



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

Memorandum Number 1

To: Missoula City Council

From: Alex Eidam, Senior Planner

Copy: Jim Nugent, City Attorney

City of Missoula staff members Eran Pehan, Mary McCrea, and Dave DeGrandpre

Heart of Missoula, LLC

Ryan Salisbury and Dustin Hover, WGM Group

Date: May 6th, 2022

Subject: Phased Development Review – Heron’s Landing Subdivision, Phase W2 and Phase E1

After the staff report for the Phased Development Review of Heron’s Landing Subdivision Phase W2 and Phase E1 was issued on April 26th, 2022, the subdivider raised concern around some of the language used in two findings of fact and one condition of approval. The subdivider proposed revised wording for the recommended amendments, some of which have been incorporated and are outlined below. The following are recommended revisions for City Council’s consideration.

Red text below includes the recommended amendments from staff included in the staff report issued on April 26th, 2022. Green text indicates revised recommended amendments per this Memo.

1. Criterion 1 - Agricultural Water Use Facilities

A. Finding of Fact Number 9:

9. Staff recommends added condition of approval No. 26 that requires ~~the subdivider to maintain the 20-foot irrigation ditch easements as shown on the preliminary plat through the Heron’s Landing Subdivision shall be shown on the final plats and will remain. The subdivider shall fill a portion of the open-air ditch, and install curb, gutter, 7-foot boulevard, and 5-foot sidewalks along the Bell Tower Road frontage in Phase E1 and Phase E3, subject to the review and approval of the City Engineer, prior to final plat approval for each phase; and execute the Flynn-Lowney Ditch Use Agreement prior to any action being taken within the ditch easement beyond what has been~~ authorized directed by the City, within this condition.

B. Condition of Approval Number 26: This condition language is tied to finding of fact number 9, above, and will subsequently change if City Council accepts the recommended amendments.

26. ~~The subdivider shall maintain the irrigation ditch easements as shown on the preliminary plat through the Heron’s Landing Subdivision shall be shown on the final plats and will remain. The subdivider shall fill a portion of the open-air ditch, and install curb, gutter, 7-foot boulevard, and 5-foot sidewalks along the Bell Tower Road~~

frontage in Phase E1 and E3, subject to the review and approval of the City Engineer, prior to final plat approval of Phase E1 and Phase E3; and execute the Flynn Lowney Ditch Use Agreement prior to any action being taken within the ditch easement beyond what has been authorized directed by the City-, within this condition.

2. Criterion 2 – Effects on Local Services

A. Finding of Fact Number 26

26. The circulation plan exhibit also shows a 10-foot wide Secondary Commuter Trail extending from Roundup Drive near the southwest corner of the property along the Flynn Lowney Irrigation Ditch, Nesting Lane, Heron's Landing Drive, along the west side of George Elmer Drive, crossing George Elmer Drive north of the intersection of Heron's Landing Drive, continuing north along George Elmer Drive along the west east side of Phase E3 and eventually connects with Pius Way, roughly 0.22 miles north of this subdivision. The subdivider is responsible for constructing the Secondary Commuter Trail within the Heron's Landing Subdivision. and through common area and across the irrigation ditch past the northeast extent of the subdivision. The trail is intended to provide bike and pedestrian access as part of a larger trail network. ~~that is hoped to eventually connect the Old Milwaukee railroad grade to the southwest with Tipperary Way and Hellgate Elementary School to the east.~~ Providing a Secondary Commuter Trail instead of sidewalk along street frontage requires a variance from City Subdivision Regulations, as addressed below. City Subdivision Regulations Section 3-020.15.g requires trails to be constructed in accordance with the subdivision regulations and Missoula City Public Works Standards and Specifications.

Recommended New Motion on the Subdivision

Approval of the phased development review of Heron's Landing Subdivision, Phase W2 and E1 for the property legally described as Parcel 1 and 2 of Certificate of Survey number 5963, located in Section 13, Township 13 North, Range 20 West, P.M.M. based on the findings of fact and conclusions of law, and subject to the amended findings of fact, conclusions of law and conditions of approval in the staff report, as amended in Memorandum Number 1 dated May 6th, 2022.