ZONING APPLICATION

TLK Properties LLC
9772 Waldo Road, Missoula MT 59808

A Proposed Rezoning: Unzoned to C-C2
Lot 1 of the Denbeyker Subdivision, a Subdivision in Missoula County, located in the South Half of Section 16, Township 14 North, Range 20 West, Principal Meridian, Montana

TLK Properties LLC
TLK.propertiesmt@gmail.com
(406) 544-2651
Components of Rezoning Packet
TLK Properties LLC

Missoula Rezoning Application
Maps
Project Summary and Primary Review Criteria Report
Attached Documents
- Meadows West Declarations of Approved Conditions Covenants and Restrictions 1986
- Denbleyker Subdivision Department of Environmental Quality. 2009
- Covenants for Denbleyker Subdivision. 2009
- Denbleyker Subdivision Approval Letter. 2009
- Missoula City Development Services. Re: sewer
- County Approval Meadowlark Storage Building for Rent or Lease. 2018
COUNTY REZONE APPLICATION

A. GENERAL INFORMATION
1. One submittal packet is required for Completeness/Sufficiency Review.

2. Once the application is deemed complete by CAPS, 18 submittal packets and the application fee shall be submitted. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.

3. Name of proposed Rezone: TLK Properties LLC, Unzoned to C-C2

4. Name(s) of Applicant: Taylor Tillman
   Mailing Address: 2023 Raymond Ave., Missoula, MT 59802
   Telephone Number: 406-544-2651
   Email Address: TLK.PropertiesMT@gmail.com

5. Name(s) of Owner of Record: TLK Properties LLC
   Mailing Address: 1001 E. Broadway #613, Missoula, MT 59802
   Telephone Number: 406-544-2651
   Email Address: TLK.PropertiesMT@gmail.com

6. Name and Company of Representative:
   Mailing Address:
   Telephone Number:
   Email Address:

7. 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.

[Signature]
Applicant's Signature

[Signature]
Owner's Signature

September 2, 2010
B. SUBJECT PROPERTY INFORMATION
General location of subject property and address (if address has been assigned): 9772 Waldo Road, Missoula, MT 59808 - Waldo Road and Hwy 93
Legal Description - complete and unabridged:
Township, Range, Section(s): Township 14 N, Range 20 West, South half of section 16
Subdivision, Lot(s), Block(s): Lot 1 of the Denblyker Subdivision, Missoula County
Tract(s), COS#:
Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above):
Geocode: 04-2325-16-4-01-01-0000

C. ZONING AND GROWTH POLICY INFORMATION
1. Complete the following table (where applicable, indicate Unzoned):

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent (North)</td>
<td>Unzoned</td>
<td>Residential</td>
</tr>
<tr>
<td>Adjacent (South)</td>
<td>C-R2</td>
<td>Residential and Office</td>
</tr>
<tr>
<td>Adjacent (East)</td>
<td>Unzoned</td>
<td>Residential</td>
</tr>
<tr>
<td>Adjacent (West)</td>
<td>Unzoned</td>
<td>Residential</td>
</tr>
</tbody>
</table>

2. What is the current zoning of the property? Unzoned

3. What is the requested zoning for the property? C-C2

4. What is the applicable comprehensive plan and land use designation for the property? 2019 Land Use Element - Adopted June 6, 2019 Missoula County, Commercial Center

5. What is the intended use for the property? Mini storage approved but need commerical zoning for an office and any new development regulated by the proposed zoning.

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE MISSOULA COUNTY ZONING RESOLUTION

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

1a. Whether the zoning is made in accordance with a growth policy;
1b. Whether the use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;
1c. Whether the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Resolution;
1d. Whether the zoning is compatible with the zoning ordinances of nearby municipalities;

The proposed C-C2 zoning meets the criteria for the Growth Policy adopted by Missoula County in April, 2019. The land use design guidelines suggest commerical development. This designation, C-C2, provides for the conduct of retail trades and services, including mini storage that are automotive and highway-orientated for commerical uses of low intensity. The proposed designation would enhance the Wye area with services for present and future growth. It is a logical extension of the previously C-C2 zoned Wye corridor immediately southeast of the lot. This zoning is consistent in fulfilling the purpose.

September 2, 2010
of the resolution while meeting the growth plan criteria. The neighboring zoning is compatible with the
ordinances of nearby municipalities.

2a. Whether the zoning is designed to secure safety from fire and other dangers
2b. Whether the zoning is designed to promote public health, public safety and the general welfare
2c. Whether the zoning provides adequate light and air;
2d. Whether the use will not adversely affect nearby properties or their occupants;

The proposed zoning will not adversely affect nearby properties or their occupants, emergency
services, municipal facilities or established infrastructure. The area is supported by the Frenchtown
Rural Fire District. There is a new and improved driveway from Waldo Road and an agreement with
MDT to improve the access from Hwy 93 next year. There is a new pedestrian path along the southern
edge of the lot. No negative impacts are anticipated to motorized or non-motorized transportation
systems. Any light and air pollution issues were addressed by the commissioners during approval for
Medadowlark Storage on August 2, 2018. The property is outside the air stagnation zone but have
agreed to use asphalt milling surfacing for dust abatement. The adopted lighting design limits light
trespass and minimizes the impact to neighbors. The proposed zoning is thought to improve and protect
public health and safety as well as adjacent properties from unforeseen development that could
adversely take place on unzoned land.

3a. Whether the zoning considers the promotion of compatible urban growth in the vicinity of cities and
towns that at a minimum must include the areas around municipalities;
3b. Whether the zoning is designed to facilitate the adequate provision of transportation, water,
   sewerage, schools, parks, and other public requirements;
3c. Whether the zoning considers the effect on motorized and non-motorized transportation systems;
3d. Whether the zoning considers the availability of public utilities and services;

The C-C2 zoning regulation offers flexibility to detail the development of the land in conjunction
with surrounding properties. There are no public bus facilities and public water is five miles away.
However shared Williams water is nearby and a sewer main is stubbed onto the property. The
Frenchesstown School District provides buses. There is a new public pedestrian path adjacent to the lot
which terminates at the property. The C-C2 General Commercial Zoning designation is appropriate for
this lot as it refers specifically to retail trades which are "highway orientated".

4a. Whether the zoning considers the character of the district and its peculiar suitability for particular
   uses;
4b. Whether the zoning considers the location, character and natural features of the property and
   surrounding properties;
4c. Whether the zoning considers vegetation, topography, and natural drainage;
4d. Whether the use meets overall density, yard, height, and other requirements of the zone in which it
   is located;

The property is located at the intersection of two busy throughfares, Waldo Road (Frenchtown
Frontage Road) and US Hwy 93. Therefore it complies with the intent of automotive and highway
oriented businesses. This property is within the corridor of the Wye with truckstops, RV parks, auto
sales, garages, restaurants, casinos and hotels. The proposed zoning, C-C2, would be a logical
designation based on the existing retail, history of intent for the lot and highway access. There are more
commercial properties along US Hwy 93 going north including another RV park and equipment sales.
There is no significant vegetation (only grass & weeds), is relatively flat and the natural drainage has
been addressed by the WGM engineers along with MDT. The use meets density yard and height
requirements and provides a variety of options for future development.

5a. Whether the zoning conserves the value of buildings and encourages the most appropriate use of
   land throughout the jurisdictional area;
5b. Whether the zoning considers non-economic situations which prevent the utilization of the property
for the full range of uses allowed in that zone;
5c. Whether the zoning considers site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;
The proposed zoning encourages easy public access which is provided by two approaches, Waldo Road and US Hwy 93, as noted on the Right of Way Agreement with MDT. The City of Missoula installed a sewer main with a manhole and a 6" stub to the property line. The city does not allow a sewer connection to an office unless the property is zoned. A connection to the infrastructure will result in the appropriate use of the property. The lack of a sewer actually prevents the full utilization of the property, therefore, connection to sewer and zoning should be seen as beneficial to this area. The Denbleyker Covenants (2009) and the approval for the proposed Meadowlark Storage facility include plans for fencing, landscaping, lighting and parking. The zoning C-C2 limits parcel area, lot area setbacks and building height.

6a. Whether the zoning considers expressed public opinion on the above consideration;
6b. Whether the zoning considers recommendations of the Zoning Officer.

Public opinion and recommendations of the zoning officer are requested and evaluated during the staff and governing body review portions of the rezone process.

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 zoning map of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
☐ An aerial photo of the subject property and vicinity extending at least 300 feet from the property boundaries.
☐ A 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.
☐ The current plat of the subject property.
The local street network disperses traffic through a well-connected grid system, or an irregular topology depending on the neighborhood's needs. Major arterial and collector roads are in a traditional grid pattern, or an irregular pattern depending on the neighborhood's needs. Movement crossings are needed when vehicle speeds and traffic volumes increase, non-continuous sidewalks, and pedestrian facilities. Additional separation for traffic calming and parking restraint facilities. Additional separation for traffic calming and parking restraint facilities. Although specific land uses on these roads may be auto-oriented, a variety of modes should be accommodated along arterial roads and near interchange infrastructure.

**MObILITY AND ACCESS**

The ability to achieve higher densities may be limited by the considerations such as lot size, water, and sewers. Residential density is critical when the area of greater containing interconnected to public sewer and water systems. The buildings range from small (less than 1,000 square feet) to large (8,000 square feet or more). Equally, small buildings are spread with a minimum distance from streets and lot lines. Vertically mixed-use is possible over building density. The area is expected to redevelop and experience initial repositioning to a more retail use. The buildings are typically single-use or small to large shopping centers.

**CHARACTER**

Secondary uses may include residential, service, and land use primarily consists of auto-oriented retail, lodging, office, food service, and

**LAND USES**

- Provides for a mix of primarily commercial and higher intensity residential choices in a well-connected, walkable pattern.
- Provides opportunities for retail, service, and employment.

**GOALS**

- Commercial Center is 540 acres, 0.4% of the planning area.
SUMMARY

The owner of this property is TLK Properties LLC. The Zoning Application is proposed to move Unzoned property into the C-C2 General Commercial Zoning.

The subject property, Lot 1 of the Denbleyker Subdivision, a Subdivision in Missoula County, located in the South Half of Section 16, Township 14 North, Range 20 West, Principal Meridian, Montana, was created in 2009 with Lot 1 proposed for commercial use. The property is approximately 9.75 acres.

The property is currently Unzoned, approved for Meadowlark Storage, Buildings for Rent or Lease (August 13, 2018). There are no structures and the land is non-irrigated, undeveloped pasture land.

The timeline below outlines the history of the property leading up to this zoning request:

1986:
Meadows West. Declaration of approved conditions, covenants and restrictions. (Bk 238, Pg 1040). Commercial use and development shall be permitted on 10 acres in the east half of Tract 74.

2009:
Approval of the Denbleyker Subdivision. Department of Environmental Quality Document. (Bk 833,Pg 436). That Lot 1 shall be used for commercial development using the guidelines from the 1979 Wye/O'Keefe Creek plan goal to provide commercial uses along a major or primary travel corridor.

Covenants for Denbleyker Subdivision (Bk 833, Pg 439). Lot 1 is anticipated to be utilized for commercial use.

Denbleyker Subdivision Approval Letter (Bk 833, Pg 435). The developer proposes a commercial use for Lot 1.
MDT Approach from Highway 93 (Bg 215, Pg 1408). Reserved ingress and egress right of 60’.

2016:
Right-of-Way Agreement. (Bk 974, Pg 488 and 489). Signed with MDT to accommodate the reconstruction of Waldo Road and the associated pedestrian path.

2018:
Deed of Trust; (Bk 999, Pg 323). Dated and recorded July 6, 2018. Lot 1 of the Denbleyker Subdivision purchased by TLK Properties LLC.


Missoula City Development Services. Sewer stub approval letter states, “It is assumed at this time, based on the planned uses of these lots, that Lot 1 shall be zoned prior to connection…”

Sewer Stub Availability. (Bk 997, Pg 366). A 6” stub was installed to the property line in October.

MDOT Right-of-Way Agreement. A 24’ private approach from Waldo Road was built and completed in June 2019.

2019:
MDOT Right-of-Way Agreement. Build a private approach from Hwy 93 during highway reconstruction anticipated to begin in 2020/2021.

REVIEW CRITERIA

Impact on Agriculture

The subject property contains soils that fall into the soil groups of farmland of local importance. There is no dedicated irrigation water available. The lot is a mixture of some native grasses and noxious weeds. A single cutting of low quality hay has been harvested in some years. There is no anticipated agricultural use for the future. There are no impacts to ditches or water rights and none anticipated in the future.
Impact on Natural Environment

The subject proposed zoning is located immediately north of the commercially intensive Wye area west of Missoula. The rezoning property is situated at the corner of two busy roadways and is surrounded by residential developments, one office and an RV Park. The property has no significant natural features, native plant life, wildlife, wildlife habitat, riparian habitat or natural resources. Exception: Western Meadowlarks. Per FWP data, no species of concern are located on the subject property.

Weeds are controlled by pulling or approved spraying.

Regulating the use of this property through zoning will be of benefit to the natural environment.

Impact of Wildlife ad Wildlife Habitat

Since the surrounding neighborhood consists of residential and heavy traffic use along Highway 93 and Waldo Road, there will be no further adverse impact on wildlife beyond current impact. Nearby species that could occasion the property are deer, birds, snakes and small rodents. There will be no wildlife habitat impacted beyond the current level of impact so no habitat mitigation is needed or proposed.

Impacts on Public Health and Safety

The proposed rezoning property is not located near any known existing hazards such as high pressure gas mains, overhead high voltage power transmission lines, superfund or hazardous waste sites, sewage treatment plants, high seismic hazard, open mines, meat packing plants or other health safety concerns.

Any increase in traffic can easily be accommodated with the newly constructed/improved Waldo Road and the proposed reconstruction and widening of Hwy 93.

For a commercial development, and to address seasonal runoff and storm water flows, a grading and drainage plan was prepared by WGM engineers. On-site water management consists of storm water drains, a detention pond in the northwest corner, and swales. This engineered water management design for the proposed Meadowlark
Storage development was incorporated into the BFLR request and subsequent approval by the Board of County Commissioners (BCC) on August 2, 2018.

Seasonal stormwater runoff along the south property line will be kept as close as possible to the historic channel, DEQ MS4 Waterway #30, with a swale along the Lot's southern boundary.

Regulating the property through General Commercial C-C2 Zoning will allow for future consideration of impacts to health and safety which is an improvement to the current unzoned designation.

**Community Impact Report and Impact On Local Services and Roads**

The proposed zoning may create more traffic but will also potentially create needed services and jobs for the community. The property is already serviced by recently reconstructed public roads, has easy accessibility from the roadways, public sewer, school buses, and rural fire protection. The General Commercial C-C2 will have a positive impact that fits the existing character of the surrounding area and profile for current commercial use. This rezoning meets guidelines and land use designation suggested and recently adopted by the Missoula Area Land Use Element (June 6, 2019).
AMENDMENTS TO DECLARATION OF RESTRICTIVE COVENANTS
OF THE MEADOWS AND MEADOWS WEST

THIS AMENDMENT, made this 10th day of APRIL, 1986, by the undersigned, owners of certain tracts in The
Meadows and Meadows West, Missoula County, Montana.

WITNESSETH:

WHEREAS, Declarants have placed protective restrictions,
covenants and conditions on The Meadows and Meadows West,
Missoula County, Montana, recorded at Volume 129, Page 717
and at Volume 140, Page 747, records of Missoula County, Montana.

WHEREAS, the Declaration of Restrictive Covenants may be
amended by the owners of tracts in The Meadows and Meadows
West, and

WHEREAS, it is the desire of these owners to amend cer-
tain provisions of said Declaration of Restrictive
Covenants, and

WHEREAS, these amended restrictive covenants and con-
ditions shall apply to all tracts in The Meadows and Meadows
West with the exception of Tracts 31, 37, 39, 40, 41, 42,
43, 44, 45, 78 and 1C and 1D. Commercial use and develop-
ment shall be permitted on ten (10) acres in the east half
of Tract 74 and on Tracts 7A and 7B, but these tracts shall
otherwise be subject to all other restrictive covenants and
applicable land use regulations, and

WHEREAS, these amendments do not alter any legal obliga-
tion of the Declarant Developers to tract owners arising
before these amendments are effective, unless expressly
agreed otherwise by the tract owners,

NOW, THEREFORE, the following provisions of the
Declaration of Restrictive Covenants of The Meadows and
Meadows West shall be amended to read as follows:

[Amendments to Provisions are Underlined]

Article II, Section 1: Land Use. All tracts in the
above described property shall be used for residential pur-
poses only except as hereinafter provided. No tract shall
be subdivided so that any residential site contains fewer
than two (2) acres without the prior approval of the
Architectural Control Committee. Any division of land
TO: County Clerk and Recorder  
     Missoula County  
     Missoula, Montana  

E.Q. #09-1453  
HD #Sub 1008  
Owner: Denbleyker  

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Denbleyker Subdivision located in the SE 1/4 of Section 16, Township 14 N., Range 20 W., PMM, Missoula County, consisting of two lots has been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT lot 1 shall be used for commercial development and lot 2 shall be used for one single family dwelling, and,

THAT the individual water system serving each lot will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of approximately 100 feet, and,

THAT each individual sewage treatment system will consist of a septic tank and subsurface drainfield (evapotranspiration absorption system) of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield (evapotranspiration absorption system) shall be constructed as designed using an application rate of 0.15 gallons per square foot per day for soil infiltration, and,

THAT the water and sewer systems serving the commercial facility on lot 1 shall not service more than 24 people for more than 60 days per year, and,

THAT acceptance of a deed for a lot in this subdivision shall constitute:

1. assent by the owners of the lot to waive the right to protest an RSID or SID affecting said property for the purpose of financing the design and construction of a public sewer benefiting said property; and

2. an agreement whereby the owner(s) shall connect to public sewer within 180 days after public sewer is installed and available in the public right of way adjacent to the property. This waiver shall run with the land and shall be binding on the transferees, successors, and assigns of the owners of the land described herein. All documents of conveyance shall refer to and incorporate this waiver, and,

THAT the commercial establishment on Lot 1 shall not dispose of hazardous/deleterious waste substances in this on-site waste disposal systems.

THAT the bottom of the drainfield (evapotranspiration absorption system) shall be at least four feet above
Montana Department of
ENVIRONMENTAL QUALITY

P.O. Box 200981 - Helena, MT 59620-8981 • (406) 444-2544 • www.deq.mt.gov
November 18, 2008

Janet Grove PE
WGW Group Inc
P.O Box 16027
Missoula MT 59808

RE: Denleyker Subdivision
Missoula County
E.Q. #09 1453

Dear Janet Grove:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Steve Kilbreath, Supervisor
Subdivision Review Section

WGM GROUP, INC

cc: County Sanitarian
    County Planning Board
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
DENBLEYKER SUBDIVISION

This Declaration entered into this 24th day of December, 2008 by Debra Denbleyker, the owner of the property described below and hereinafter referred to as the Declarant.

A. Declarant is the owner of Lots 1 and 2 of Denbleyker Subdivision, a platted subdivision of Missoula County, Montana, according to the official recorded plat thereof.

B. Lot 1 of Denbleyker Subdivision is anticipated to be utilized for commercial use, with Lot 2 of Denbleyker Subdivision anticipated to be utilized for residential use.

C. Declarant desires to place beneficial covenants, conditions and restrictions upon Lots 1 and 2 of Denbleyker Subdivision for the use and benefit of Declarant and for the use, benefit and protection of the future owners thereof.

NOW, THEREFORE, Declarant hereby declares that all the property described above shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property by providing a reasonably uniform plan as a desirable development. These covenants, conditions, and restrictions shall run with the real property and shall be binding upon all owners thereof, and shall inure to the benefit of and be binding upon each successor in interest to the owner thereof.

ARTICLE I
DEFINITIONS

Section 1. Properties. “Properties” shall mean and refer to that certain real property in said Denbleyker Subdivision.

Section 2. Lot. “Lot” shall mean and refer to any plot of land shown upon the recorded plat map of the real estate, which is subject to this Declaration. If any plot other than a lot as shown on the recorded
D. PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:
1. This subdivision will be served by Northwestern Energy, Missoula Electrical Cooperative, and Qwest telephone service.

2. Utility lines are located within the public right-of-way of Highway 93 and Waldo Road and the private right-of-way of George Cates Boulevard bordering the subject property.

Conclusions of Law:
1. Utility services and easements for utilities are available to this subdivision.

E. PROVISION OF LEGAL AND PHYSICAL ACCESS

Findings of Fact:
1. Highway 93, Waldo Road, and George Cates Boulevard provide legal and physical access to the subdivision.

2. Lot 1 can be accessed from Highway 93 and Waldo Road.

3. Lot 2 shall be accessed from George Cates Boulevard.

Conclusions of Law:
1. The proposal meets physical and legal access requirements.
FINDINGS OF FACT AND CONCLUSIONS OF LAW
DENBLEYKER SUBDIVISION
MARCH 5, 2008

A. ZONING AND COMPREHENSIVE PLAN COMPLIANCE

Findings of Fact:
1. The subject property is unzoned and is vacant.

2. The 1979 Wye/O'Keefe Creek Plan amendment to the 2002 Missoula County Urban Growth Policy designates the property as Residential, one dwelling unit per five acres. Surrounding adjacent uses are residential, agricultural, Bed and Breakfast Inn, and RV Park.

3. The developer proposes a commercial use for Lot 1. The commercial use conflicts with the residential land use recommendation in the 1979 Wye/O'Keefe Creek Plan.

Conclusions of Law:
1. The proposed subdivision does not comply with the comprehensive plan’s recommended residential land use designation for this area. However, this subdivision may meet the 1979 Wye/O’Keefe Creek Plan goal of providing commercial uses along a major travel corridor.

2. Missoula County Subdivision Regulations require that subdivisions be reviewed for compliance with the Comprehensive Plan. Due to changes in state law, no land use proposal shall be conditioned or denied based solely upon the lack of compliance with the Growth Policy. For that reason, no conditions are recommended based upon failure to comply with the Growth Policy or its amendments.

B. PRIMARY CRITERIA COMPLIANCE

CRITERION 1: EFFECTS ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

Findings of Fact:
1. The property has been used for agriculture. It has been cropped for hay. The soil is classified by the Natural Resources Conservation Service (NRCS) as “Farmland of Local Importance.”

Conclusions of Law:
1. The subdivision will result in an incremental loss of farmland designated by soil type as “Farmland of Local Importance.”

2. No impacts to agricultural water users are anticipated.

CRITERION 2: EFFECTS ON LOCAL SERVICES

Roads/Driveways/Primary Travel Corridor

Findings of Fact:
1. The property is bordered by Highway 93, Waldo Road, and George Cates Boulevard. No new streets are proposed.

2. Lot 1 has a reserved ingress and egress right to have one at-grade road approach onto Highway 93 by the Montana Department of Transportation. This 60-foot access is granted per Book 215 Page 1408. A one-foot No Access Strip is on the face of the plat to prevent any additional access to Highway 93. Lot 1 could also be accessed from Waldo Road.
March 16, 2018

Debra DenBleyker
PO Box 111
Stevensville, MT 59870

Re: Sewer Stub Letter – Lot 1 & 2 of the DenBleyker Subdivision
Subject File No. 191.10.02 Sewer Availability Notification

Dear Debra:

City of Missoula public sanitary sewer is available to be stubbed to the property commonly known as Lot 1 and Lot 2 of the DenBleyker Subdivision, and is located in the S 1/2 of Section 16, T14N, R20W, P.M., M. These lots are hereby authorized to receive one sewer stub each from the gravity main F located in Waldo Road and constructed with the Wye Area Sanitary Sewer Phase 2B RSID No. 8489 Project.

These properties are within the City of Missoula Wastewater Facilities Service Area Boundary and therefore, sanitary sewer capacity is available (including main size, lift station size, and plant capacity). The sanitary sewer system has adequate capacity to accommodate the future extension.

The current development proposal for Lot 1 and Lot 2 are storage units and single family residential, respectively.

When ready to proceed with sanitary sewer stub installation, please arrange the following:

1. Arrange for a City licensed and bonded contractor to obtain the necessary excavation permits (City required and also County if applicable) and perform the installation of the sewer stubs.

2. Prior to construction startup, verify information regarding depth and location of the sewer lines with this office.

3. A deed restriction shall be placed on Lot 2 for the use of Lot 1 sewer stub. The City of Missoula understands that these lots are currently in your ownership but are also under current buy/sell agreements.

Prior to eventual connection to structures on these lots, please complete the following:

1. Obtain a sewer availability letter from the City Engineer.
2. Prior to connection of sewer, the property owner must pay the necessary sanitary sewer connection fees and sign the appropriate legal documents (if applicable).

3. Arrange for a City licensed and bonded contractor to obtain the necessary excavation permits (City required and also County if applicable) and perform the installation of the sewer connections.

4. This property is also outside the City’s incorporated boundary and the City cannot legally provide sanitary sewer in the future unless the property owners execute a sewer service or development agreement and a petition for annexation.

5. The lots must be addressed.

6. **It is assumed at this time, based on the planned uses on these lots, that Lot 1 shall be zoned prior to connection** and Lot 2 does not require a zoning designation as its planned use is single family residential.

7. A sewer service line easement shall be filed across Lot 2 for the use and benefit of Lot 1 sewer service line.

This letter is valid for **180 days after the date above unless changes to sanitary sewer policy occur at the legislature. This letter is also deemed transferrable to a new owner as the lots are currently under buy/sell agreements.**

Sincerely,

[Signature]

Kevin J. Slovanyo, P.E.
City Engineer

KJS

c: Pat Brook
Elena Evans
Jane Plummer
MEADOWLARK STORAGE BUILDINGS FOR LEASE OR RENT

Dear Mr. Tillman,

This is to confirm that at the public meeting on August 2, 2018, the Board of County Commissioners approved the Meadowlark Storage buildings for lease or rent project proposed on Lot 1 of the Denbleyker Subdivision, as represented in the applicant packet and amended by the revised layout received July 24, 2018 included as Attachment C to the staff report, subject to the conditions attached to this letter. The reasons for the decision, including the imposition of any condition of approval, may also be found in the attached document entitled “Findings of Fact and Conclusions of Law.”

If you wish to appeal this decision or the imposition of any condition, you must follow the procedure established by M.C.A. §76-8-113(2) which states as follows:

“An applicant who has filed an application for the creation of buildings for lease or rent or a landowner with a property boundary contiguous to the tract on which the buildings are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the decision of the governing body, appeal to the district court in the county in which the property involved is located.”

The statute includes the applicant within the definition of an aggrieved party. Please contact our office at (406) 258-4877 if you have any questions or concerns regarding this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

NOT AVAILABLE FOR SIGNATURE

David Strohmaier, Chair
Jean Curtiss, Commissioner
Nicole Rowley, Commissioner

cc: Casey Drayton, Community and Planning Services
Tim Worley, Community and Planning Services
Andrew Stickney, Community and Planning Services
Todd Kletz, Community and Planning Services
Tyler German, Clerk and Recorder
County Surveyors Office

Environmental Health Department
Nicole Whyte, Public Works
Adriane Beck, County Fire Inspector
Joe Calhan, Frenchtown Rural Fire District
Jeff Smith, WGM Group

Please visit www.missoulacounty.us to view Missoula Board of County Commissioners public meeting minutes.
17. County Public Works will require a Building Permit for all new buildings, including the storage structures and any fence over 8 feet tall.
18. County Planning will require a Land Use Permit prior to construction.

Conclusions of Law:
1. The buildings for lease or rent project is subject to review under BFLR Regulations Section 6, with the total number of applicable buildings being ten.
2. The project will comply with all other regulations as presented in the application.

IMPACTS ON THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION IN THE AREA

Findings of Fact:

Physical Environment Impacts
1. The property will be accessed off Waldo Road via a new approach permitted by Montana Department of Transportation.
2. There is no FEMA designated floodplain on the property.
3. The property is outside of the Air Stagnation Zone.
4. The application indicates a gravel surface for circulation areas within the development.
5. The developer’s representative noted that the vehicle circulation area surfaces would be improved with an asphalt millings surface to reduce dust.
6. A condition of approval requires the vehicular use areas to be constructed with a material superior to gravel.
7. The property has been known for surface flooding and sheet flows of water released from the culvert near the southeast corner of the property. The culvert collects water from the area east of Highway 93 and south of Ladyslipper Lane.
8. The Denbleyker Subdivision plat contemplated development and the need to address drainage flows with the platting of a 40’ wide drainage easement originating at the southeast corner of the property then running north approximately 260’ along the east property line before crossing the Denbleyker Subdivision lots diagonally toward the northwest corner.
9. A grading and drainage plan has been prepared to address management of the offsite water flows within the drainage easement terminating in a detention pond that will also collect onsite flows from storm drains within the developed area.
10. The detention pond is located adjacent to the drainage easement at the northwest corner of the development area.
11. Reconstruction of Waldo Road and associated roadside ditches currently underway by Montana Department of Transportation will likely improve and accommodate drainage along the south property line.

Human Population Impacts
12. Property owners within 300’ of the buildings for lease or rent project were notified regarding the proposal.
13. The West Valley Community Council commented that number of units proposed seems excessive and expressed concerns over the impacts to the nice residential development in the area.
14. Landscape improvements have been proposed on the site plan to mitigate visual impacts the development may have.
15. Primary Travel Corridor landscape requirements were established as a condition of the Denbleyker Subdivision approval.
16. A condition of Buildings for Lease or Rent approval enhances the tree planting requirements found in the Primary Travel Corridor landscape requirements to reduce the visual impacts of the development to adjacent property owners and from public rights-of-way.

17. The condition clarifies the steps required for landscape plan review and fulfillment.

18. A comment from an adjacent property owner was received prior to the hearing addressing lighting associated with the development. The written comment was accompanied by testimony from the adjacent owner. A recommended condition of approval establishing lighting requirements was submitted.

19. Based on testimony from an additional property owner in the area, the Board of County Commissioners discussed limiting lighting to avoid light trespass to adjacent properties late at night. The condition was modified to include an aspect on the timeframe for which lighting shall be turned on, and imposed by the Board of County Commissioners.

Conclusions of Law:
1. The physical environment in the area will not be adversely impacted.
2. The human population will not be adversely impacted if the conditions of approval are satisfied.

WATER, WASTEWATER AND SOLID WASTE FACILITIES
Findings of Fact
1. The single-family dwelling is the only structure that will have water and wastewater facilities.
2. The dwelling will be served by an extension of City Sewer located in the Waldo Road right-of-way.
3. The dwelling will be served by an onsite private well located north of the development area.
4. There will not be an office associated with the mini-warehouse development, therefore, no additional sewer connection or wells will be required.
5. Republic Services provides trash collection services for this area.

Conclusions of Law
1. The water and wastewater systems of adjacent property owners will not be impacted by the proposed mini-warehouse development.
2. Review and approval of the water and wastewater is also reviewed by the local and state jurisdictions responsible for the oversight of those facilities.
3. Garbage service is available to the site.

ACCESS TO THE SITE
Findings of Fact:
1. Waldo Road is a state road connecting Frenchtown to the Wye area.
2. The access point to the development is proposed from Waldo Road.
3. The Denleyker Subdivision plat created no-access strips for all but 165' at the west side of the south property line along Waldo Road.
4. It is within the 165' area that the proposed approach will be located.
5. Montana Department of Transportation commented that they are aware of the proposal and have not reviewed or approved an approach permit at this time.

Conclusions of Law:
1. The buildings for lease or rent will meet site access requirements.
AVAILABLE EMERGENCY MEDICAL, FIRE PROTECTION, AND LAW ENFORCEMENT SERVICES

Findings of Fact:
1. The property is roughly .3 miles from the nearest Frenchtown Rural Fire District station located on Lady Slipper Lane.
2. The Missoula County Fire Inspector commented that they have no comment on the proposal.
3. The development will require review and approval of appropriate fire suppression meeting NFPA standards by the Missoula County Fire Inspector as a condition of the Denbeyker Subdivision approval prior to issuance of a building permit.
4. The Missoula County Sheriff serves this location from its headquarters at 200 West Broadway.

Conclusions of Law:
1. Emergency medical assistance, fire protection, and law enforcement are able to respond to the site.

COMPLIANCE WITH FLOODPLAIN REGULATIONS

Findings of Fact:
1. The property is outside of a FEMA-mapped floodplain.

Conclusion of Law:
1. The proposed buildings for lease or rent do not trigger any applicable floodplain regulations.

REVIEW PROCEDURE AND NOTICE OF APPEAL PROCESS

Findings of Fact:
1. Buildings for lease or rent are subject to BFLR Regulations Section 6. The application has been reviewed under this section.
2. The application was deemed sufficient upon receipt of the application on June 1, 2018.
3. A revision to correct the count of individual units within each building was submitted on June 29, 2018 and included as Attachment B to the staff report.
4. An amendment to the site layout for buildings 5 and 6 was received on July 24, 2018 and included as Attachment C to the staff report.
5. The Board of County Commissioners reviewed the application, correction and requested amendments at the public hearing on August 2, 2018.
6. An applicant or landowner with a property boundary contiguous to the tract on which the buildings for lease or rent is proposed who is aggrieved by a decision of the governing body pursuant to Section 6 of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property is located. The application shall specify the grounds upon which the appeal is made. In order to file an appeal, the plaintiff must be aggrieved by the decision, demonstrating that a specific personal and legal interest, as distinguished from a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusion of Law:
1. The buildings for lease or rent proposal has followed the necessary procedure.