane Width (parallel)	8'	-	8'
Street Side			
Sidewalk Width (minimum)	6'	5'	5'
Boulevard Width (minimum)	10'	7'	7'
Bike Lanes	6'	5'	6'
Trails	Trails are considered alternatives to sidewalks in common areas and connectors between cul-de-sacs and may be located outside the established street and road right of way corridor if they satisfy the Parks and Open Space trails criteria in 3-080.		
Buses	When development is adjacent to or within 1 mile of an established public transit or school bus route, subdivision may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities. Subdividers are encouraged to consult with the Missoula Urban Transportation District and Missoula County Public Schools early in the planning and design process.		
Landscaping	Streetside landscaping may include shrubs, ground cover, mulch, and irrigation and should incorporate verticope methods in accordance with Title 12, Chapter 12.32 Comprehensive Tree and Shrub Planting, Pruning, and Maintenance Regulations.		
Streetside Accessories	The City Engineer and subdivider will determine specific streetside accessory locations, types, and numbers during the design and permitting process.		
Utilities			
Refer to Article 3, Section 3-050 for utility placement within right-of-way and easements.			
Illustration (not to scale)			

3-020.3. H. (2) Access Control

Subdivisions abutting existing or proposed streets and roads must provide dedication of right-of-way to meet the requirements of Table .2A measured from the existing center line and extending along the entire frontage of the proposed subdivision.

Request (s):

Approval of a proposed right-of-way width of 60' for River Road, an Urban Collector (without parking), and approval for the proposed subdivision which abuts the existing River Road not to meet the requirements outlined in Table .2A.

Reason (s):

River Road currently provides adequate, safe, transportation options to residents and emergency services utilizing the area without meeting the Right-of-way width and Street Side infrastructure requirements outlined in Table .2A of Missoula City Subdivision Regulations. The proposed subdivision will improve the frontage connection onto River Road with the necessary Street Side infrastructure including sidewalk and boulevard, and the existing 60' right-of-way width will provide adequate, safe, transportation options to both future residents of the proposed subdivision and current residents in the area.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 1.) The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.*

River Road currently provides adequate, safe, transportation options without meeting all of the requirements outlined for Urban Collectors (without parking) in Table .2A of the Missoula City Subdivision Regulations. The granting of the Right-of-Way width, and Table .2A standard variances does not result in a threat to public safety, health, or welfare, nor is it injurious to other persons or property.

- 2.) The conditions upon which the request for a variance is 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 conditions of River Road currently provide adequate, safe, access to residents in the area without meeting all of the standards outlined in Missoula City Subdivision Regulations .2A. Additionally, the proposed subdivision is bounded by River Road, rental properties, an existing subdivision, and a public park on all sides. The proposed subdivision will improve Street Side infrastructure along the frontage of River Road which will only serve to improve transportation options in the area.



- 3.) *Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict letter of these regulations are enforced.*

River Road currently provides adequate, safe, transportation options without meeting all of the requirements outlined for Urban Collectors (without parking) in Table .2A of the Missoula City Subdivision Regulations. Requiring the owner to adhere to the strict letter of Missoula City Subdivision Regulations would result in undue hardship to the owner because the proposed subdivision will improve transportation options in the area by improving Street Side infrastructure along it's River Road frontage, and the current 60' Right-of-Way width provides safe adequate access to residents in the area.

- 4.) *The variances will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.*

This variance request will not violate the provisions of the City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 6.) *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. The property is bounded by River Road, rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way to provide safe access for motorized and non-motorized transportation to the proposed subdivision.

