

**REFERRAL & STAFF REPORT – PHASED DEVELOPMENT REVIEW
FOR PHASE 2 & 3 OF REMINGTON FLATS SUBDIVISION**

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| Agenda item: | Phased Development Review for Phase 2 and 3 of Remington Flats Subdivision |
| Report Date: | 4/6/2022 |
| Case Planner: | Lauren Stevens, Associate Planner |
| Report Reviewed & Approved By: | Dave DeGrandpre, Planning Supervisor |

GENERAL PROJECT INFORMATION

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| Applicant & Owner: | Zootown Investments, LLC |
| Representative: | Sean Amundson, 406 Engineering Inc. |
| Location of request (address or general description:) | West of George Elmer Drive and north of Remington Drive in the Captain John Mullan Neighborhood Council area |
| Legal description: | Portion of Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M. |
| Notification: | Legal Ad in <i>Missoulian</i> : March 27 and April 3, 2022 Adjacent Property Owner Notification sent: March 25, 2022 Posting: March 25, 2022 |

Public Meetings and Hearings:

- City Council: April 11, 2022,
- Consent Agenda: Set public hearing and referral to Land Use and Planning Committee
- Land Use and Planning committee: April 13, 2022,
- Pre-public hearing informational item
- City Council: April 18, 2022,
- Public Hearing and Final Consideration on motions for approval or approval with new conditions



DECISION AND REGULATORY FRAMEWORK

The Missoula City Council shall determine whether any changed primary review criteria impacts or new information exists that create new potentially significant adverse impacts for each phase prior to the subdivider commencing with installation of infrastructure or submitting the final plat application for each phase. City Council may approve additional conditions of approval based on the new information or changes in regulations resulting in new findings of fact from those approved by City Council at the time of preliminary plat approval.

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| Applicable state law: | Title 76 Montana Code Annotated dated 76-3-617(4) https://leg.mt.gov/bills/mca/title_0760/chapter_0030/part_0060/section_0170/0760-0030-0060-0170.html |
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| Applicable Growth Policy and Plans | The parcel is within the urban growth area, the Utility Service Area and the Air Stagnation Zone . Regional plan(s): 2035 Our Missoula Growth Policy The applicable land use designation is Residential Medium Density Vicinity plan(s): Sxwtpqyen Area Master Plan The Sxwtpqyen Area Master Plan was approved on December 14, 2020, after the subdivision was approved and does not apply to the subdivision. |
| Local zoning law: | Title 20, Missoula Municipal Code |
| Zoning: | The parcel is zoned RT5.4 Residential /NC-RF Remington Flats Neighborhood Character Overlay |
| Applicable subdivision regulations: | City of Missoula subdivision regulations adopted by City Council as amended on May 19, 2014 |
| Floodplain classification: | Zone X Out |

| | North | South | East | West |
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| Surrounding Land Uses: | Agriculture | Residential | Residential | Airport & Vacant Land |
| Surrounding Zoning | Mullan Form Based Code Community Center Neighborhood Unit | 44 Ranch Special Zoning District | B2-2 Community Business | A Aviation |
| Adjacent Public Rights-of-way | | Remington Drive, Tenderfoot Way, & Riata Road | | Chuck Wagon Drive |
| Adjacent Jurisdiction: | County | City | City | City |

PROJECT SUMMARY

Development Services has received written notice from Zootown Investments, LLC, represented by 406 Engineering, Inc., of intent to file Phases 2 and 3 of Remington Flats Subdivision, located north of Remington Drive at Ruger Road and Riata Road. The property is legally described as a portion of Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M., in the City of Missoula.

At its regularly scheduled meeting on October 19, 2020, the Missoula City Council voted to approve the preliminary plat for the Remington Flats Subdivision in 7 phases, subject to twenty-five (25) conditions of approval. For phased development, per Montana Code Annotated 76-3-617(4), the governing body (Missoula City Council) shall determine whether any changed primary criteria impacts or new information exists that create new potentially significant adverse impacts for each phase prior to the subdivider commencing with installation of infrastructure or submitting the final plat application for each phase.

Remington Flats Subdivision, Phase 1 final plat has not yet been filed. Phase 2 contains 22 of the 152 total residential lots, and Phase 3 contains 20 lots. At this time the applicant requests City Council review and approve a finding of no new adverse impacts for Phases 2 and 3. No changes are proposed to the phasing plan as approved with the preliminary plat application.

City Council granted preliminary plat approval for the phased subdivision under Title 20 zoning and the current City of Missoula Subdivision Regulations, so those rules apply to this phase.

Attached to this report are the Remington Flats Subdivision preliminary plat approval letter, which includes the adopted findings of fact and conditions of approval, the approved preliminary plat, the approved phasing plan, and the submitted application for Phased Development Review for Phases 2 and 3.

| RECOMMENDED MOTIONS | | |
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| | Meeting Date(s): | Motions |
| City Council, Consent Agenda: Set public hearing and refer to LUP): | 4/11/2022 | Set a public hearing on April 18, 2022, for the phased development review of Remington Flats Subdivision, Phases 2 and 3 for property legally described as a portion of Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M., and refer the item to the Land Use and Planning Committee as a pre-public hearing informational item |
| Land Use and Planning Committee, Pre-public Hearing Informational Item: | 4/13/2022 | Discussion and public comment on the staff recommended motion and recommended conditions of approval. |
| City Council public hearing: | 4/18/2022 | Staff presentation, developer presentation, public comment and discussion on the staff recommended motion and recommended conditions of approval. |
| City Council Final Consideration: | 4/18/2022 | Approval of Phase 2 of Remington Flats Subdivision based on the amended findings of fact and conclusions of law, and subject to the amended conditions of approval in the staff report. |

| PHASED DEVELOPMENT REVIEW - PRIMARY CRITERIA COMPLIANCE |
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| Zoning and Growth Policy/Comprehensive Plan Compliance |
| <u>Finding(s) of Fact:</u> |
| <ol style="list-style-type: none"> 1. City Council approved the phasing plan on October 19, 2020 with 7 phases. The final plat submittal deadlines are December 31, 2024 for Phase 2 and December 31, 2026 for Phase 3. 2. The applicant has provided written notice of intent to file the final plat for Phases 2 and 3. 3. No changes are proposed to Phases 2 and 3, the phasing plan, or the final plat submittal deadlines. 4. The property is zoned RT5.4 Residential /NC-RF Remington Flats Neighborhood Character Overlay. 5. The subdivision was approved for 152 single dwelling lots on 20.01 acres, for a density of 7.6 dwelling units per acre. Phase 2 includes 22 lots on 2.47 acres. Phase 3 includes 20 lots on 2.32 acres. 6. The 2035 Our Missoula City Growth Policy is the applicable regional plan. The Growth Policy recommends a land use designation of Residential Medium Density, 3 to 11 dwelling units per acre. The subdivision complies with the density recommendations of the growth policy. |
| <u>Conclusion(s) of Law:</u> |
| <ol style="list-style-type: none"> 1. Phases 2 and 3 of Remington Flats Subdivision has no impact on the subdivision's compliance with the zoning or the 2035 Our Missoula City Growth Policy. 2. The subdivision will continue to comply with the zoning and the Growth Policy. |
| Primary Compliance Criteria |
| Criterion 1: Effects on Agriculture and Agricultural Water User Facilities |
| <u>Finding(s) of Fact:</u> |
| <ol style="list-style-type: none"> 1. The property contains soils considered "Prime Farmland if Irrigated" and it was historically used for agriculture. It is planned and zoned for urban scale residential development. |

2. The findings of fact at the time of preliminary plat approval regarding the primary review criteria on the effects on agriculture and agriculture water users are unchanged.

Conclusion(s) of Law:

1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria on the effects on agriculture and agriculture water users are still valid for Phases 2 and 3.

Criterion 2: Effects on Local Services

Transportation and Drainage

Finding(s) of Fact:

Streets and Alleys

1. Phase 2 includes an extension of Riata Road to serve the new lots and will connect to the existing portion that goes through the 44 Ranch Subdivision. Phase 3 includes a new road, Ruger Road, which will connect to Remington Drive. These streets are in the locations shown on the preliminary plat at the time of preliminary plat approval.
2. Finding of Fact #15 in the preliminary plat approval letter under "Transportation and Drainage" discusses the required improvements associated with Low Density Urban Local Streets per the City Subdivision Regulations Article 3, Section 3-020, Table .2A. The subdivider requested a variance to build the street improvements within 64-foot rights-of-way instead of 70-foot rights-of-way. City Council approved the variance request and required improvements to the following streets within this subdivision: Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, Riata Road, and Remington Drive.
3. Condition of approval #11 includes all of the above-mentioned roads, except for Ruger Road, and that they be designed and built to Low Density Urban Local Street standards within 64-foot rights-of-way as proposed. Staff recommends Condition of approval #11 be amended as follows:
 11. Winchester Drive, Browning Road, Tenderfoot Way, **Ruger Road**, Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed. *Subdivision Regulations Table .2A modified by variance*
4. Condition of approval #8 requires that Chuck Wagon Drive be paved from the end of the existing road to where it reaches the northern boundary of Phase 1 prior to final plat filing of Phase 2. Condition of approval #8 states "In the event these improvements are made by others, this condition will no longer apply."
5. City Engineering staff commented that the subdivider for 44 Ranch Subdivision has filed the final plat for Phase 12, which includes the portion of Chuck Wagon Drive just south of Remington Flats Subdivision. City Engineering estimates that the offsite portions of Chuck Wagon Drive will be built by the 44 Ranch Subdivision developer by the end of this year.
6. Staff recommends Finding of Fact #11 in the preliminary plat approval letter under "Transportation and Drainage" be amended as follows:
 11. Chuck Wagon Drive is an existing road that currently ends approximately 1,000 feet south of the subject property. Although plans exist to extend Chuck Wagon Drive from Mullan Road to property, it is being developed in conjunction with other subdivisions so the timing is uncertain. **The final plat for Phase 12 of 44 Ranch Subdivision has been filed and the improvements to Chuck Wagon Drive to the southern boundary of Remington Flats Subdivision are included in an improvements agreement for Phase 12 and should be constructed by the end of the year. Should the off-site Chuck Wagon Drive improvements not occur prior to final plat submittal for Phase 2 of Remington Flats Subdivision, the Remington Flats subdivider shall proceed with improvements outlined in Condition of Approval #8 and as follows:** The Remington Flats subdivider has proposed to address this situation by installing the road base from the end of the existing road to the subdivision as part of Phase 1 improvements, allowing construction traffic to use this road instead of the adjoining streets in the 44 Ranch Subdivision. The subdivider would then pave this stretch of road as part of Phase 2 improvements to connect to Mullan Road. The developer's off-site improvements to Chuck Wagon Drive would include two 11-foot paved drive lanes, two-foot shoulders,

and roadside ditches, with remaining improvements necessary to complete the road to City standards to be made by other subdividers.

7. The subdivider submitted a traffic impact study at the time of preliminary plat approval that indicated a right-turn deceleration lane will likely be needed on Mullan Road for westbound traffic at the Chuck Wagon Drive intersection by Phase 2 of Remington Flats development.
8. City Engineering commented that the right-turn deceleration lane will be installed this year as part of a City-initiated CIP.
9. Staff recommends Finding of Fact #2 in the preliminary plat approval letter under "Transportation and Drainage" be amended as follows:
 2. The subdivision application submittal includes a traffic impact study. The study indicates that due to vehicle trips generated from this and other nearby subdivisions, a right-turn deceleration lane will likely be needed on Mullan Road for westbound traffic at the Chuck Wagon Drive intersection by Phase 2 of Remington Flats development. Improvements to that intersection are currently planned and anticipated to be installed this year as part of a City-initiated CIP.
10. Condition of approval #10 and Finding of Fact #13 in the preliminary plat approval letter under "Transportation and Drainage" outlines funding mechanisms to cover a portion of the cost for construction of George Elmer Drive not covered by the Mullan BUILD project. City Engineering commented that improvements to George Elmer Drive/Mullan Road intersection will be installed this year through the Mullan BUILD grant. At this time Transportation Impact Fees have been adopted as one of the cost recovery methods.
11. Condition of approval #10 includes a special improvement district and impact fees in the list of options of funding mechanisms, therefore no amendment to the condition of approval is required. Staff recommends Finding of Fact #13 in the preliminary plat approval letter under "Transportation and Drainage" be amended as follows:
 13. Improvements to the intersection of George Elmer Drive / Mullan Road are planned to be funded in part through the Mullan BUILD grant and in part through City and County contributions. The City and County are exploring cost recovery mechanisms from subdividers and future residents who will benefit from these investments. Conditions of approval include a requirement for the subdivider and/or future residents to contribute a proportionate share to George Elmer Drive / Mullan Road intersection improvements including potential participation in a special improvement district, impact fees, latecomers fees, or other mechanism. This is reflected in a condition of approval. Improvements to the George Elmer Drive/Mullan Road intersection will be installed this year through the Mullan BUILD grant. At this time Transportation Impact Fees have been adopted as one of the cost recovery methods.
12. Finding of Fact #14 in the preliminary plat approval letter under "Transportation and Drainage" states that the City and County are exploring funding mechanisms for improvements at the intersection of Chuck Wagon Drive and Mullan Road which serves the Remington Flats Subdivision. The finding states that the subdivider and future residents, who will benefit from these investments, should contribute a proportionate share. The funding mechanisms listed include participation in a special improvement district, impact fees, latecomers fees, or other mechanisms.
13. City Engineering commented that the Chuck Wagon Drive and Mullan Road intersection is not included in the Mullan BUILD project. Specific funding mechanisms have not been adopted at this time. In order to ensure that the subdivider and future residents, who will benefit from these improvements, contribute a proportionate share, staff recommends Condition of Approval #4 be amended as follows:
 4. The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance:

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, Chuck Wagon Drive, and George Elmer Drive, as well as the intersections of those streets with Mullan Road, including

but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities.”

Drainage

14. Condition of approval #12 requires the subdivider to submit complete grading and drainage plans prior to final plat approval of each phase and a storm water pollution prevention plan meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities must be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.
15. The subdivider has graded much of the parcel for the subdivision, beyond land within Phases 1, 2, and 3. City Stormwater Utility and Health Department staff commented that the mass site grading combined with the clay soils of the site have resulted in very dusty conditions and stormwater and air quality violations.
16. The Health Department and Stormwater Utility staff will work with the subdivider to inform them of best practices to avoid Air Quality and Stormwater violations. In addition, City staff will monitor and enforce the regulations if violations occur.

Transit

17. Condition of approval #13 requires the subdivider to petition the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

Non-Motorized Transportation

18. Phases 2 and 3 improvements include landscaped boulevards and sidewalks along all internal subdivision streets.

Conclusion(s) of Law:

1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for roads, driveways, and active transportation facilities are still valid for Phase 2 and Phase 3 with the inclusion of staff’s recommended amendments to Findings of Fact #2, 11, and 13, and subject to the staff’s recommended amendments to Conditions of Approval #4 and 11.
2. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for grading, drainage, and transit are still valid for Phase 2 and Phase 3.

Water System and Sewer System

Finding(s) of Fact:

1. Water and sewer systems are planned to be provided by City of Missoula utilities.
2. City Engineering commented that the Wastewater Facility Service Area was changed to the Missoula Utility Service Area through Resolution 8468, adopted by City Council on November 9, 2020.
3. Staff recommends Finding of Fact #1 in the preliminary plat approval letter under “Water System and Sewer System” be amended as follows:

The property is within the ~~Missoula Wastewater Facility Service Area~~ Missoula Utility Service Area and planned to be connected to existing water and sanitary sewer mains that were extended into the area for the 44 Ranch development, Flynn Ranch development, and RSID #8474 sewer mains along north side of Mullan Road. (*Utility Plan Exhibit, Subdivision Application*)

Conclusion(s) of Law:

1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of public water and sewer are still valid for Phases 2 and 3 with the inclusion of staff’s recommended amendment to Finding of Fact #1.

Solid Waste

Finding(s) of Fact:

1. Solid waste disposal services are planned to be provided by a private hauler. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the disposal of solid waste are not impacted by the Phases 2 and 3 Final Plats.

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| <p><u>Conclusion(s) of Law:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the disposal of solid waste are still valid for Phases 2 and 3. |
| <p><u>Parks and Recreation</u></p> <p><u>Finding(s) of Fact:</u></p> <ol style="list-style-type: none"> 1. Section 3-080.3A of the City Subdivision Regulations requires parkland dedication equal to 11% of the net lotted area in subdivisions with residential lots of 0.5 acres or smaller. All of the residential lots in Phases 2 and 3 are smaller than 0.5 acres. 2. In Phase 2, a total of 1.89 acres are included in lots, making the parkland dedication 0.21 acres. In Phase 3, a total of 1.76 acres are included in lots, making the parkland dedication 0.19 acres. The total parkland dedication area for the two phases is 0.40 acres. Cash in lieu of parkland will be used to meet the dedication requirement as per condition of approval #16. |
| <p><u>Conclusion(s) of Law:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of parkland are still valid for Phases 2 and 3. |
| <p><u>Schools</u></p> <p><u>Finding(s) of Fact:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for schools are not impacted by the Phases 2 and 3 Final Plats. |
| <p><u>Conclusion(s) of Law:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for schools are still valid with the Phases 2 and 3 Final Plats. |
| <p><u>Fire Department</u></p> <p><u>Finding(s) of Fact:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of fire services are not impacted by the Phases 2 and 3 Final Plats. |
| <p><u>Conclusion(s) of Law:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of fire services are still valid for Phases 2 and 3. |
| <p><u>Law Enforcement</u></p> <p><u>Finding(s) of Fact:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of law enforcement services are not impacted by the Phases 2 and 3 Final Plats. |
| <p><u>Conclusion(s) of Law:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on local services for the provision of police services are still valid for Phases 2 and 3. |
| <p>Criterion 3 and 4: Effects on the Natural Environment and Wildlife and Wildlife Habitat</p> |
| <p><u>Finding(s) of Fact:</u></p> <ol style="list-style-type: none"> 1. No conditions are known or suspected to have changed since the preliminary plat application was reviewed. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on the natural environment, wildlife and wildlife habitat, and noxious weed management are not impacted by the Phases 2 and 3 Final Plats. |
| <p><u>Conclusions of Law for Criterion 3 and 4:</u></p> <ol style="list-style-type: none"> 1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on the natural environment, wildlife and wildlife habitat, and noxious weed management are still valid for Phases 2 and 3. |
| <p>Criteria 5: Effects on Public Health and Safety</p> |

Finding(s) of Fact:

Hazardous Land (Floodplain, Steep Slopes, Soil Instability, etc.)

1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on public health and safety related to hazardous land is not impacted by the Phases 2 and 3 Final Plats.

Wood Stoves

2. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on public health and safety related to wood stoves is not impacted by the Phases 2 and 3 Final Plats.

Airport Influence Area

3. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on public health and safety related to the airport influence area is not impacted by the Phases 2 and 3 Final Plats.

Conclusions of Law:

1. The findings of fact at the time of preliminary plat approval regarding the primary review criteria for the effects on public health and safety are still valid for Phases 2 and 3.

PHASED DEVELOPMENT REVIEW - CONDITIONS OF APPROVAL

Road Improvements, Active Transportation Facilities and Transit

Streets, General

1. All street and non-motorized improvements shall be designed and built in accordance with City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies. *City Subdivision Regulations Section 3-020.2*
2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase. *City Subdivision Regulations Section 3-020.12*
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department with installation of approved signs prior to final plat filing of each applicable phase. *City Subdivision Regulations Section 3-020.4(H)(2)*
4. The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance:

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, Chuck Wagon Drive, and George Elmer Drive, as well as the intersections of those streets with Mullan Road, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities." *City Subdivision Regulations Section 5-050.4(M&N)*
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer. *City Subdivision Regulations Section 3-020.3.B*
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation facilities. *City Subdivision Regulations Section 3-060.1*
7. The subdivider shall design and install street lighting along Chuck Wagon Drive through the subdivision in accordance with the Missoula Public Works Standards and Specifications Manual. The lighting shall be installed prior to final plat approval of Phase 1 for the southernmost section of Chuck Wagon Drive and Phase 7 for the remainder of Chuck Wagon Drive. Prior to final plat filing of the first phase, the subdivider shall petition to create a new streetlight improvement district. *Missoula Public Works Standards and Specifications Manual Section 7.3.6*

Specific Streets

8. The subdivider shall install road base with dust abatement as proposed by the applicant in accordance with City of Missoula specifications from the end of the existing Chuck Wagon Drive to the north boundary of Phase 1 prior to final plat filing of Phase 1, and pave this stretch of road prior to final plat filing of Phase 2. Required improvements are two 11-foot paved drive lanes, two-foot shoulders, and roadside ditches as shown on Sheet 2 of the preliminary plat. In the event these improvements are made by others, this condition will no longer apply. *Montana Code Annotated 76-3-510*
9. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector half-street standards as proposed including two 10-foot drive lanes, curb and gutter, a 10-foot boulevard, and 5-foot sidewalks within the existing 40-foot-wide right-of-way. These improvements shall be completed as shown on the Phasing Plan exhibit and described in the Project Summary. *City Subdivision Regulations Table .2A modified by variance.*
10. The Remington Flats Phased Subdivision is located within the Mullan BUILD project area and George Elmer Drive, which is proposed to provide access to the subdivision, is planned to be improved as part of the Mullan BUILD project. Federal funds are planned to pay for a portion of the Mullan BUILD improvements. Funding mechanisms are currently being explored to pay for the remainder of the improvements. The funding mechanisms may include, but are not limited to, a special improvement district, impact fee, latecomers fee, or cost share agreements that allow the City of Missoula and Missoula County to recover the cost of constructing infrastructure from the properties that benefit from the Mullan BUILD project. The total amount of the cost to be recaptured via the funding mechanism(s) is not expected to exceed 50% of the actual costs expended by the City of Missoula and Missoula County to complete the Mullan BUILD project. To the extent that such funding mechanism(s) is created in accordance with state law and applicable principles of land use law, the subdivider, successors, and assigns shall participate in and be bound by the fees assessed and not oppose the creation of or participation in such a district. *Montana Code Annotated 76-3-510*
11. Winchester Drive, Browning Road, Tenderfoot Way, [Ruger Road](#), Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed. *City Subdivision Regulations Table .2A modified by variance*

Drainage

12. The subdivider shall submit complete grading and drainage plans prior to final plat approval of each applicable phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases. *City Subdivision Regulations Section 5-020.11*

Transit

13. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase. *City Subdivision Regulations Section 3-010.7 and 3-020.1, City of Missoula Annexation Policy*

Water System and Sewer System

14. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. Construction of all water supply and sewer systems shall be in accordance with City policies. *City Subdivision Regulations Sections 3-070.01 and 3-070.04*

Solid Waste

15. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. *City Subdivision Regulations Sections 3-070.01*

Parkland

16. The subdivider shall meet the parkland dedication requirement by providing the monetary value of 1.43 acres of unsubdivided, unimproved, zoned land as required in the City Subdivision Regulations Section 3-080. Prior

to final plat filing of each phase, the subdivider shall provide calculations for the total lotted area in that phase, the parkland requirement for that phase, a Summary Appraisal Report establishing the then-current fair market value, and a check for the required amount, to be reviewed and approved by City Council. *City Subdivision Regulations Section 3-080*

17. The subdivider shall submit a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of each applicable phase. *City Subdivision Regulations Section 5-050.4*

Irrigation Water Rights

18. The subdivider shall sever from the subject property all irrigation water rights and shall revise the water rights statement on the plat to state any irrigation water rights historically serving the property are severed from the land. Lots contained within this plat that are classified as irrigated land may be assessed for irrigation water delivery even though the water might not be deliverable to that particular lot. The revised statement shall be shown on the final plat for each phase and added to the development covenants. *Montana Code Annotated 76-3-504*

Covenants, Conditions, and Restrictions

19. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. The covenants shall require boulevard landscaping in accordance with the approved plan, a prohibition on basements within the subdivision, a prohibition on wood burning devices, the irrigation water rights statement in the previous condition, and a statement informing lot purchasers of the presence of the subdivision within an airport influence area. *City Subdivision Regulations Section 5-020-14.K*

Non-Motorized Transportation Facilities

20. The subdivider shall provide five-foot sidewalks along all street frontages and at the proposed location between Lots 127 and 128. All sidewalk plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to final plat filing of each applicable phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase. *City Subdivision Regulations Section 3-020.15 and Table .2A*

Fire Protections

21. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of each applicable phase. All approved fire protection improvements shall be installed in accordance with the approved plans. *City Subdivision Regulations Section 3-010.1.F*

Noxious Weeds

22. The Weed Management and Revegetation Plan shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase. *City Subdivision Regulations Section 5-020.14.K*

Airport Influence Area

23. The subdivider shall grant an avigation easement to the Missoula Airport Authority in compliance with the Airport Influence Area Resolution and present evidence of the easement, subject to review and approval of Development Services, prior to final plat filing of the first phase or within two years of City Council approval of annexation, whichever comes first. *City Subdivision Regulations Section 3-010.2*
24. The Covenants, Conditions, and Restrictions and each final plat shall include the following statement:
"This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Remington Flats Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to

determine the status of the proposed runway location at the time of purchase.” *City Subdivision Regulations Section 3-010.2*

Zoning

25. The Remington Flats Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings in the rezoning staff report.

AGENCY COMMENTS

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| HEALTH DEPARTMENT – WATER QUALITY DIVISION: | No comment received before deadline. |
| HEALTH DEPARTMENT – AIR QUALITY DIVISION: | Staff commented that there have been complaints about the first phase of the project due to mass site grading and clay soils in the area. Mass grading has led to stormwater and air quality violations. <i>Ben Schmidt</i> |
| CITY PARKS & RECREATION: | No comment received before deadline. |
| PUBLIC WORKS – STORM WATER DIVISION: | Staff commented that there have been complaints about the first phase of the project due to the mass site grading. Mass grading has led to stormwater and air quality violations. <i>Tracy Campbell, CFM</i> |
| PUBLIC WORKS – ENGINEERING: | Staff provided comments, incorporated into the amended findings of fact and amended condition of approval, regarding new information about infrastructure funding and installation in this area. <i>Steve Reichert</i> |
| CITY ATTORNEY: | No comment received before deadline. |
| CITY POLICE: | No comment received before deadline. |
| CITY FIRE: | No comment received before deadline. |
| MISSOULA HOUSING & COMMUNITY DEVELOPMENT: | No comment received before deadline. |
| MISSOULA OFFICE OF NEIGHBORHOODS: | Representative from Captain John Mullan Neighborhood Council was not aware of any changed circumstances that City Council would need to consider in determining conditions of approval. <i>Kathleen Snodgrass</i> |
| MONTANA DEPARTMENT OF TRANSPORTATION: | No comment received before deadline. |
| MISSOULA URBAN TRANSPORTATION DISTRICT: | No comment received before deadline. |