



**MAJOR PUD SUBDIVISION, ANNEXATION, TARGETED GROWTH POLICY
AMENDMENT AND REZONING STAFF REPORT**

Agenda Item: Riverfront Trails Major PUD Subdivision, Targeted Growth Policy Amendment, Annexation, Utility Services Boundary Amendment, and Rezoning.

Report Date: November 9, 2022

Case Number: 2022-MSS-SMA-00001

Case Planner: Cassie Tripard, Land Use Supervisor

Report Review & Approved by: Mary McCrea, Permits and Land Use Manager

Governing Body Review Deadline: December 19, 2022

Public Meetings & Hearings:

City Council (11/14/22): 1st reading of rezoning ordinance, approval of resolution of intent to annex, referral to committee and set public hearing

Planning Board (11/15/22): Public hearing

LUP (11/30/22): Pre-public hearing informational item

City Council (12/5/22): Public hearing

LUP (12/7/22 tentative): Post-public hearing informational item

City Council (12/12/22): Final consideration

I. GENERAL PROJECT INFORMATION

Subdivider and Owner:

Tollefson Properties, LLC
15311 Tyson Way
Frenchtown, MT 59834

Representative:

Kody Swartz, Project Manager
Woith Engineering, Inc.
3860 O'Leary Street, Suite A
Missoula, MT 59808

Location of Request: 6525 Miller Creek Road, Missoula, MT 59803. Legally described as Tract 1 of Certificate of Survey No. 6449, located in the Northeast Quarter of Section 11 and the South Half of Section 2, Township 12 North, Range 20 West, P.M.M., Missoula County, Montana. Less and excepting therefrom the following described tract of land: Parcel A of Certificate of Survey No. 6568, A tract of land being a portion of Tract 1 of Certificate of Survey 6449, on file and of record in Missoula County, Montana, located in the Northeast Quarter of Section 11, Township 12 North, Range 20 West, P.M.M, Missoula, County Montana. See Exhibit H.

Geocode: 04-2092-02-4-03-01-0000

Legal Notification: The legal ad was published in the Missoulian on October 30, 2022 and November 6, 2022. One subdivision poster was placed on the property on October 25, 2022. Adjacent property owners were notified by certified mail on October 26, 2022.

Annexation Petitioner and Petition Number: Tollefson Properties, LLC. Petition Number 10112.

II. DECISION AND REGULATORY FRAMEWORK

The Missoula Consolidated Planning Board considers and makes a recommendation on the targeted growth policy amendment, rezoning, and subdivision. City Council considers and makes a decision on the annexation, targeted growth policy amendment, rezoning, utility services area boundary amendment, and subdivision.

Applicable State Law: [Montana Code Annotated 2021](#)

Annexation Policy: [Resolution 8363](#) adopted 7/22/2019. The property is partially within city limits and partially in the county. The portion of the property in the county is within Annexation Area “A” and meets the majority of the city’s criteria to determine priority for annexation. Zoning upon annexation must comply with Title 20 Zoning Code, Section 20.85.040.I.

Growth Policy: The [Our Missoula 2035 City Growth Policy](#) is the applicable regional plan and recommends land use designations of Open and Resource, Residential Low Density (1 to 2 dwelling units per acre), and Residential Medium Density (3 to 11 dwelling units per acre) for the subject property. The Our Missoula 2035 City Growth Policy incorporates previously approved neighborhood area plans. The applicable area plan is the [1997 Miller Creek Area Plan](#).

Local Zoning Law: [Title 20, Missoula Municipal Code](#) amended May 2nd, 2022.

Current and Proposed Zoning: The parcel is zoned R215 Residential (City) and RM Residential, Medium (County). If City Council approves the annexation and rezoning, the parcel would be zoned OP2 Open and Resource Lands and RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay.

Subdivision Regulations: [Missoula City Subdivision Regulations](#) adopted by City Council as amended on July 18, 2022.

Surrounding Land Uses:

North: Bitterroot River, residential (detached house), agriculture
South: School, residential (detached house), agriculture
East: Residential (detached house), agriculture
West: Residential (detached house), agriculture, Bitterroot River

Surrounding Zoning:

North: RO Resource and Open Lands (County)
South: OP3 Public Lands and Institutional, R20 Residential, RM Residential Medium (County)
East: R215 Residential, R20 Residential
West: RM Residential Medium (County), RO Resource and Open Lands (County), OP3 Public Lands and Institutional (City)

III. RECOMMENDED MOTIONS

City Council (11/14/22)

[Resolution] Set a public hearing on December 5th, 2022 and adopt a resolution of intent to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portions of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit A, and refer this item to the Land Use and Planning Committee for presentation and discussion on November 30th, 2022.

[Resolution] Set a public hearing on December 5th, 2022 and adopt a resolution of intent to annex the subject property legally described in Exhibit C, as shown on Exhibit B, and zone upon annexation to RT5.4 Residential, and refer this item to the Land Use and Planning Committee for presentation and discussion on November 30th 2022.

[First reading and preliminary adoption] Set a public hearing on December 5th, 2022, preliminarily adopt an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, to rezone the subject property legally described in Exhibit F from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and to rezone the subject property legally described in Exhibit G from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, and refer this item and Riverfront Trails PUD Subdivision to Land Use and Planning Committee for presentation and discussion on November 30th, 2022.

[Resolution] Set a public hearing on December 5th, 2022 and adopt a resolution of intent to amend the Utility Services Area Boundary to align with the parcel proposed to be zoned RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, and refer this item to the Land Use and Planning Committee for presentation and discussion on November 30th, 2022.

Planning Board Public Hearing (11/15/2022)

Recommend City Council adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portions of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit A, based on the findings of fact and conclusions of law in the staff report.

Recommend City Council adopt an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, to rezone the subject property legally described in Exhibit F from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and to rezone the subject property legally described in Exhibit G from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report.

Recommend City Council approve the Riverfront Trails PUD Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

LUP pre-public hearing informational only item (11/30/2022)

Introductory presentation and discussion on the proposal and staff recommended motions to approve the annexation, targeted growth policy amendment, rezoning, Utility Services Area Boundary amendment, and preliminary PUD subdivision plat, subject to the recommended conditions of approval.

City Council Public Hearing (12/5/2022)

Presentation, public comment, and discussion on the proposal and staff recommended motions to approve the annexation, targeted growth policy amendment, rezoning, Utility Services Area Boundary amendment, and preliminary PUD subdivision plat, subject to the recommended conditions of approval.

LUP post-public hearing informational only item (tentative 12/7/2022)

Discussion on the proposal and staff recommended motions to approve the annexation, targeted growth policy amendment, rezoning, Utility Services Area Boundary amendment, and preliminary PUD subdivision plat, subject to the recommended conditions of approval.

City Council Final Consideration (12/12/2022)

[Resolution] Adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portions of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit A, based on the findings of fact and conclusions of law in the staff report.

[Resolution] Adopt a resolution to annex the subject property legally described in Exhibit C, as shown on Exhibit B, and zone upon annexation to RT5.4 Residential, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report.

[Second and Final Reading] Adopt an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, to rezone the subject property legally described in Exhibit F from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and to rezone the subject property legally described in Exhibit G from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report.

[Resolution] Adopt a resolution amending the Utility Services Area Boundary to align with the parcel proposed to be zoned RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report.

Approval of the Riverfront Trails PUD Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

IV. INTRODUCTION

Development Services has received a request from Woith Engineering, Inc. on behalf of Tollefson Properties LLC. for Riverfront Trails Subdivision at 6525 Miller Creek Road. The request includes applications for annexation, targeted growth policy amendment, rezoning, Utility Services Boundary amendment, and planned unit development (PUD) subdivision.

Riverfront Trails PUD Subdivision is a 176-lot major subdivision of a 92.73-acre parcel on Lower Miller Creek Road abutting the Bitterroot River. The proposed subdivision consists of 174 residential lots allowing detached house, townhouse, and duplex building types, one lot planned for a religious assembly, one multi-dwelling lot, and one lot planned for a residential senior living facility. Riverfront Trails PUD Subdivision, proposed in conjunction with a / NC-RT Riverfront Trails Neighborhood Character Overlay, aims to provide a mix of residential housing types, primarily consisting of townhouse and detached house residential building types. One lot is planned to be used for multi-dwelling. The subdivision proposed to dedicate a 24.49-acre parcel to the City to be used as parkland. The parcel proposed to be dedicated to the City contains access to the Bitterroot River, for the full length of the Bitterroot River adjacent to the subject property. The subdivision proposed a 19.97-acre open space parcel to be owned and maintained by the homeowner's association. The open space and City parkland combined protect 43.44 acres of floodplain along the Bitterroot River.

The Our Missoula 2035 City Growth Policy is the applicable regional plan. The City Growth Policy recommends the following land use designations for the subject property: Open and Resource for the portion of the subject property designated as floodplain, Residential Low Density (1 to 2 dwelling units

per acre), and Residential Medium Density (3 to 11 dwelling units per acre). The subdivider is requesting a targeted growth policy amendment to change the portions of the property designated as Residential Low Density to Residential Medium Density.

The portion of the parcel north of Old Bitterroot Road is within city limits and zoned R215 Residential. The subdivider is requesting annexation and zoning upon annexation to RT5.4 Residential (two-unit/townhouse) for the portion of the parcel south of Old Bitterroot Road which is not currently within city limits. The portion proposed to be annexed is currently zoned RM Residential, Medium in the County.

The subdivider is requesting to rezone the parkland and open space parcels in the floodplain from R215 Residential to OP2 Open and Resource in compliance with the Open and Resource land use designation. The subdivider is proposing to rezone the remaining portion of the property already within city limits from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay. The subdivider is requesting to rezone the portion to be annexed from RT5.4 Residential (two-unit/townhouse) to RT5.4 / NC-RT. If City Council approves the targeted growth policy amendment, the proposed RT5.4 zoning district would comply with the Residential Medium Density land use designation. The Riverfront Trails Neighborhood Character Overlay would modify specific requirements of the RT5.4 zoning district, including setbacks, permitted uses and residential building types, and maximum height on select parcels.

Riverfront Trails is proposed to be a Planned Unit Development (PUD) Subdivision. Section 2-020.85 of the City Subdivision Regulations defines a PUD as “A subdivision that is creatively designed to provide identified public benefits or to address the unique development challenges posed by a particular parcel”. The PUD regulations are expressly intended to accommodate developments that may be difficult if not impossible to carry out under otherwise applicable subdivision regulations (3-120.1, *City Subdivision Regulations*). A public benefit listed in the subdivision regulations is enhanced protection of natural resource areas. The parcel contains 43.44 acres of floodplain which is 46.8% of the gross acreage. The subdivider is proposing to protect the 43.44 acres of floodplain, including riparian areas, by designating it as parkland to be dedicated to the City and HOA maintained common area open space which offers enhanced protection of natural resources (pg. 1, *Preliminary Plat*). Developing on a parcel adjacent to a river and preserving floodplain creates constraints when designing a subdivision in terms of street patterns, block configurations, and limited developable area.

Riverfront Trails subdivision makes use of innovative development options in the zoning and subdivision codes to cluster and maximize density, preserve natural resources, and provide a mix of housing types.

V. GENERAL FINDINGS OF FACT

1. The subject property is located at 6525 Miller Creek Road, Missoula, MT 59803 (pg. 8, *Riverfront Trails PUD Subdivision*).
2. The parcel is legally described as Tract 1 of Certificate of Survey No. 6449, located in the Northeast Quarter of Section 11 and the South Half of Section 2, Township 12 North, Range 20 West, P.M.M., Missoula County, Montana. Less and excepting therefrom the following described tract of land: Parcel A of Certificate of Survey No. 6568, A tract of land being a portion of Tract 1 of Certificate of Survey 6449, on file and of record in Missoula County, Montana, located in the Northeast Quarter of Section 11, Township 12 North, Range 20 West, P.M.M., Missoula, County Montana (pg. 8, *Riverfront Trails PUD Subdivision*). See Exhibit H.

3. Surrounding land uses include school, detached house residential, and agriculture. Additionally, the Bitterroot River abuts the subject property to the north (pg. 12, *Riverfront Trails PUD Subdivision*).
4. The subject property is 92.73 acres, currently vacant, and was most recently used for agriculture (pg. 8 & 12, *Riverfront Trails PUD Subdivision*).
5. The portion of the subject property north of Old Bitterroot Road is currently within city limits. The portion of the subject property south of Old Bitterroot Road is not within city limits. The applicant is requesting annexation for a portion of Tract 1 of Certificate of Survey No. 6449 as shown on Exhibit B (pg. 12, *Riverfront Trails PUD Subdivision*).
6. The portion of the subject property within city limits is zoned R215 Residential which allows for one dwelling unit per 215,000 square feet of parcel area (pg. 12, *Riverfront Trails PUD Subdivision*; 20.05.050, *Title 20 Zoning Code*).
7. The portion of the subject property under county jurisdiction is zoned RM Residential, Medium which allows densities between 5 and 11 dwelling units per acre (*Missoula County Property Information System & 2.3.G.4 Missoula County Zoning Regulations*).
8. The subject property is inside the Urban Growth Area and the Air Stagnation Zone. The majority of the property is included within the Utility Services Area Boundary and can be served by City water and sewer when development occurs (*Missoula County Property Information System; Appendix O Intent to Serve Letter*).
9. The subject property has frontage on Lower Miller Creek Road which is functionally classified as an urban collector street with parking (*City Central Maps*).
10. The subject property is bisected by Old Bitterroot Road which is an existing unpaved county road (pg. 9, *Riverfront Trails PUD Subdivision*).
11. The subject property contains 44.34 acres of floodplain designated Zone AE, 1% annual chance floodplain. A small portion of the subject property along the river contains floodway. The remainder of the subject property falls under floodplain designation Zone X, Area of Minimal Flood Hazard (pg. 1, *Preliminary Plat; FEMA Map Service Center*).

VI. GROWTH POLICY GENERAL FINDINGS OF FACT

1. The Our Missoula 2035 City Growth Policy currently recommends three land use designations for the subject property. The portion of the parcel within the floodplain has a land use designation of Open and Resource. The central portion of the parcel has a land use designation of Residential Medium (3 to 11 dwelling units per acre). The southern portion of the parcel and the area from Old Bitterroot Road to the floodplain has a land use designation of Residential Low (1 to 2 dwelling units per acre) (pg. 128, *Our Missoula 2035 City Growth Policy*).
2. The Open and Resource land use designation is intended to protect important resource land and areas of natural hazard while also recognizing that those lands may be within private ownership. The Open and Resource land use designation fulfills several objectives including limiting development in river corridors, riparian and wetland areas, and floodplain along water ways (pg. 124, *Our Missoula 2035 City Growth Policy*). The current relatable zoning district within the Open and Resource land use designation is OP2 Open and Resource (pg. 125, *Our Missoula 2035 City Growth Policy*). The OP2 zoning district permits low density residential (one dwelling unit per 40 acres), parks and recreation, agricultural uses, and day cares (20.20.020, *Title 20 Zoning Code*).

3. The Residential Medium land use designation is for residential building types ranging in density from 3 dwelling units per acre to 11 dwelling units per acre. It is intended to fit with many already established residential neighborhoods and acknowledge the single dwelling and two-unit townhouse/duplex residential building types as the primary use with the potential for accessory dwellings as well (pg. 123, *Our Missoula 2035 City Growth Policy*). Current relatable zoning districts in the Residential Medium land use designation are: RT10, R8, R5.4, and RT5.4 (pg. 124, *Our Missoula 2035 City Growth Policy*). The R8 and R5.4 zoning districts permit only detached single dwellings, while RT10 and RT5.4 also permit two-unit or two-unit townhouse buildings. Commercial uses are prohibited in these districts (20.05, *Title 20 Zoning Code*).
4. The Residential Low land use designation recognizes existing development patterns and areas close to urban services not strongly connected to transit systems and other city infrastructure. This designation supports one to two dwelling units per acre with varying parcel size. Any new development within this land use designation is encouraged to be clustered in order to consolidate development in smaller areas and retain larger open areas between developments and serve other functions (pg. 122, *Our Missoula 2035 City Growth Policy*). Current relatable zoning districts in the Residential Low land use designation are R40 and R20 (pg. 124, *Our Missoula 2035 City Growth Policy*). The R20 and R40 zoning districts only permit detached house residential building types. In cluster and conservation developments, the R20 and R40 zoning districts also allow townhouse residential building types (20.05.030, *Title 20 Zoning Code*).
5. The subject property is located within the 1997 Miller Creek Area Plan boundaries. The 1997 Miller Creek Area Plan is a neighborhood plan adopted as an amendment to the *Our Missoula 2035 City Growth Policy* (pg. 140, *Our Missoula 2035 City Growth Policy*).

TARGETED GROWTH POLICY AMENDMENT

I. RECOMMENDATION

Staff recommend City Council **adopt** a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portion of Tract 1 of Certificate of Survey No. 6449 as shown on Exhibit A, based on the findings of fact and conclusions of law in the staff report.

II. CONDITIONS OF TARGETED GROWTH POLICY AMENDMENT APPROVAL

None. The recommendations of the *Our Missoula 2035 City Growth Policy* Residential Medium land use designation would apply equally to all areas with the same land use designation.

III. GROWTH POLICY TARGETED AMENDMENT REVIEW CRITERIA

Findings of Fact:

1. The applicant requests to amend the Growth Policy land use designation for the portion of the parcel designated as Residential Low (1 to 2 dwelling units per acre) to Residential Medium (3 to 11 dwelling units per acre). The applicant is not requesting to amend the Open and Resource land use designation on the subject parcel. Areas already designated as Residential Medium would remain Residential Medium (pg. 14, *Riverfront Trails PUD Subdivision*).
2. Amending from Residential Low to Residential Medium would allow for more density. The current relatable zoning districts would change from R20 and R40 to RT10, R8, RT5.4, and

R5.4 (pg. 124, *City Growth Policy*). All are residential zoning districts. The R20, R40, R8, and R5.4 zoning districts allow detached residential building types. The RT10 and RT5.4 allow for detached house, duplex, and two-unit townhouses residential building types (20.05, *Title 20 Zoning Code*).

3. The Housing section of the City Growth Policy outlines a goal to “meet the needs of a growing and diverse population in regard to age, income, physical abilities and household size by having a sufficient supply of housing and developing a variety of housing types” (pg. 61). The requested amendment supports that goal by allowing a greater diversity of housing types, which in turn can serve varying household sizes and a more diverse range of incomes.
4. The Community Design section of the City Growth Policy outlines a goal to “strive for a more compact development pattern” (pg. 73). The requested amendment supports this goal by allowing for more density and residential building types.
5. The applicant is requesting to annex the subject property south of Old Bitterroot Road and apply RT5.4 Residential zoning upon annexation. The applicant is requesting to rezone the subject property north of Old Bitterroot Road from city zoning district R215 Residential to OP2 Open and Resource and RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay. OP2 zoning would apply to the portion of the parcel containing floodplain with a land use designation of Open and Resource. RT5.4 / NC-RT would apply to the portion with a Growth Policy land use designation of Residential Medium, 3 to 11 dwelling units per acre if City Council approves the targeted growth policy amendment (pg. 14 & 15, *Riverfront Trails PUD Subdivision*). See Exhibit D.
6. The applicant is requesting to rezone the subject property south of Old Bitterroot Road from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, which would entirely have a Growth Policy land use designation of Residential Medium 3 to 11 dwelling units per acre if City Council approves the targeted growth policy amendment (pg. 14 & 15, *Riverfront Trails PUD Subdivision*). The rezoning, covered later in this report, is contingent upon City Council approval of the targeted growth policy amendment.
7. The targeted growth policy amendment would allow for increased density outside of the floodplain. The targeted growth policy amendment would allow for a subsequent rezoning of the parcel to apply OP2 zoning to the floodplain in alignment with the Growth Policy. The amendment and rezoning would allow for a subsequent PUD subdivision which proposes to allow public access to the Bitterroot River, preserve the floodplain as parkland, and cluster needed housing outside of the floodplain (pg. 21, *Riverfront Trails PUD Subdivision*). The proposed development, contingent upon the targeted growth policy amendment supports compact design.
8. The applicable area plan is the 1997 Miller Creek Area Plan. The plan states “the riparian bottomlands adjacent to the Bitterroot River provide various [wildlife] habitat types and support a multitude of species” (pg. 35). The plan recommends the following: “implement incentives for clustering residential units on parcels so that significant portions of the area remains viable working agricultural land, wildlife habitat, recreation land or scenic and non-scenic open space. Planned unit developments and limited development proposals should be encouraged to provide for development while conserving significant resources on the site. Provide a Bitterroot River front corridor corresponding to the floodplain zone to be set aside for future conservation and appropriate recreation use” (pg. 42).
9. The targeted growth policy amendment allows for development on the subject property that meets several recommendations of the 1997 Miller Creek Area Plan. The developer proposes a rezoning and planned unit development subdivision to provide a Bitterroot River corridor

corresponding to the floodplain which will be protected for recreational use and preservation. The PUD Subdivision and rezoning would cluster residential units to preserve wildlife habitat and scenic open space while providing needed housing (pg. 21, *Riverfront Trails PUD Subdivision*). The rezoning and PUD subdivision are contingent upon targeted growth policy amendment approval.

10. The planned density of the area proposed to be designated as Residential Medium is 5.99 dwelling units per acre. However, the gross density of the entire Riverfront Trails PUD Subdivision area, including the area proposed to be zoned OP2, would be 3.11 dwelling units per acre (pg. 8, *Riverfront Trails PUD Subdivision*).
11. The 1997 *Miller Creek Plan* recommends 1, 2, and 4 dwelling units per acre for the portions of the subject property outside of the floodplain and recommends Parks and Open Space for portions of the subject property within the floodplain.
12. The 1997 *Miller Creek Plan* acknowledges the need for more housing and states “as the Miller Creek Valley Planning Area continues to grow, diverse and affordable housing, housing stock condition, and the housing supply are important issues. The lack of affordable housing is reaching a critical point in Missoula County as it is in many counties in Montana” (pg. 10). The plan also states “owner occupied units, accessory dwelling units and apartments, provide flexibility that fits the development pattern of the neighborhood. A diverse housing mix is achievable without intensifying the overall level of density by clustering homesites and providing for more open space and trail opportunities on a given site” (pg. 31).
13. The 1997 *Miller Creek Plan*, adopted twenty-five years ago, recognized issues with housing affordability and recommended clustering a mix of housing types to provide more open space. Though densities recommended by the plan are lower in some areas than those recommended by the Residential Medium land use designation, the proposed PUD subdivision meets the intent of the 1997 *Miller Creek Plan* by addressing housing needs and clustering a mix of housing types to provide open space. The densities recommended by the *Miller Creek Plan* have not been sufficient to address housing needs twenty-five years later.
14. Goal L5 under the Livability section of the City Growth Policy states “neighborhoods should have easy accessibility to amenities and local services to meet the needs of an expanding diverse population” (pg. 30).
15. The subject property is accessed by Lower Miller Creek Road which is an urban collector street (with parking). The city anticipates future improvements to Lower Miller Creek Road including non-motorized facilities, covered in the annexation and subdivision reports (pg. 41, *Riverfront Trails PUD Subdivision*). The subject property is approximately 1.5 miles from a Mountain Line bus stop on Weeping Willow Drive and Brooks Street which offers commercial services (*County Property Information System*).
16. Missoula County amended the land use designation map for the Missoula County Growth Policy in 2019. The Missoula County Growth Policy recommends a land use designation of Residential (3 to 11 dwelling units per acre) for the subject property. The current county land use designation of Residential is comparable to the city land use designation of Residential Medium (*Missoula County Growth Policy*; pg. 20, *Riverfront Trails PUD*).
17. The City of Missoula is currently in the process of updating the City Growth Policy which was established seven years ago in 2015.
18. Parcels to the east and southeast of the subject property have a City Growth Policy land use designation of Residential Low. Parcels to the west and southwest of the subject property have a City Growth Policy land use designation of Residential Medium. The Bitterroot River and

related floodplain to the north and northwest have a land use designation of Open and Resource (pg. 128, *Our Missoula 2035 City Growth Policy*).

19. The Growth Policy includes guidance for when a Targeted Growth Policy amendment is appropriate. The City Growth Policy cites “the plan lacks significant guidance or relevant policy statements to meet emerging public needs” (pg. 144). An emerging public need is creation of more housing, and the amendment supports meeting that need by permitting more density and greater diversity of housing types. As Missoula grows, emerging public needs also include public access to rivers, protection of natural habitat and water quality, and protection of public health and safety from flood events. These public needs are also expressed in the 1997 Miller Creek Area Plan, an amendment to the Growth Policy. The proposed targeted growth policy amendment would allow for a rezoning and PUD subdivision that protect the floodplain and increase density outside of the floodplain to meet housing goals. Public access to the Bitterroot River will be provided with the City Parkland within the area proposed to be rezoned OP2 Open and Resource lands along the Bitterroot River.
20. The Growth Policy includes guidance for when a Targeted Growth Policy amendment is appropriate. The City Growth Policy cites where “goals and objectives or land use recommendations do not support or accommodate development proposals” (pg. 144). The current land use designation does not support the landowner’s development proposals, which offer greater public benefit in terms of more density, preservation of floodplain, public access along the Bitterroot River and a mix of housing types than development under the current land use recommendation would allow.
21. The Growth Policy includes guidance for when a Targeted Growth Policy amendment is appropriate. The City Growth Policy cites “changing conditions or new information result[ing] in the need to establish more relevant policies and implementation tools” (pg. 144). The changing conditions and new information are related to the provision of housing, the need for which is strongly emphasized in the *A Place to Call Home: Meeting Missoula’s Housing Needs*, a report from the Community Development division. Additionally, the updated Missoula County Growth Policy acknowledges the changing conditions warranting additional density on the subject property. A targeted growth policy amendment would allow the provision of more housing than would be permitted under the current land use designation in a location bordered by existing residential development and accessed from an urban collector street planned for multi-modal improvements.

Conclusions of Law:

1. Whether there is a public need for the change;

- a. The growth policy amendment facilitates the provision of more housing and more diverse building types, for which there is a public need.
- b. The growth policy amendment facilitates protection of the floodplain and public access to parkland and the Bitterroot River, for which there is a public need.

2. Whether the change proposed is the best means for meeting that need;

- a. This growth policy amendment and subsequent rezoning of these parcels is the only means to allow more dense development on this site.
- b. The proposed Residential Medium land use designation aligns with the land use designation of parcels to the west and southwest. The subject property is accessed by an urban collector street and is located 1.5 miles from a bus stop and commercial services. Missoula County has applied a land use designation to the parcel comparable

to the designation requested by the applicant. The amendment to Residential Medium to meet housing needs is appropriate for the context of the area, making it the best means for meeting housing and conservation needs.

- c. The growth policy amendment is the best means to allow a development plan that facilitates protection of the floodplain and public access to parkland and the Bitterroot River without sacrificing the ability to develop ample housing. The Growth Policy amendment aligns with specific area goals provided by the 1997 Miller Creek Area Plan and is the best means for meeting housing, public river access, public health and safety through preservation of the floodplain, and conservation needs.

3. Whether there is a public benefit that will result from the change;

- a. The growth policy amendment promotes greater density and a mix of housing types, which can benefit the public by lowering the cost of development through more efficient land use.
- b. The growth policy amendment supports compact development to reduce costly expansion of infrastructure.
- c. The growth policy amendment supports development that protects natural resources and provides public access to recreation and the Bitterroot River while addressing housing needs.

IV. TARGETED GROWTH POLICY AMENDMENT EXHIBITS AND ATTACHMENTS

Exhibits

- 1. Exhibit A Targeted Growth Policy Amendment Map

Attachments

- 2. Resolution of Intent to Amend the Growth Policy

ANNEXATION

I. RECOMMENDATION

Staff recommend City Council **adopt** a resolution to annex the subject property legally described in Exhibit C, as shown on Exhibit B, and zone upon annexation to RT5.4 Residential (two-unit/townhouse) subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report.

II. CONDITIONS OF ANNEXATION APPROVAL

Zoning

- 1. Approval of the annexation shall be contingent upon City Council approval of the rezoning and Riverfront Trails PUD Subdivision.

Road and Alleys

- 2. The applicant shall install improvements meeting city standards for an urban collector (with parking) for Lower Miller Creek Road that are not included in the City initiated improvements to Lower Miller Creek Road and shall provide security for full improvements required for Lower Miller Creek Road to meet city standards for an urban collector (with parking), subject to

review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A. Installation of improvements to Lower Miller Creek Road by the applicant shall include landscaped boulevard and sidewalk and on the western half of Lower Miller Creek Road from the intersection of Lower Miller Creek Road and Old Bitterroot Road to where Lower Miller Creek Road turns southwest, at which point the subdivider is responsible for landscaped boulevard and sidewalk and on both sides to the point where Lower Miller Creek Road exits the subject property.

3. The applicant shall dedicate an additional 20 feet of right-of-way width for Lower Miller Creek Road on the west side of the existing easement for that portion along the eastern property boundary of the subject property and shall dedicate an additional 10 feet of right-of-way width on both sides of the existing easement from the point where Lower Miller Creek Road turns southwest to the edge of the subject property, subject to review and approval by Public Works & Mobility, prior final plat approval for Phase 1A.
4. The applicant shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to Riverfront Place, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A.
5. The applicant shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to the western boundary of Lot 97, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
6. The applicant shall provide plans for and install improvements to urban local streets within the subdivision, including Riverfront Place south of Old Bitterroot Road and Drago Lane between Lower Miller Creek Road and Riverfront Place, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A.
7. The applicant shall provide plans for and installation of improvements to urban local streets within the subdivision including Naomi Lane south of Old Bitterroot Road and Drago Lane, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
8. The applicant shall provide plans for and installation of improvements to local residential street, Anders Way, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
9. The applicant shall provide plans for and installation of improvements to ten short courts within the annexation area, shown on Exhibit B, including two travel lanes, curb, valley gutter, overflow parking, and a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area, all within a 26 foot wide public access and utility easement, subject to review and approval by Public Works and Mobility, prior to final plat approval for Phase 1B.
10. The applicant shall provide plans for and installation of improvements to Alley A and Alley B in accordance with Missoula City Public Works Standards and Specifications Manual and

Missoula City Subdivision Regulations, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B.

11. The applicant shall obtain approval from Missoula County Public Schools for the connection of School Way to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B.
12. If approval for connection is obtained from Missoula County Public Schools, the applicant shall provide plans for and installation of improvements to the School Way access drive including two travel lanes, curb and gutter, and boulevard and sidewalk on one side, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.

Non-Motorized

13. The applicant shall obtain approval from Missoula County Public Schools for the connection of the mid-block pedestrian path to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
14. The applicant shall provide plans for and installation of improvements to the mid-block pedestrian path that runs to the southern boundary of the subject property, extending through Phase 1B to Old Bitterroot Road, including a 10-foot-wide ADA compliant paved path within a 20-foot-wide right-of-way, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.

Transit

15. The applicant shall petition for the subject property to be included in the Missoula Urban Transportation District, subject to review and approval by Development Services, prior to final plat approval for Phase 1A.

Fire Protection

16. The applicant shall provide plans for fire suppression water flow and hydrant placement, subject to review and approval by City Fire Department and Public Works & Mobility, prior to final plat approval for each phase. applicant shall install fire hydrants prior to combustible construction for each phase, subject to review and approval by City Fire Department and Public Works & Mobility.

Utilities

17. The applicant shall provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality prior to final plat for each phase. Construction of all water supply and sewer systems shall be in accordance with City policies.
18. The applicant shall transfer sufficient water rights to the City of Missoula prior to final plat approval for each phase, subject to review and approval of Public Works and Mobility.
19. The applicant shall obtain a utility easement through properties adjacent to the subdivision for utility main extension from the Sweet Grass Addition of Maloney Ranch Phase II, subject to review and approval by Public Works & Mobility, prior to final plat approval of Phase 1A.

Boulevard Landscaping

20. The applicant shall provide plans for and installation of boulevard landscaping, subject to review and approval by Parks and Recreation, prior to final plat approval for each phase.

III. ANNEXATION FINDINGS OF FACT AND CONCLUSIONS OF LAW

Introduction

1. Development Services received a petition from Kody Swartz of Woith Engineering Inc., on behalf of property owner Tollefson Properties LLC for annexation of 31.67 acres into the City of Missoula, and zoning upon annexation to RT5.4 Residential.

Property Information

2. The portion of the subject property north of Old Bitterroot Road is already within city limits. The applicant is requesting annexation for the remaining portion of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit B (*County Property Information System; Appendix D Annexation Petition*).
3. The requested annexation area is adjacent to city limits to the south, east, and north. Parcels to the west, except for the parcel containing Jeannette Rankin Elementary School to the southwest, remain under County jurisdiction (*Missoula County Property Information System*).
4. Upon annexation, the subject property would become part of City Council Ward 5, and the Miller Creek Neighborhood Council.
5. The portion of the subject property proposed for annexation falls under floodplain classification Zone X, Area of Minimal Flood Hazard (*FEMA Map Service Center*).
6. The subject property has frontage on Lower Miller Creek Road. Lower Miller Creek Road is already annexed into the City of Missoula. The subject property is bisected by Old Bitterroot Road. Old Bitterroot Road is an existing unpaved county street. The portion of the subject property proposed for annexation includes Old Bitterroot Road. A portion of Old Bitterroot Road is located on an adjacent parcel (*City Central Maps; Missoula County Property Information System*).

Annexation Request

7. The property owner, Nate Tollefson of Tollefson Properties LLC, filed Petition No. 10112 requesting the annexation of this property (*Appendix D Annexation Petition*).

Annexation Policy

8. The subject property is part of Annexation Area "A" on the City Annexation Policy Map. Areas designated as Annexation Area "A" largely meet the guidelines of the City's Annexation Policy. Per the City Annexation Policy, the City should prioritize the annexation of areas located within Annexation Area "A".
9. The area proposed to be annexed is adjacent to Missoula city limits on the northern, eastern, and southern boundaries. Previous annexation of the northern portion of the subject property created an island of land within city limits (*Missoula County Property Information System*). Per the City Annexation Policy, the City should prioritize the annexation of properties that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries; and properties that would fill gaps left by previous annexations that created islands and non-contiguous boundaries. Annexation of the remaining portion of the subject property would fill in a gap left by previous annexations.
10. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet current city standards, including water, sewer, and transportation infrastructure, and equitably provide the same levels of service and infrastructure as other parts of the municipality with

similar topography, land use, and population density. This is reflected in the recommended annexation and subdivision conditions of approval.

Growth Policy and Zoning

11. The applicable regional plan is the *Our Missoula 2035 Growth Policy* which recommends land use designations of Residential Low (1 to 2 dwelling units per acre) and Residential Medium (3 to 11 dwelling units per acre) for the portion of the property requested to be annexed. The City Annexation Policy states that any annexation by the City should be guided by the current City Growth Policy.
12. Current relatable zoning districts in the Residential Medium land use designation are: RT10 Residential (two-unit/townhouse), R8 Residential, R5.4 Residential, and RT5.4 Residential (two-unit/townhouse) (pg. 124, *Our Missoula 2035 City Growth Policy*).
13. Current relatable zoning districts in the Residential Low land use designation are R40 Residential and R20 Residential (pg. 124, *Our Missoula 2035 City Growth Policy*).
14. The applicant is requesting a targeted growth policy amendment to change the portions of the subject property designated as Residential Low to the Residential Medium land use designation (pg. 3, *Appendix A Rezone Application*). If approved by City Council, the Residential Medium land use designation would allow the subject property to support higher density residential development. Refer to the targeted growth policy amendment section of this report.
15. The requested zoning upon annexation for the subject property is RT5.4 Residential which aligns with the Residential Medium land use designation.
16. The current county zoning is RM Residential, Medium which permits densities between 5 and 11 dwelling units per acre. The RM zoning district permits detached house, duplex, triplex, quadplex, and townhouse as of right (2.3.G.4 & 2.4, *Missoula County Zoning Code*). The current county zoning of RM Residential, Medium is more closely aligned with the *Our Missoula 2035 City Growth Policy* Residential Medium (3 to 11 dwelling units per acre) land use designation than the Residential Low (1 to 2 dwelling units per acre) land use designation. Additionally, the current county zoning aligns with the proposed RT5.4 district which permits 8 dwelling units per acre.
17. The application packet states the subject parcel is zoned C-RR1 in the county (pg. 12, *Riverfront Trails PUD Subdivision*). New Missoula County zoning regulations became effective July 1, 2022 resulting in rezoning of the subject property from C-RR1 to RM. The subdivision application was in process at this time and was not amended to update the current county zoning.
18. A subsequent rezoning is requested to apply the / NC-RT Riverfront Trails Neighborhood Character Overlay to the annexation area (pg. 3, *Appendix A Rezone Application*). For more information, see the rezoning section of this report.
19. The requested annexation is contingent upon City Council approval of the rezoning and PUD subdivision preliminary plat in order to comply with City regulations and avoid split zoning which is prohibited per Title 20, Section 20.01.100.E.1. The rezoning is contingent upon the targeted growth policy amendment. Staff recommend a condition of approval stating the annexation is contingent upon City Council approval of the rezoning and subdivision preliminary plat.

Road Improvements, Non-Motorized Improvements, Transit, and Utility Infrastructure

Roads, Alleys, and Non-Motorized

20. Findings of fact for conditions of approval regarding roads, alleys, and non-motorized facilities are located in the PUD Subdivision section of this report and are incorporated here by reference. Conditions applied to the annexation only include plans for and installation of improvements within the annexation area, as shown on Exhibit B.
21. In order to meet current City Standards and the Annexation Policy, staff recommend conditions of approval requiring the applicant to provide plans for and installation of improvements to all roads, alleys, non-motorized facilities, and the School Way access drive shown on the preliminary plat within the annexation area, including Lower Miller Creek Road. Additionally, staff recommend conditions of approval requiring additional right-of-way on Lower Miller Creek Road to meet current City standards and approval from Missoula County Public Schools for connections to the Jeannette Rankin Elementary School property.
22. The road, alley, and non-motorized infrastructure within the proposed annexation area will equitably provide the same levels of service and infrastructure as other parts of the municipality with similar zoning if the recommended conditions of approval are imposed.

Transit

23. The nearest Mountain Line bus stop is 1.5 miles away on Weeping Willow Drive (*Mountain Line Bus Stop Master Plan*). City Engineering will not be requiring the installation of bus stop facilities at the subject property.
24. Per the City Annexation Policy, proposed annexation areas should be conditioned to join the Missoula Urban Transportation District.
25. In order to comply with the City Annexation Policy, staff recommends a condition of approval that states the applicant shall petition into the Missoula Urban Transportation District.

Fire Protection

26. In order to provide the same level of service and infrastructure as other parts of the municipality with similar zoning, including adequate protection from fire, staff recommend a condition of approval requiring the applicant to provide plans for fire suppression water flow and hydrant placement, prior to final plat approval for each phase. The staff recommended condition of approval requires the applicant to install fire hydrants prior to combustible construction for each phase (3-010.1.F, *City Subdivision Regulations*).

Utilities

27. In accordance with City policies and following annexation, future development of the property must include approved design, installation, and connection to municipal water and sewer services. The Annexation Policy states the City should prioritize the annexation of areas that meet current city standards, including water and sewer infrastructure.
28. The subject property is vacant and therefore no structures are connected to city water or sewer. New construction will be required to connect to city sewer and water (*City Central Maps*). The application includes a water and sanitation report (*Preliminary Construction Plans; Water and Sanitation Report*).
29. The area to be annexed is within the Utility Service Area and the City of Missoula provided a letter stating the intent to provide water and sewer service to the subdivision in May of 2021. (*Appendix O Intent to Serve Letter*). The Utility Service Area Boundary amendment is requested for the portion of the subdivision already within city limits.

30. Findings of fact for conditions of approval regarding utilities are located in the PUD Subdivision section of this report and are incorporated here by reference.
31. In order to meet the Annexation Policy and current City Standards, staff recommend conditions of approval requiring the applicant to transfer sufficient water rights prior to each phase, to provide plans for and installation of water supply and sewage disposal facilities, and to obtain a utility easement through properties adjacent to the subdivision for utility main extension.
32. The utility infrastructure within the proposed annexation area, shown on Exhibit B, will equitably provide the same levels of service and infrastructure as other parts of the municipality with similar zoning if the recommended conditions of approval are imposed.

Statutory Requirements

33. Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed.
34. The subject property is adjacent to Lower Miller Creek which has already been annexed into the City of Missoula (*Missoula County Property Information System*).
35. The portion of the subject property to be annexed, as shown on Exhibit B, includes Old Bitterroot Road for the full width of the portion adjacent to the area to be annexed.
36. The city will meet the statutory requirements for a petition method annexation in regards to MCA 7-2-4601 and the MMC 20.85.040(1)(2) by considering the petition, adopting a resolution of intent and scheduling a public hearing regarding the zoning upon annexation, and advertising public notice for at least 15 days prior to the public hearing with the appropriate recommended zoning. The final step for council will be to adopt a resolution to adopt or deny the annexation request.

Zoning Upon Annexation

37. MCA 76-2-303 allows a municipality to conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed for annexation. Title 20 Zoning Ordinance, Section 20.85.040(1)(2) outlines the three review criteria taken from MCA 76-2-303 which may be considered for zoning upon annexation. The following are the three criteria from Title 20 and staff's assessment as to whether the annexation complies with the criteria. An annexation must comply with at least **one** of the criteria. The zoning district classification assigned at the time of annexation must:

- a. **Authorize land uses comparable to the land uses authorized under the county zoning classification that applied to the property immediately before it was annexed in the city;**

Staff Assessment

- i. The current county zoning classification is RM Residential, Medium which permits densities between 5 and 11 dwelling units per acre. Land uses permitted in this district are agriculture, community residential facility, daycare, some commercial uses, residential detached house, townhouse, duplex, triplex, and quadplex, and some commercial uses (2.3.G.4 & 2.4, *Missoula County Zoning Code*).
- ii. The proposed City zoning is RT5.4. RT5.4 permits a maximum density of approximately 8 dwelling units per acre. Land uses permitted in this district are single-purpose residential buildings (detached house, duplex, and two-unit

townhouse), community residential facility (8 of fewer), daycare, and agriculture, crop (20.05, *Title 20 Zoning Code*).

- iii. The City RT5.4 Residential zoning district is comparable to the county RM Residential, Medium zoning district in terms of residential densities and some permitted residential building types. The City RT5.4 Residential zoning district is slightly more restrictive in terms of permitted uses and permitted residential building types.
- iv. Based on compliance with the criteria in Title 20, Section 20.85.040.1.2.a, staff recommends annexation of the subject property and zoning upon annexation to RT5.4, subject to the recommended conditions of approval.
- v. If the City Council does not approve the request to annex the subject property and/or the zoning upon annexation of the subject property to RT5.4, the Resolution to Annex and the zoning upon annexation of the property shall become null and void, and the property shall revert to its original status in the County of Missoula.

b. Authorize land uses that are consistent with the land uses approved by the Board of County Commissioners or the County Board of Adjustment; or

Staff Assessment

- i. The *Missoula County Growth Policy*, approved by the Board of County Commissioners, recommends a land use designation of Residential (3 to 11 dwelling units per acre) for the subject property.
- ii. The proposed city RT5.4 Residential zoning district permits densities and uses comparable to the Missoula County Growth Policy.
- iii. An annexation only needs to comply with one criterion. However, the request to annex and zone upon annexation to RT5.4 Residential also complies with the criteria in Title 20, Section 20.85.040.1.2.b.

c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the “Our Missoula Growth Policy.”

Staff Assessment

- i. The *Our Missoula 2035 City Growth Policy* recommends land use designations of Residential Low and Residential Medium for the portion of the subject property to be annexed. The applicant has requested a targeted growth policy amendment to change the areas designated as Residential Low to Residential Medium.
- ii. The requested RT5.4 Residential zoning district is a current relatable zoning district to the Residential Medium land use designation in the Growth Policy.
- iii. An annexation only needs to comply with one criterion. However, the request to annex and zone upon annexation to RT5.4 Residential will comply with the criteria in Title 20, Section 20.85.040.1.2.c if the targeted growth policy amendment is approved by City Council.

IV. ANNEXATION EXHIBITS AND ATTACHMENTS

Exhibits

1. Exhibit B Annexation Map

2. Exhibit C Annexation Area Legal Description

Attachments

3. Resolution of Intent to Annex

REZONING

I. RECOMMENDATION

Staff recommend City Council **adopt** an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, the subject property legally described in Exhibit F from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and the subject property legally described in Exhibit G from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report.

II. CONDITIONS OF REZONING APPROVAL

None. The rezoning from R215 Residential to OP2 Open and Resource may not be conditioned per MCA 76-2-302 which requires the regulations for a particular zoning district to be uniform for each class or kind of buildings throughout all locations within the City of Missoula zoned OP2 Open and Resource. The rezone from R215 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay and RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay can be conditioned for the / NC-RT overlay only.

III. REZONING REVIEW CRITERIA

Findings Of Fact

General

1. Tract 1 of Certificate of Survey No. 6449 is partially within city limits and partially under county jurisdiction (*Missoula County Property Information System*).
2. The subject property contains 44.34 acres of floodplain designation Zone AE, 1% annual chance floodplain. The remainder of the subject property falls under floodplain designation Zone X, Area of Minimal Flood Hazard (*FEMA Map Service Center*).
3. The rezoning is requested in conjunction with a targeted growth policy amendment, annexation, Utility Services Area Boundary amendment, and preliminary plat approval for Riverfront Trails PUD Subdivision.

General Zoning

4. The portion of the subject parcel within city limits is currently zoned R215 Residential which allows for one dwelling unit per 215,000 square feet of parcel area. The applicant requests to rezone this portion of the subject property from R215 Residential to OP2 Open and Resource for the area within the floodplain and encompassed by City Parkland and Common Area Open Space and RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay for the portion that includes lots for residential development (pg. 3, *Appendix A Rezone Application & pg. 16, Riverfront Trails PUD Subdivision*). See Exhibit D.
5. Upon annexation, the southern portion of the parcel will be zoned RT5.4. See the Annexation section of this report for more information. The applicant is requesting to rezone the portion of

the subject property included in the annexation from RT5.4 to RT5.4 / NC-RT (pg. 3, *Appendix A Rezone Application*; pg. 16, *Riverfront Trails PUD Subdivision*). See Exhibit D.

6. The RT5.4 zoning district permits detached house, two-unit house, and two-unit townhouse residential building types. Commercial uses are prohibited in these districts (20.05, *Title 20 Zoning Code*). However, the permitted uses, setbacks, and building types in the RT5.4 zoning district are proposed to be modified with the / NC-RT Riverfront Trails Neighborhood Character overlay. The RT5.4 zoning district permits a density of one dwelling unit per 5,400 square feet of parcel area.
7. The applicant is requesting to apply the OP2 zoning district to the portion of the parcel containing floodplain. The OP2 zoning district permits low density residential (one dwelling unit per 40 acres), parks and recreation, agricultural uses, and day cares. The OP2 zoning district has no minimum parcel area and a maximum height of 35 feet. Required setbacks are: 25-foot front, 50-foot side, 12.5-foot street side, and 50-foot rear (20.20, *Title 20 Zoning Code*).
8. Most of the subject property's northern/northwestern property line abuts the Bitterroot River. A portion of the northern property line abuts a parcel containing a detached house and agricultural uses. The river and residential/agricultural parcel are zoned RO Resource and Open Lands in the county (*Missoula County Property Information System*). If the rezoning is approved the river and the abutting residential/agricultural parcel would abut the OP2 zoning district (pg. 16, *Riverfront Trails PUD Subdivision*).
9. To the southwest/west of the subject property is a parcel containing a detached house and agricultural uses, zoned RM Residential Medium in the County (*Missoula County Property Information System*). If the rezoning is approved by City Council, the residential/agricultural parcel would abut both OP2 and RT5.4 / NC-RT zoning districts. To the south is a parcel zoned OP3 Public Lands and Institutional containing Jeannette Rankin Elementary School, a parcel zoned R20 containing a detached house, and two parcels zoned R20 containing agricultural uses. The school parcel would abut RT5.4 / NC-RT zoning and parcels zoned R20 would be across Lower Miller Creek Road from RT5.4 / NC-RT zoning (pg. 16, *Riverfront Trails PUD Subdivision*).
10. East of the subject property are parcels zoned R20 Residential containing detached houses. There is also a parcel containing a detached house and agricultural uses, zoned R215 Residential (*Missoula County Property Information System*). If the rezoning is approved by City Council, the R20 parcels would be across Lower Miller Creek Road from the RT5.4 / NC-RT zoning district. The parcel zoned R215 would abut both OP2 and RT5.4 / NC-RT zoning districts (pg. 16, *Riverfront Trails PUD Subdivision*).
11. Though some abutting parcels are rural in nature, the rezoning proposes to cluster residential development on the southern portion of the subject property and to apply OP2 zoning to 44.69 acres of land along the river (pg. 16, *Riverfront Trails PUD Subdivision*).
12. All development will be required to meet all applicable Title 20 zoning requirements. If the proposed Neighborhood Character Overlay is applied, new development will be required to meet all applicable / NC-RT zoning requirements.

Riverfront Trails Neighborhood Character Overlay

Overlay Districts, General:

13. The applicant is requesting to apply the Riverfront Trails Neighborhood Character Overlay to the portion of the subject property with RT5.4 Residential base zoning (pg. 16, *Riverfront Trails PUD Subdivision*).

14. Overlay district regulations may be established only in accordance with the zoning amendment procedures of Title 20.85.040 (20.25.040.F.1, *Title 20 Zoning Code*).
15. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of the zoning ordinance. When overlay district standards conflict with standards that would otherwise apply, the regulations of the overlay zoning district govern.
16. After an overlay district is established, the overlay district may be applied to specific property in accordance with the zoning amendment procedures (20.25.040.F, *Title 20 Zoning Code*).
17. As per Title 20 Section 20.25.040, neighborhood character overlay districts are intended to: A. Recognize and protect the physical character of neighborhoods that exhibit unique development building patterns; B. Encourage neighborhood investment in the form of construction and development that conform to the size, orientation and setting of existing buildings in the neighborhood; C. Implement adopted neighborhood plans; D. Foster development and redevelopment that are compatible with the scale and physical character of original buildings in the neighborhood through the use of development/design standards; E. Ensure a stabilized tax base, and F. Promote natural and cultural assets.
18. Uses allowed by the underlying zoning district are allowed in all /NC Overlay districts unless expressly modified when the specific neighborhood character overlay district is adopted (20.25.040.C, *Title 20 Zoning Code*). /NC Overlay districts may modify uses, including residential building types, allowed in the zoning district.
19. In establishing an /NC Overlay district, the City Council is authorized to adopt district-specific development and design standards to guide development and redevelopment within the subject /NC Overlay district (20.25.040.D, *Title 20 Zoning Code*). /NC Overlay districts may modify development and design standards, which include setback, height, and use and building specific requirements.

Riverfront Trails Neighborhood Character Overlay District:

20. The /NC-RT Overlay District is intended to be ‘overlain’ on top of the RT5.4 district applied to a portion of the Riverfront Trails Subdivision property.
21. The /NC-RT Overlay establishes four subdistricts, each with different use, residential building type, and parcel and building standards. The four subdistricts are: Neighborhood Edge, Neighborhood Center South, Neighborhood Center North, and Townhouse Corridor (*Appendix S, RT NC Overlay*).
22. All uses regularly permitted in the RT5.4 zoning district will continue to be permitted as-of-right in the /NC-RT Overlay (*Appendix S, RT NC Overlay*).
23. Group Living Community Residential Facilities (9+) is a conditional use in the RT5.4 zoning district. The /NC-RT Overlay would modify the permitted uses of the RT5.4 zoning district to allow Group Living Community Residential Facilities (9+) as-of-right within the Neighborhood Center South subdistrict. The Neighborhood Center South subdistrict is only applicable to Lots 1 and 176 of the Riverfront Trails Subdivision (*Appendix S, RT NC Overlay; Preliminary Plat*).
24. Religious assembly is a conditional use in the RT5.4 zoning district. The /NC-RT Overlay would modify the permitted uses of the RT5.4 zoning district to allow religious assembly as-of-right within the Neighborhood Center North subdistrict. The Neighborhood Center North subdistrict is only applicable to Lot 2 of the Riverfront Trails Subdivision (*Appendix S, RT NC Overlay; Preliminary Plat*).

25. All other uses requiring conditional use approval in the RT5.4 zoning district will remain conditional in the /NC-RT Overlay (*Appendix S, RT NC Overlay*).
26. The RT5.4 zoning district permits detached house, lot line house, two-unit townhouse, and duplex residential building types. Mixed-use buildings are also permitted, but few uses other than residential are allowed (20.05.030, *Title 20 Zoning Code*).
27. All residential building types regularly permitted in the RT5.4 zoning district will continue to be permitted as-of-right in the /NC-RT Overlay (*Appendix S, RT NC Overlay*).
28. Three+ unit townhouses are prohibited in the RT5.4 zoning district. The /NC-RT Overlay would modify the permitted residential building types of the RT5.4 zoning district to allow three+ unit townhouses in the Neighborhood Center South and Townhouse Corridor subdistricts. The Neighborhood Center South subdistrict is applicable to Lots 1 and 176 of the Riverfront Trails Subdivision. The Townhouse Corridor subdistrict is applicable to Lots 70, 71, 72, 85, 86, and 87 of the Riverfront Trails Subdivision (*Appendix S, RT NC Overlay; Preliminary Plat*).
29. Multi-dwelling buildings are prohibited in the RT5.4 zoning district. The /NC-RT Overlay would modify the permitted residential building types of the RT5.4 zoning district to allow multi-dwelling buildings in the Neighborhood Center South subdistrict. The Neighborhood Center South subdistrict is applicable to Lots 1 and 176 of the Riverfront Trails Subdivision (*Appendix S, RT NC Overlay; Preliminary Plat*).
30. The RT5.4 zoning district requires 20-foot front and rear setbacks, 7.5-foot or 1/3 the building height, whichever is greater, interior side setbacks, and 10-foot street side setbacks (20.05.050, *Title 20 Zoning Code*).
31. The /NC-RT Overlay proposes to modify setbacks based on “setback groups” A through H. Front setbacks are reduced to 10 feet for Setback Groups A, B, C, D, and E. A larger interior side setback of 10 feet is applied to Setback Groups A and B. The interior side setback is reduced to 6 feet for all other Setback Groups. The street side setback is reduced to 5 feet for Setback Group C. A larger rear setback of 30 feet is applied to Setback Group C. A reduced rear setback of 10 feet is applied to Setback Groups B, D, and G. A reduced rear setback of 6 feet is applied to Setback Groups E and H (*Appendix S, RT NC Overlay*).
32. Lots accessed by short courts within private access and utility easements are proposed in sets of four within the Riverfront Trails Subdivision. For said lots, setbacks shall only be applied to the outside boundary of each group of four lots (*Appendix S, RT NC Overlay*). In other words, interior side setbacks will not apply to the property lines between the set of four lots.
33. The RT5.4 zoning district has a maximum height limit of 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater (20.05.050, *Title 20 Zoning Code*).
34. The /NC-RT Overlay proposes a maximum height of 35 feet, regardless of roof pitch, in the Neighborhood Edge and Townhouse Corridor subdistricts and a 45-foot maximum height the Neighborhood Center South and Neighborhood Center North subdistricts. The maximum 45-foot height limit would apply to Lots 1, 2, and 176 (*Appendix S, RT NC Overlay; Preliminary Plat*).
35. The /NC-RT Overlay intends to provide a more dense development pattern with a variety of residential building types by reducing several setbacks, permitting community residential facility (9+) as-of-right, and allowing for three+ unit townhouse and multi-dwelling development on select lots.

36. The /NC-RT Overlay intends to provide a location for religious assembly, a public/civic use, by permitting religious assembly as-of-right on Lot 2.
37. The /NC-RT Overlay clarifies how standards in Title 20, Section 20.40.140 “Townhouse” shall be applied to lots accessed by a short court within a private access and utility easement. All standards applicable to the “street-facing façade” shall be met on the façade facing the short court (*Appendix S, RT NC Overlay*).

Review Procedure

38. To establish a neighborhood character overlay district, the zoning amendment procedures of Title 20 Section 20.85.040 must be followed. The following actions have been or are scheduled to be taken in accordance with the procedural requirements:
 - a. Public hearings are scheduled for November 15, 2022 (Planning Board), November 14, 2022 (City Council first reading of rezoning ordinance), December 5, 2022 (City Council Public Hearing), and December 12, 2022 (City Council Final Consideration).
 - b. Notice of the hearings was published in the *Missoulian* on October 30, 2022 and November 6, 2022. Notice of hearings was mailed first class to the subject property owner and physical address as well as owners and physical addresses of property within 150 feet of the subject parcels on October 26, 2022. Notice was physically posted on the subject property on October 25, 2022.
 - c. Relevant findings of fact and conclusions of law regarding the rezoning review criteria of Title 20, Section 20.85.040.G are established in this report.

Criteria to Establish the Riverfront Trails Neighborhood Character Overlay District (/NC-RT)

39. Title 20, Section 20.25.040.B states neighborhood character overlays must comply with selection criteria.
 - d. The area must possess urban design, architectural or other physical development characteristics that create an identifiable setting, character and association; and**
 - i. The urban design is identified by reduced setbacks, alley loaded lots in the center of the development, and detached homes on smaller lots aimed at creating pedestrian-oriented neighborhood character (pg. 22, *Riverfront Trails PUD Subdivision*). A mix of detached and attached housing is permitted to reflect neighborhoods that evolve organically over time (pg. 23, *Riverfront Trails PUD Subdivision*).
 - ii. Reduced setbacks and use of attached dwelling units allow preservation of a large public open space with river access, creating an identifiable setting. Private yard areas are reduced as a result of reduced setbacks and smaller lots. The neighborhood is characterized by a large public recreational area in lieu of large private yards.
 - iii. The proposed overlay does not include character based architectural standards.
 - e. The designated area must be a contiguous area of at least five acres. Areas of less than five acres may be designated if they abut and extend an existing /NC overlay district, or if deemed necessary by the City Council to address specific circumstances.**
 - i. The district is planned to span 46.6 acres, meeting the minimum five-acre selection criteria requirement (*Exhibit F and G Legal Descriptions*).

Growth Policy

40. The applicable regional plan is the *Our Missoula 2035 City Growth Policy*, which recommends land use designations of Open and Resource, Residential Low (1 to 2 dwelling units per acre), and Residential Medium (3 to 11 dwelling units per acre) for the subject property requested to be rezoned.
41. The current relatable zoning district within the Open and Resource land use designation is OP2 (pg. 125, *Our Missoula 2035 City Growth Policy*). The OP2 zoning district permits low density residential (one dwelling unit per 40 acres), parks and recreation, agricultural uses, and day cares (20.20.020, *Title 20 Zoning Code*). However, this space is proposed to be partially dedicated to the City as parkland and partially held as Home Owner Association Maintained common area (*Preliminary Plat*). The Open and Resource land use designation applies to the portion of the subject property containing floodplain (pg. 16, *Riverfront Trails PUD Subdivision*).
42. The applicant is requesting to rezone the portion of the subject property designated Open and Resource from R215 to OP2 in compliance with the *Our Missoula 2035 City Growth Policy*.
43. Current relatable zoning districts in the Residential Low land use designation are R40 Residential and R20 Residential (pg. 124, *Our Missoula 2035 City Growth Policy*). The R20 and R40 zoning districts only permit detached house residential building types. In cluster and conservation developments, the R20 and R40 zoning districts also allow townhouse residential building types (20.05.030, *Title 20 Zoning Code*).
44. The applicant has requested a targeted growth policy amendment to change the land use designation of the portion of the property designated as Residential Low to Residential Medium (pg 3, *Appendix A Rezone Application*).
45. Current relatable zoning districts in the Residential Medium land use designation are: RT10, R8, R5.4, and RT5.4 (pg. 124, *Our Missoula 2035 City Growth Policy*). The R8 and R5.4 zoning districts permit only detached single dwellings, while RT10 and RT5.4 also permit two-unit or two-unit townhouse buildings. Commercial uses are prohibited in these districts (20.05, *Title 20 Zoning Code*).
46. The applicant is requesting to rezone portions of the property outside of the floodplain, currently within city limits, from R215 to RT5.4 / NC-RT in compliance with the Residential Medium land use designation (pg. 16, *Riverfront Trails PUD Subdivision*).
47. Title 20, Section 20.85.040.G requires that rezonings comply with the growth policy. The rezoning is contingent upon City Council approval of the targeted growth policy amendment, otherwise the RT5.4 / NC-RT zoning would not comply with the growth policy land use designation.
48. The applicant is requesting to apply a /NC-RT Overlay to all portions of the property with a base zoning of RT5.4.
49. The City Growth Policy, adopted in 2015, identifies many goals and objectives related to housing in the City of Missoula. The introduction to the Housing chapter identifies that within the next 20 years the population projections indicate the urban area will grow by 18,500, which presents a need for approximately 9,000 new housing units (pg. 7).

50. The Housing section of the City Growth Policy outlines a goal to “meet the needs of a growing and diverse population in regard to age, income, physical abilities and household size by having a sufficient supply of housing and developing a variety of housing types” (pg. 61).
51. The requested RT5.4 base zoning allows for more density than the R215 zoning currently applied to the portion of the parcel within the city. The increased density works toward the goals of the City Growth Policy to provide a sufficient supply of housing.
52. The /NC-RT Overlay allows for greater diversity of housing types than is regularly permitted in the RT5.4 zoning district (*Appendix S RT NC Overlay*). The /NC-RT Overlay meets the goal of developing a variety of housing types to meet the needs of a diverse population.
53. The Community Design section of the City Growth Policy outlines a goal to “strive for a more compact development pattern” (pg. 73).
54. The /NC-RT Overlay proposes reduced setbacks and denser, more compact residential building types on select parcels (*Appendix S RT NC Overlay*). The /NC-RT Overlay allowing more compact development is proposed in conjunction with zoning the floodplain to OP2 and designating it as open space through a PUD subdivision (pg. 3, *Appendix A Rezone Application*).
55. The Housing section of the City Growth Policy describes the Focus Inward approach to development as one that provides opportunities by designating appropriate areas for higher density and housing near existing infrastructure and services. Such development has added benefits, including decreasing household expenses like transportation (pg. 59).
56. The subject property is accessed from Lower Miller Creek Road, an urban collector street planned for a City initiated improvements project. The subject property is approximately 1.5 miles from a Mountain Line bus stop on Weeping Willow Drive and Brooks Street which offers commercial services (*County Property Information System*).
57. The proposed RT5.4 / NC-RT promotes increased density in an area accessed by existing infrastructure near commercial services and transit.
58. The Safety and Wellness section of the City Growth Policy encourages healthy lifestyles by promoting a complete active transportation network to increase safety for all transportation systems including vehicular and active transportation.
59. The RT5.4 / NC-RT zoning is proposed in conjunction with a PUD subdivision. The subdivision proposes installation of several roads, as described in the PUD subdivision section of this report. Road improvements include active transportation infrastructure such as vehicular lanes, sidewalks, bike lanes, and a mid-block pedestrian path to Jeannette Rankin Elementary School (*Appendix R Preliminary Construction Plans*).
60. The applicable area plan, an amendment to the Growth Policy, is the *1997 Miller Creek Area Plan*. The plan states “the riparian bottomlands adjacent to the Bitterroot River provide various [wildlife] habitat types and support a multitude of species” (pg. 35). The plan recommends the following: “implement incentives for clustering residential units on parcels so that significant portions of the area remains viable working agricultural land, wildlife habitat, recreation land or scenic and non-scenic open space. Planned unit developments and limited development proposals should be encouraged to provide for development while conserving significant resources on the site. Provide a Bitterroot River front corridor corresponding to the floodplain zone to be set aside for future conservation and appropriate recreation use” (pg. 42).
61. The RT5.4 / NC-RT and OP2 zoning allows for development on the subject property that meets several recommendations of the *1997 Miller Creek Area Plan*. The developer proposes

PUD subdivision, contingent upon the rezoning, to provide a Bitterroot River corridor corresponding to the floodplain which will be protected for recreational use and preservation. The RT5.4 / NC-RT and OP2 zoning would cluster residential units to preserve wildlife habitat and scenic open space while providing needed housing (pg. 21, *Riverfront Trails PUD Subdivision*).

62. The *1997 Miller Creek Plan* recommends 1, 2, and 4 dwelling units per acre for the portions of the subject property outside of the floodplain and recommends Parks and Open Space for portions of the subject property within the floodplain.
63. The proposed OP2 zoning for portions of the subject property within the floodplain complies with the Parks and Open Space recommendation of the *1997 Miller Creek Plan*. The density of 8 dwelling units per acre permitted by the RT5.4 zoning district is higher than the densities recommended in the *1997 Miller Creek Plan*.
64. The *1997 Miller Creek Plan* acknowledges the need for more housing and states “as the Miller Creek Valley Planning Area continues to grow, diverse and affordable housing, housing stock condition, and the housing supply are important issues. The lack of affordable housing is reaching a critical point in Missoula County as it is in many counties in Montana” (pg. 10). The plan also states “owner occupied units, accessory dwelling units and apartments, provide flexibility that fits the development pattern of the neighborhood. A diverse housing mix is achievable without intensifying the overall level of density by clustering homesites and providing for more open space and trail opportunities on a given site” (pg. 31).
65. The *1997 Miller Creek Plan*, adopted twenty-five years ago, recognized issues with housing affordability and recommended clustering a mix of housing types to provide more open space. Though the recommended densities in the plan for the portion of the property outside the floodplain are lower than permitted by RT5.4, the proposed RT5.4 / NC-RT and OP2 zoning meets the intent of the Miller Creek Plan by addressing housing needs and clustering a mix of housing types to provide open space. The densities recommended by the Miller Creek Plan have not been sufficient to address housing needs twenty-five years later.

Transportation

66. The subject property has frontage on (2) public rights-of-way: Lower Miller Creek which is functionally classified as an urban collector (with parking) and Old Bitterroot Road which is an unpaved county road (*City Central Maps & pg. 9, Riverfront Trails PUD Subdivision*).
67. The rezoning would allow for a subsequent PUD subdivision. The rezoning is also contingent upon annexation of the southern portion of the parcel as property must be annexed into city limits for city zoning to be applied. In order to comply with the City Subdivision Regulations and the Annexation Policy, improvements to Lower Miller Creek Road and Old Bitterroot Road and installation of additional streets and active transportation facilities will be required to support development compliant with the densities permitted by the RT5.4 / NC-RT zoning district. Additional findings of fact relating to street and transportation facility improvements, are located in the PUD Subdivision section of this report, and are incorporated here by reference.
68. Publicly accessible trails through the open space zoned OP2 are proposed as part of the PUD subdivision.
69. The nearest mountain line bus stop is located approximately 1.5 miles from the subject property on Weeping Willow Drive (*Mountain Line Bus Stop Master Plan*).

Water, Sanitation, and Utilities

70. The majority of the subject property is within the Utility Services Area Boundary. Phase 3 of the PUD subdivision is not within the Utility Services Area Boundary. Additionally, while the boundary is very close to the boundary of the proposed open space, it may not perfectly align with the proposed lot lines between the open space and lots intended for residential development (*City Central Maps*).
71. Staff recommend City Council approve an amendment to the Utility Services Area Boundary to align the boundary with the northern lot lines on the portion of the subdivision proposed to be zoned RT5.4 / NC-RT. See Exhibit D and Resolution of Intent to Amend the Utility Services Area Boundary. City Public Works & Mobility supports the minor amendment and can accommodate connection to city sewer and water within the amended boundary (*Appendix O Intent to Serve*).
72. Sewer and water utility main extensions are planned from existing mains located on the property, Lower Miller Creek Road, and from the Sweet Grass Addition of Maloney Ranch Phase II (*Preliminary Construction Plans, Water and Sanitation Report*).
73. The City has insufficient water rights to serve the subdivision and will require mitigation to allow capacity to serve the proposed development through transfer of existing water rights from the property owner to the City (pg. 64, *Riverfront Trails PUD Subdivision*). The subdivision application packet includes a Water Supply Design Report describing the process and plan for transferring sufficient water rights to meet the demands of the PUD subdivision (*Water Supply Design Report, Appendix P Utility Design Reports*).
74. Staff are recommending a subdivision condition of approval requiring the subdivider to transfer sufficient water rights to the City of Missoula prior to final plat approval for each phase.
75. Staff recommend a subdivision condition of approval requiring the subdivider to provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works and Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase.
76. Additional findings of fact related to utilities are included in the PUD Subdivision section of this report and are incorporated here by reference.

Safety Servies

77. Findings of fact related to emergency services are included in the PUD Subdivision section of this report and are incorporated here by reference.

Rezoning Conclusions of Law

1. Title 20, Section 20.85.040.G; In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:
 - a. Whether the zoning is made in accordance with a growth policy;
 - ii. Per the Our Missoula 2035 City Growth Policy, the subject property has land use designations of Open and Resource, Residential Low (1 to 2 dwelling units per acre), and Residential Medium (3 to 11 dwelling units per acre) for the subject property requested to be rezoned.
 - iii. OP2 is a current relatable zoning district in the Open and Resource land use designation.
 - iv. The requested OP2 zoning district for the portion of the subject property designated as Open and Resource is made in accordance with the Our Missoula 2035 City Growth Policy.

- v. The applicant requests a targeted growth policy amendment to change the land use designation of the areas designated as Residential Low to Residential Medium.
 - vi. The RT5.4 zoning district is a current relatable zoning district in the Residential Medium land use designation. The RT5.4 / NC-RT zoning permits a density of 8 dwelling units per acre.
 - vii. If the targeted growth policy amendment is approved by City Council, the requested RT5.4 / NC-RT zoning district for the portion of the subject property designated as Residential Medium is made in accordance with the Our Missoula 2035 City Growth Policy.
 - viii. The rezoning is contingent upon City Council approval of the targeted growth policy amendment because the RT5.4 zoning district is not a current relatable zoning district in the Residential Low land use designation.
 - ix. The rezoning is contingent upon City Council approval of the annexation, otherwise a portion of the property, as shown on Exhibit B, will not be within city limits to allow for rezoning.
 - x. The rezoning to RT5.4 / NC-RT complies with the Our Missoula 2035 City Growth Policy goals for providing sufficient housing supply, placing housing near existing infrastructure and services, compact development, and active transportation.
 - xi. The property is located in the 1997 Miller Creek Area Plan, adopted by City Council as an amendment to the City Growth Policy. The rezoning to OP2 and RT5.4 / NC-RT complies with goals in the 1997 Miller Creek Area Plan goals to create a Bitterroot River Corridor, cluster housing, and to provide a mix of residential housing types. However, the density permitted by the RT5.4 zoning district does not align with the density recommendations of the 1997 Miller Creek Area Plan.
- b. Whether the zoning is designed to secure safety from fire and other dangers;
- i. Emergency services including those provided by hospitals, City Police, and City Fire are available to the site. Law enforcement personnel and procedures are available to address potential problems of noise, property damage, or personal injury. Fire protection is also available to the site.
 - ii. The RT5.4 / NC-RT zoning is requested to be applied to the portion of the property outside of the floodplain. The portion of the property within the floodplain is requested to be zoned OP2 in order to protect public life and safety.
- c. Whether the zoning is designed to promote public health, public safety, and the general welfare;
- i. The rezoning will promote public health, public safety, and the general welfare by promoting medium-density development in a location where existing transportation and utility infrastructure is available.
 - ii. Future development will be subject to all applicable local, state, and federal regulations ensuring the protection of public health, safety, and welfare.

- iii. The requested OP2 zoning for the portion of the subject property in the floodplain promotes public health, safety, and the general welfare by decreasing density in an area of high flood risk.
 - iv. The /NC-RT Overlay proposes compact development and active transportation to promote public health and the general welfare.
 - v. Installation of utility, storm water, and street infrastructure will be required prior to subdivision of the land for development, ensuring protection of public health, safety, and general welfare.
- d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- i. The requested OP2 zoning would preserve a large tract of open space.
 - ii. The OP2 and RT5.4 / NC-RT zoning would allow for a PUD subdivision which provides adequate provision of vehicular and pedestrian access, water supply and sewage disposal.
 - iii. Additional findings of fact and conclusions of law related to adequate provision of public requirements, including schools, are located in the PUD Subdivision section of this report.
 - iv. The zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- e. Whether the zoning considers the reasonable provision of adequate light and air;
- i. The OP2 zoning district allows for a PUD subdivision providing a large open space, providing nearby provision of light and air.
 - ii. The /NC-RT overlay makes minor modifications to setbacks, but no setbacks are reduced to less than 5 feet, allowing for provision of adequate light and air.
 - iii. The /NC-RT overlay allows an increased height of 45 feet for Lots 1, 2, and 176. These three lots are bounded by right-of-way on at least three sides and will not impact provision of adequate light and air on adjacent properties.
- f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;
- i. The zoning allows for a subsequent PUD subdivision which proposes multi-modal improvements to existing roads and installation of new roads adequate to serve the level of density permitted in the RT5.4 / NC-RT zoning district.
- g. Whether the zoning considers the promotion of compatible urban growth;
- i. Residential development is located to the west and to the south of the subject property. Although the RT5.4 / NC-RT zoning would allow a slightly denser development pattern than nearby residential areas, the zoning would allow development that is relatively modest in scale. Most lots are sized and zoned to contain single dwelling residential units.
- h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
- i. The residential nature of the district would continue through the RT5.4 / NC-RT zoning district.

- ii. The floodplain and Bitterroot River frontage would be preserved as open space through the OP2 zoning district and subsequent PUD subdivision.
- i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;
 - i. The appropriate use of land throughout the jurisdictional area is determined by the Growth Policy.
 - ii. If the targeted growth policy amendment is approved by City Council, the RT5.4 / NC-RT zoning would comply with the Growth Policy land use designation of Residential Medium and would encourage the most appropriate use of land throughout the jurisdictional area. The residential zoning aligns in terms of use with surrounding residential development.
 - iii. The OP2 zoning district complies with the Growth Policy recommendations and would allow for a subsequent PUD subdivision creating new public river access. Provision of new public parks spaces and common areas conserves the value of buildings and encourages the most appropriate use of land.
- j. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
 - i. The zoning would correct an inconsistency in the zoning ordinance for the area designated as Open and Resource in the Our Missoula 2035 City Growth Policy. Currently, the are with a land use designation of Open and Resource is zoned R215 which is not a current relatable zoning district. Following the rezoning of this area to OP2, the zoning would be a current relatable zoning district to the Open and Resource land use designation.
 - ii. The RT5.4 / NC-RT zoning allows a variety of lot sizes and housing types to help to meet the well documented challenge of providing various housing types at different price points in the Missoula area.
- k. Whether the proposed zoning amendment is in the best interests of the city as a whole.
 - i. The OP2 zoning district allows for preservation of floodplain and subsequent PUD subdivision providing public access to the Bitterroot River. The proposed OP2 zoning is in the best interest of the city as a whole.
 - ii. The RT5.4 / NC-RT zoning district would allow for a mix of residential building types to address a pressing need for housing stock at varying price points. The /NC-RT Overlay allows for clustering of needed housing in order to preserve the floodplain and riparian area. The area is planned for this type of development would be served with adequate transportation, water, sewer, fire and police protection, and other services. The district would be located approximately 1.5 miles from commercial services and a bus stop. The RT5.4 / NC-RT zoning district is in the best interests of the city as a whole.

IV. REZONING EXHIBITS AND ATTACHMENTS

Exhibits

1. Exhibit D Rezoning Map
2. Exhibit E Legal Description for portion proposed to be rezoned from R215 to OP2

3. Exhibit F Legal Description for portion proposed to be rezoned from R215 to RT5.4/NC-RT
4. Exhibit G Legal Description for portion proposed to be rezoned from RT5.4 to RT5.4/NC-RT

Attachments

5. Rezoning Ordinance

UTILITY SERVICES AREA BOUNDARY AMENDMENT

I. RECOMMENDATION

Staff recommend City Council **approve** a resolution amending the Utility Services Area Boundary to align with the parcel proposed to be zoned RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report.

II. CONDITIONS OF UTILITY SERVICES AREA BOUNDARY AMENDMENT

None.

III. UTILITY SERVICES AREA BOUNDARY AMENDMENT FINDINGS OF FACT

1. The majority of the subject property is within the Utility Services Area Boundary. Phase 3 of the PUD subdivision is not within the Utility Services Area Boundary. Additionally, while the boundary is very close to the boundary of the proposed open space, it may not perfectly align with the proposed lot lines between the open space and lots intended for residential development (*City Central Maps*).
2. Section 3-010.5 of the City Subdivision Regulations requires subdivisions to be served by adequate public facilities and services including water supply, sewage disposal, and solid waste disposal.
3. Staff recommend City Council approve an amendment to the Utility Services Area Boundary to align the boundary with the northern lot lines on the portion of the subdivision proposed to be zoned RT5.4 / NC-RT. See Exhibit D and Resolution of Intent to Amend the Utility Services Area Boundary. The proposed park to be dedicated to the City and HOA Common Area, both located within the floodplain, are not proposed to be included in the Utility Services Area Boundary.
4. City Public Works & Mobility supports the minor amendment and can accommodate connection to city sewer and water within the amended boundary (*Appendix O Intent to Serve*).

IV. UTILITY SERVICES AREA BOUNDARY AMENDMENT ATTACHMENTS

1. Resolution to Amend the Utility Services Area Boundary

RIVERFRONT TRAILS PLANNED UNIT DEVELOPMENT SUBDIVISION

I. RECOMMENDATION

Staff recommend City Council **approve** the Riverfront Trails PUD Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

II. CONDITIONS OF PUD SUBDIVISION APPROVAL

Zoning

1. Approval of the Riverfront Trails PUD Subdivision preliminary plat shall be contingent upon City Council approval of the annexation, rezoning, and Utility Services Area boundary amendment.

Streets, General

2. The following statement shall appear on the face of each plat, in the covenants under a Section titles "Special Improvement District", conditions, and restrictions, and on each instrument of conveyance, subject to review and approval by Public Works & Mobility and Development Services, prior to final plat approval of each phase: "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 future improvements and maintenance of Lower Miller Creek Road, Old Bitterroot Road, Riverfront Place, Naomi Lane, Drago Lane, Tolley Lane, Anders Way, Meyers Way, and Cassidy Court including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities, and may be used in lieu of their signatures on an SID petition." (5-050.3.AA, 5-050.3.BB, & 3-020.3.A.1, *City Subdivision Regulations*).
3. The following statement shall appear on the face of each plat and in the Covenants under Section 19, Short Court Maintenance: "The purchaser and/or owner of the lot or parcel understands and agrees that private road construction, maintenance, and snow removal are the obligation of the owner or property owners' association and that the City of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are brought up to standards and accepted by the City of Missoula for maintenance." (3-020.6.A & 5-050.3.Z, *City Subdivision Regulations*).
4. The subdivider shall provide a street signage plan and install street signage in accordance with the Manual on Uniform Traffic Control Devices, subject to review and approval by Public Works & Mobility and the Fire Department, prior to final plat approval of each phase (3-020.4.H.2, *City Subdivision Regulations*).
5. The subdivider shall provide an updated Traffic Impact Study warrant analysis of the Lower Miller Creek Road and Old Bitterroot Road intersection in accordance with Missoula City Public Works Standards and Specifications Manual, subject to review and approval by Public Works & Mobility prior to final plat approval of Phase 1A. Results from this analysis will inform decisions for the subdivider and/or future residents to contribute a proportionate share to intersection improvements made necessary by this subdivision and appropriate cost-share mechanisms including potential participation in a special improvement district, impact fees, latecomers fees, or other methods (3-020.4.J, *City Subdivision Regulations*).
6. The subdivider shall petition to create a new Special Improvement Lighting District (SILD) for street lights on Lower Miller Creek Road and Old Bitterroot Road, in accordance with Missoula City Subdivision Regulations, subject to review and approval by Public Works & Mobility prior to final plat approval of Phase 1A (Section 7.3.6, *Missoula Public Works Standards and Specifications Manual*).

Specific Streets

7. The subdivider shall install improvements meeting city standards for an urban collector (with parking) for Lower Miller Creek Road that are not included in the City initiated improvements to Lower Miller Creek Road and shall provide security for full improvements required for Lower Miller Creek Road to meet city standards for an urban collector (with parking), subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A. Installation of improvements to Lower Miller Creek Road by the applicant shall include landscaped boulevard and sidewalk and on the western half of Lower Miller Creek Road from the intersection of Lower Miller Creek Road and Old Bitterroot Road to where Lower Miller Creek Road turns southwest, at which point the subdivider is responsible for landscaped boulevard and sidewalk and on both sides to the point where Lower Miller Creek Road exits the subject property (3-020.2, *City Subdivision Regulations*).
8. The subdivider shall dedicate an additional 20 feet of right-of-way width for Lower Miller Creek Road on the west side of the existing easement for that portion along the western property boundary of the subject property and shall dedicate an additional 10 feet of right-of-way width on both sides of the existing easement from the point where Lower Miller Creek Road turns southwest to the edge of the subject property, subject to review and approval by Public Works & Mobility, prior final plat approval for Phase 1A (3-020.3.H.2, *City Subdivision Regulations*).
9. The subdivider shall dedicate a public access easement for Old Bitterroot Road from the eastern subject property boundary to the western subject property boundary, subject to approval by Public Works & Mobility, prior to final plat approval for Phase 1A. The easement shall be included on all applicable final plats and included in an easement document (3-020.4.D, *City Subdivision Regulations*).
10. The subdivider shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to Riverfront Place, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A (3-020.2, *City Subdivision Regulations*).
11. The subdivider shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to the western boundary of Lot 97, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.2, *City Subdivision Regulations*).
12. The subdivider shall provide proof of easement across Tract 1 of Certificate of Survey No. 2591 for Old Bitterroot Road or the subdivider shall construct the full width of Old Bitterroot Road entirely on the Riverfront Trails subdivision property, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B. The easement shall provide the location of the easement for Old Bitterroot Road across Tract 1 of Certificate of Survey No. 2591 (3-020.3.A, *City Subdivision Regulations*).
13. The subdivider shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, cul-de-sac turnaround, boulevards, and sidewalks from the drainage swale to the end of the cul-de-sac, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 3 (3-020.2, *City Subdivision Regulations*).
14. The subdivider shall provide plans for and install improvements to urban local streets within the subdivision, including Riverfront Place south of Old Bitterroot Road and Drago Lane between Lower Miller Creek Road and Riverfront Place, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works &

Mobility and Parks and Recreation, prior to final plat approval for Phase 1A (3-020.2, *City Subdivision Regulations*).

15. The subdivider shall provide plans for and install vehicular and pedestrian access to the open space and stormwater detention pond via Tolley Lane and Cassidy Court including a 24-foot-wide public access easement, two paved travel lanes, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1A. The easement document shall be provided with Phase 1A and will become public right-of-way at the time of Phase 2 final plat filing (3-020.4.D, *City Subdivision Regulations*).
16. The subdivider shall provide plans for and installation of improvements to urban local streets within the subdivision including Naomi Lane south of Old Bitterroot Road and Drago Lane, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.2, *City Subdivision Regulations*).
17. The subdivider shall provide plans for and installation of improvements to local residential street, Anders Way, including two travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.2, *City Subdivision Regulations*).
18. The subdivider shall provide plans for and installation of improvements to ten short courts accessed from Drago Lane, including two travel lanes, curb, valley gutter, overflow parking, and a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area, all within a 26 foot wide public access and utility easement, subject to review and approval by Public Works and Mobility, prior to final plat approval for Phase 1B (3-020.2, 3-020.4.F & 3-020.4.E, *City Subdivision Regulations*).
19. The subdivider shall provide plans for and installation of improvements to Alley A and Alley B in accordance with Missoula City Public Works Standards and Specifications Manual and Missoula City Subdivision Regulations, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B (3-020.10, *City Subdivision Regulations*).
20. The subdivider shall obtain approval from Missoula County Public Schools for the connection of School Way to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B (3-020.4.D, *City Subdivision Regulations*).
21. If approval for connection is obtained from Missoula County Public Schools, the subdivider shall provide plans for and installation of improvements to the School Way access drive including two travel lanes, curb and gutter, and boulevard and sidewalk on one side, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.4.D, 3-020.15.B.1.b, & 3-020.3.F, *City Subdivision Regulations*).
22. The subdivider shall provide a 20-foot-wide private access easement measured from the eastern property boundary, connecting Lower Miller Creek Road to the north and extending to the southern property boundary to the south, subject to review and approval by Public Works and Mobility prior to final plat approval of Phase 1A (3-010.7, *City Subdivision Regulations*).
23. The subdivider shall provide plans for and installation of improvements to urban local streets within the subdivision, including Riverfront Place north of Old Bitterroot Road, Naomi Lane north of Old Bitterroot Road, and Tolley Lane, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 2 (3-020.2, *City Subdivision Regulations*).

24. The subdivider shall provide plans for and installation of improvements to local residential street, Meyers Way, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 2 (3-020.2, *City Subdivision Regulations*).
25. The subdivider shall provide plans for and installation of improvements to local residential street, Cassidy Court, including two-travel lanes, curb and gutter, parking lane, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 2 (3-020.2, *City Subdivision Regulations*).
26. The subdivider shall provide plans for and installation of improvements to Alley C and Alley D in accordance with Missoula City Public Works Standards and Specifications Manual and Missoula City Subdivision Regulations, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 2 (3-020.9, *City Subdivision Regulations*).
27. The subdivider shall provide plans for and installation of improvements to three short courts, two of which are accessed from Tolley Lane and one which is accessed from Cassidy Court, including two travel lanes, curb, valley gutter, overflow parking, and a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area, all within a 26 foot wide public access and utility easement, subject to review and approval by Public Works and Mobility, prior to final plat approval for Phase 2 (3-020.2, 3-020.4.F & 3-020.4.E, *City Subdivision Regulations*).

Non-Motorized

28. The subdivider shall obtain approval from Missoula County Public Schools for the connection of the mid-block pedestrian path to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.4.D, *City Subdivision Regulations*).
29. The subdivider shall provide plans for and installation of improvements to the mid-block pedestrian path that runs to the southern boundary of the subject property, extending through Phase 1B to Old Bitterroot Road, including a 10-foot-wide ADA compliant paved path within a 20-foot-wide right-of-way, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B (3-020.4.D & 3-020.15.B.1.e, *City Subdivision Regulations*).

Rights-of-Way and Easements

30. All proposed rights-of-way and easements shall be shown on the face of each plat and identified for their width, purpose, and the recorded book and page numbers, in accordance with Missoula City Public Works Standards and Specifications Manual, subject to review and approval by Public Works & Mobility, prior to final plat approval for each applicable phase (3-020.3.B & 3-060.1, *City Subdivision Regulations*).

Storm Water and Drainage

31. The subdivider shall provide plans for and installation of grading, drainage, and stormwater facilities, subject to review and approval by Montana Department of Environmental Quality and Public Works & Mobility, prior to final plat approval of each phase (5-020.11, *City Subdivision Regulations*).
32. The subdivider shall install a flap gate on the stormwater detention pond to prevent sediment from entering the Bitterroot River, subject to review and approval by Public Works & Mobility and the City Floodplain Administrator, prior to final plat approval for Phase 1A (3-010.1, *City Subdivision Regulations*).

Water Systems, Sewer Systems, and Solid Waste Disposal

33. The subdivider shall provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality prior to final plat approval for each phase. Construction of all water supply and sewer systems shall be in accordance with City policies. (3-010.5, *City Subdivision Regulations*).
34. The subdivider shall transfer sufficient water rights to the City of Missoula prior to final plat approval for each phase, subject to review and approval of Public Works and Mobility (3-010.5 & 4-010.14.A.1.d, *City Subdivision Regulations*).
35. The subdivider shall obtain a utility easement through properties adjacent to the subdivision for utility main extension from the Sweet Grass Addition of Maloney Ranch Phase II, subject to review and approval by Public Works & Mobility, prior to final plat approval of Phase 1A (3-070.6, *City Subdivision Regulations*).
36. The subdivider shall provide plans for and installation of a sanitary sewer lift station, subject to review and approval by Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality prior to final plat approval for Phase 3 (3-010.5, *City Subdivision Regulations*).
37. The subdivider shall submit plans for solid waste disposal for review and approval of Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase (3-070.1, *City Subdivision Regulations*).

Fire Protection

38. The subdivider shall provide plans for fire suppression water flow and hydrant placement, subject to review and approval by City Fire Department and Public Works & Mobility, prior to final plat approval for each phase. The subdivider shall install fire hydrants prior to combustible construction for each phase, subject to review and approval by City Fire Department and Public Works & Mobility (3-010.1.F, *City Subdivision Regulations*).

Irrigation

39. The subdivider shall either provide irrigation easements to each lot in the subdivision; or the subdivider shall either have the water rights removed and provide a statement on the face of each final plat that water rights have been removed from the property; or the subdivider shall amend the covenants to include notification that the land is classified as irrigated and may continue to be assessed for irrigation water delivery even though the water may not be deliverable subject to review and approval by Development Services, prior to final plat approval of each phase (*MCA 76-3-504(1)(j)*; 3-060.4, *City Subdivision Regulations*).

Floodplain and Ground Water

40. The subdivider shall obtain all applicable permits and a City Floodplain Permit, as referenced in Title 18 City of Missoula Floodplain Hazard Management Regulations, Section 7.2.1.4, subject to review and approval by the City Floodplain Administrator and Public Works & Mobility, prior to installation of the stormwater detention pond (3-010.1.B, *City Subdivision Regulations*).
41. A note shall be included on the plat and in the covenants that states the following: "Basements shall be prohibited in all phases until such time as the developer provides sufficient evidence to the appropriate agencies that no threat to the public safety or loss of property will result in those area proposed for basements", subject to review and approval by Development Services

and Public Works & Mobility, prior to final plat approval for Phase 1A (3-010.2, *City Subdivision Regulations*).

42. The subdivider shall include the following statement on the final plat and in the covenants: “The lowest floor of any structure and mechanical equipment in Phase 3 of the Riverfront Trails Subdivision shall be at least 2 feet above the 100-year base flood elevation of the Bitterroot River. Pre-and post-construction Elevation Certificates shall be submitted documenting the lowest floor and mechanical equipment elevations are a minimum of two feet above the base flood elevation” (*City Floodplain Administrator Recommendation; 3-010.2, City Subdivision Regulations*).

Parkland Dedication, Boulevard Landscaping & Weeds

43. The subdivider shall provide plans for and installation of boulevard landscaping, subject to review and approval by Parks and Recreation, prior to final plat approval for each phase (5-050.5.C, *City Subdivision Regulations*).
44. The subdivider shall dedicate open space tracts City Park A (24.49 acres) and City Park B (0.14 acres) to the City of Missoula and shall dedicate Common Area A (19.97 acres) and Common Area B (0.09 acres) as common area to be owned and maintained by the HOA, subject to review and approval by Parks and Recreation, prior to final plat approval of Phase 1A. The subdivider shall provide plans for and install trails within the open space meeting Part 5, Section 2 for Stabilized Trails of the City of Missoula Parks and Recreation Design Manual, prior to final plat approval of Phase 1A, subject to review and approval by Parks and Recreation and Public Works & Mobility. Trails through common areas shall be located in public trail access easements (3-080.3, 3-020.15.F.2, *City Subdivision Regulations*).
45. The subdivider shall provide maintenance plans for the trails with the common area, prior to final plat approval of Phase 1A, subject to review and approval by Parks and Recreation. The developer shall be responsible for the maintenance of the common area until such time the common area is transferred to the Homeowners Association (5-020.14.K.10, *City Subdivision Regulations*).
46. The subdivider shall provide a Weed Management and Revegetation Plan, appended to the Development Covenants and approved by the Missoula County Weed District, subject to review and approval by Development Services, prior to final plat approval for Phase 1A (5-010.14.K, *City Subdivision Regulations*).

Development Covenants

47. The subdivider shall append the Riparian Resource Management Plan to the Covenants and include language in both the Riparian Resource Management Plan and the Covenants stating “all owners are subject to and must abide by the riparian resource management plan. The riparian resource management plan must be implemented in perpetuity”, subject to review and approval by Development Services, prior to final plat approval for Phase 1A (3-130.3.B & C, *City Subdivision Regulations*).
48. The subdivider shall include the standards found in Exhibit 2 of the City Subdivision Regulations in the Covenants, subject to review and approval by Development Services, prior to final plat approval for Phase 1A (5-020.14.F, *City Subdivision Regulations*).
49. The subdivider shall include the following statement in the covenants, subject to review and approval by Development Services, prior to final plat approval for Phase 1A; “Sections of the Development Covenants regarding weed control, radon mitigation, wildland urban interface, wildlife, Riparian Resource Management Plan, Basements and Crawlspace, and Short Court

Maintenance, may not be amended or deleted without written approval by the governing body” (3-130.3.B, 5-020.14.F, 5-010.14.K, 3-010.2, 3-020.6.A & 5-050.3.Z, *City Subdivision Regulations*).

III. SUBDIVISION FINDINGS OF FACT

A. ZONING AND COMPREHENSIVE PLAN COMPLIANCE

Findings of Fact:

1. See General Findings of Fact and Growth Policy General Findings of Fact sections of this report.
2. See Rezoning, Annexation, and Targeted Growth Policy Amendment sections of this report for additional findings of fact.
3. Subdivision Regulations Section 3-010.1.I. requires that the subdivision be reviewed for compliance with the Missoula City Growth Policy and its amendments.
4. The *Our Missoula 2035 City Growth Policy* is the applicable regional plan and recommends three land use designations for the subject property: Open and Resource, Residential Medium (3 to 11 dwelling units per acre) and Residential Low (1 to 2 dwelling units per acre) (pg. 128).
5. The subdivider requests to amend the Growth Policy land use designation for the portion of the parcel designated as Residential Low (1 to 2 dwelling units per acre) to Residential Medium (3 to 11 dwelling units per acre). The applicant is not requesting to amend the Open and Resource land use designation on the subject parcel. Areas already designated as Residential Medium would remain Residential Medium (pg. 14, *Riverfront Trails PUD Subdivision*).
6. The current relatable zoning district within the Open and Resource land use designation is OP2 (pg. 125, *Our Missoula 2035 City Growth Policy*). The OP2 zoning district permits low density residential (one dwelling unit per 40 acres), parks and recreation, agricultural uses, and day cares (20.20.020, *Title 20 Zoning Code*).
7. The current relatable zoning districts in the Residential Medium land use designation are: RT10, R8, R5.4, and RT5.4 (pg. 124, *Our Missoula 2035 City Growth Policy*). The R8 and R5.4 zoning districts permit only detached single dwellings, while RT10 and RT5.4 also permit two-unit or two-unit townhouse buildings. Commercial uses are prohibited in these districts (20.05 *Title 20 Zoning Code*).
8. The subdivider is requesting annexation of a portion of the parcel and zoning upon annexation to RT5.4 Residential (two-unit/townhouse). See the Annexation section of this report. The portion to be annexed will have a land use designation of Residential Medium pending City Council approval of the Growth Policy amendment.
9. The subdivider is requesting to rezone the portion of the subject property to be annexed from RT5.4 to RT5.4 / NC-RT Riverfront Trails Neighborhood Character Overlay (pg. 3, *Appendix A Rezone Application*; pg. 16, *Riverfront Trails PUD Subdivision*). See Exhibit D and the Rezoning section of this report.
10. The subdivider requests to rezone the portion of the property currently within city limits from R215 Residential to OP2 for the area with a land use designation of Open and Resource and RT5.4 / NC-RT for the portion with a land use designation of Residential Medium, pending approval of the targeted growth policy amendment (pg. 3, *Appendix A Rezone*

Application; pg. 16, *Riverfront Trails PUD Subdivision*). See Exhibit D and the Rezoning section of this report.

11. The subdivision creates 176 lots zoned RT5.4 / NC-RT within the area with a land use designation of Residential Medium, pending City Council approval of the targeted growth policy amendment. Additionally, the area zoned RT5.4 / NC-RT includes one 0.09-acre HOA Common Area lot (pg. 14 & 16, *Riverfront Trails PUD Subdivision; Preliminary Plat*). For the area zoned RT5.4 / NC-RT the density is 5.99 dwelling units per acre (pg. 8, *Riverfront Trails PUD Subdivision*). RT5.4 is a current relatable zoning district in the Residential Medium land use designation. The density of the area zoned RT5.4 / NC-RT is consistent with the recommended density of Residential Medium land use designation which is 3 to 11 dwelling units per acre.
12. The subdivision creates one City Park Lot and one HOA Common Area lot zoned OP2 within the area with a land use designation of Open and Resource (pg. 14 & 16, *Riverfront Trails PUD Subdivision; Preliminary Plat*). The OP2 zoning district is a current relatable zoning district in the Open and Resource land use designation.
13. Across the entire subdivision site, the gross density is 3.11 dwelling units per acre (pg. 8, *Riverfront Trails PUD Subdivision*).
14. The applicant is requesting to apply a /NC-RT Riverfront Trails Neighborhood Character Overlay to all portions of the property with a base zoning of RT5.4 (pg. 16, *Riverfront Trails PUD Subdivision*). The /NC-RT Overlay intends to provide a denser development pattern with a variety of residential building types by reducing setbacks, allowing slightly more height, permitting community residential facility (9+) as-of-right, and allowing for three+ unit townhouse and multi-dwelling development on select lots. The /NC-RT Overlay intends to provide a location for religious assembly, a public/civic use, by permitting religious assembly as-of-right on Lot 2 (*Appendix S RT NC Overlay*).
15. For findings of fact related to how the /NC-RT Overlay meets the *Our Missoula 2035 Growth Policy*, see the Rezoning section of this report. The Rezoning section of this report addresses how the /NC-RT Overlay meets several of the goals outlined in the City Growth Policy.
16. The subject property is located within the *1997 Miller Creek Area Plan* boundaries. The *1997 Miller Creek Area Plan* is a neighborhood plan adopted as an amendment to the *Our Missoula 2035 City Growth Policy* (pg. 140, *Our Missoula 2035 City Growth Policy*).
17. The *1997 Miller Creek Area Plan* states “the riparian bottomlands adjacent to the Bitterroot River provide various [wildlife] habitat types and support a multitude of species” (pg. 35). The plan recommends the following: “implement incentives for clustering residential units on parcels so that significant portions of the area remains viable working agricultural land, wildlife habitat, recreation land or scenic and non-scenic open space. Planned unit developments and limited development proposals should be encouraged to provide for development while conserving significant resources on the site. Provide a Bitterroot River front corridor corresponding to the floodplain zone to be set aside for future conservation and appropriate recreation use” (pg. 42).
18. The PUD subdivision, zoned RT5.4 / NC-RT and OP2, meets several recommendations of the *1997 Miller Creek Area Plan*. The PUD subdivision provides a Bitterroot River corridor corresponding to the floodplain which will be protected for recreational use and preservation. The RT5.4 / NC-RT and OP2 zoning would cluster residential units to

preserve wildlife habitat and scenic open space while providing needed housing (pg. 21, *Riverfront Trails PUD Subdivision*).

19. The 1997 Miller Creek Plan recommends 1, 2, and 4 dwelling units per acre for the portions of the subject property outside of the floodplain and recommends Parks and Open Space for portions of the subject property within the floodplain.
20. The proposed OP2 zoning for portions of the subject property within the floodplain complies with the Parks and Open Space recommendation of the 1997 Miller Creek Plan. The density of 8 dwelling units per acre permitted by the RT5.4 zoning district is higher than the densities recommended in the 1997 Miller Creek Plan. The proposed density of the are to be zoned RT5.4 / NC-RT is 5.99 dwelling units per acre which is still higher than the density recommended by the 1997 Miller Creek Plan.
21. The 1997 Miller Creek Plan acknowledges the need for more housing and states “as the Miller Creek Valley Planning Area continues to grow, diverse and affordable housing, housing stock condition, and the housing supply are important issues. The lack of affordable housing is reaching a critical point in Missoula County as it is in many counties in Montana” (pg. 10). The plan also states “owner occupied units, accessory dwelling units and apartments, provide flexibility that fits the development pattern of the neighborhood. A diverse housing mix is achievable without intensifying the overall level of density by clustering homesites and providing for more open space and trail opportunities on a given site” (pg. 31).
22. The Miller Creek Plan, adopted twenty-five years ago, recognized issues with housing affordability and recommended clustering a mix of housing types to provide more open space. Though the recommended densities in the plan for the portion of the property outside the floodplain are lower than permitted by RT5.4, the proposed PUD subdivision meets the intent of the Miller Creek Plan by addressing housing needs and clustering a mix of housing types to provide open space. The densities recommended by the Miller Creek Plan have not been sufficient to address housing needs twenty-five years later.
23. Section 3-010.B of the City Subdivision Regulations states that subdivision plats must comply with the Missoula City Zoning Ordinance. The current Missoula City Zoning Ordinance is Title 20.
24. Staff recommend a condition of approval stating approval of the PUD Subdivision is contingent upon City Council approval of the rezoning and annexation. In order for City Council to approve the subdivision, all land must be within city limits. The PUD Subdivision proposal does not comply with the current R215 Residential zoning district applied to the portion of the parcel already within city limits. In order for the PUD subdivision to comply with Title 20 Zoning Code, the rezoning must be approved by City Council.
25. The OP2 zoning district permits Parks and Recreation uses, which is the proposed use of the City Park and HOA Common Area parcels proposed to be zoned OP2 (20.20.020, *Title 20 Zoning Code; Preliminary Plat*).
26. If the rezoning and PUD subdivision are approved by City Council, all development in areas zoned RT5.4 / NC-RT must comply with the requirements of the /NC-RT Overlay. Development must comply with all requirements of the RT5.4 zoning district not modified by the /NC-RT Overlay.
27. The RT5.4 zoning district requires a minimum parcel size of 5,400 square feet and 5,400 square feet is required per unit for single-purpose residential and mixed-use development. The minimum parcel area requirement does not apply to lots created through subdivisions

approved under Part 5 and Part 6 of M.C.A. 76-3 after May 6, 2019, which would be the case if this subdivision is approved. Instead, total unit yield is calculated based upon the gross parcel area divided by the minimum parcel area per unit and any applicable hillside density reductions. The RT5.4 zoning district allows a density of 8 dwelling units per acre (*Title 20 Zoning Ordinance*).

Conclusion of Law:

1. The PUD subdivision complies with both the *Our Missoula 2035 City Growth Policy* land use designations of Residential Medium (3 to 11 dwelling units per acre) and Open and Resource, and the standards of the RT5.4 / NC-RT and OP2 zoning districts, subject to the recommended conditions of approval.
2. Per State Law MCA 76-1-605(2)(b), no land use proposal shall be conditioned or denied based solely upon the lack of compliance with the Growth Policy.

B. PRIMARY CRITERIA COMPLIANCE

CRITERION A AND B: IMPACT ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

Agriculture

1. Section 5-020.6.A of the City Subdivision Regulations states the subdivider must demonstrate the subdivision proposal will have no adverse impacts on agriculture, or must identify the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to mitigate the adverse impacts. Mitigation of adverse impacts will not be based on a loss of agricultural soils and set aside of land or monetary contribution for the loss of agricultural soils will not be required.
2. The application packet includes statements that the land was historically used for hay and alfalfa production (pg. 9, *Appendix C Subdivision Application*).
3. The Natural Resources Conservation Service (NRCS) Soil Survey for Missoula County shows 47.7 acres (45%) of the parcel has soil types classified as Farmland of Local Importance. The portion of the parcel containing soil types classified as Farmland of Local Importance is the area generally outside of the floodplain. The remainder of the parcel has soil types that are not classified as prime farmland (pg. 10, *Appendix C Subdivision Application; Appendix I NRCS Soil Survey Report Data*).
4. The subject property is currently zoned RM Residential, Medium for the portion currently within the County and R215 Residential for the portion currently within the City. Though both zoning districts permit agricultural uses, the existence of County and City residential zoning on the parcels anticipates a land use of residential (*County Property Information System*).
5. Parcels northeast of the subject property may have seasonal agricultural uses associated with the residences located on the parcels. Parcels southwest of the subject property contain active agricultural operations including hay production and livestock grazing (pg. 42, *Riverfront Trails PUD Subdivision*).
6. As mitigation, the subdivider has included language in the covenants to apprise future residents of the adjacent agricultural operations and the potential for noise, dust, and odors (pg. 42, *Riverfront Trails PUD Subdivision; Appendix G Draft Covenants*).

Agricultural Water Users

7. Section 5-020.6.B of the City Subdivision Regulations states in areas where agricultural water user facilities exist on the subject property or adjoin the property, the application packet must identify the agricultural water user, describe any proposed changes to the agricultural water use, and describe alterations to availability of water.
8. The subject property contains a buried irrigation pipe lateral with risers spaced for attachment of wheel lines. The subdivider intends to remove the portion of the lateral pipe across the subject property and to transfer the water rights to the City of Missoula in order to provide sufficient water quantity to the PUD subdivision. Access to irrigation water for adjacent landowners will not be impacted by removal of the irrigation lateral pipe because the pump station is not located on the subject property. No other irrigation facilities are located on the subject property (pg. 43, *Riverfront Trails PUD Subdivision*; Appendix J *Water Rights Consultant Confirmation*).
9. Though the applicant intends to remove water rights from the PUD subdivision, the water rights have not been removed at this time (pg. 43, *Riverfront Trails PUD Subdivision*; Appendix J *Water Rights Consultant Confirmation*).
10. Section 3-060.3 of the City Subdivision Regulations requires the subdivider to provide irrigation easements to allow for delivery of water for irrigation to persons and land legally entitled to the water.
11. Section 3-060.4 of the City Subdivision Regulations states irrigation easements are not required if the water rights have been removed from the land within the subdivision or the process has been initiated to remove the water rights or if the subdivider discloses and notifies potential buyers of lots that the land is classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable. If removing water rights, the fact that the water rights have been removed must be denoted on the face of the plat (*MCA 76-3-504(1)(j)*; 3-060.4, *City Subdivision Regulations*).
12. Staff recommend a condition of approval requiring the subdivider to either provide irrigation easements to each lot in the subdivision, have the water rights removed, or the subdivider shall amend the covenants to include notification that the land is classified as irrigated and may continue to be assessed for irrigation water delivery even though the water may not be deliverable, prior to final plat approval of each phase (*MCA 76-3-504(1)(j)*; 3-060.4, *City Subdivision Regulations*).

Conclusions of Law:

1. The subdivision would prevent use of productive soils for agriculture. However, the property is zoned for residential use and development.
2. No impacts to agricultural water users or water user facilities are foreseen as a result of this subdivision, if the recommended conditions of approval are imposed.

CRITERION C: IMPACT ON LOCAL SERVICES

1. Section 5-020.6.C of the City Subdivision Regulations states the subdivider must identify services and evaluate the impacts on those services including transportation elements, utilities, water supply, sewage disposal, and solid waste disposal, schools emergency services, and information pertaining to residential units and taxation.
2. Section 3-010.5 of the City Subdivision Regulations states the subdivision must be served by adequate public facilities and services such as transportation systems (including non-motorized), parking, police and fire protection, drainage structures, solid waste disposal,

water supply, and sanitary sewage disposal; or the subdivider will provide adequately for such services.

Transportation Elements

Findings of Fact:

3. The subdivider proposes access to the PUD subdivision via Lower Miller Creek Road. Two roads are proposed to connect Lower Miller Creek Road to the rest of the PUD subdivision: Old Bitterroot Road and Drago Lane. The PUD subdivision includes an additional six roads internal to the subdivision: Riverfront Place, Naomi Lane, Anders Way, Tolley Lane, Meyers Way, and Cassidy Court. School Way is proposed as an access drive to Jeannette Rankin Elementary School. Lastly, thirteen short court private streets are proposed to provide access to specific “quad-court” lots (*Preliminary Plat*).
4. Section 3-020.3.A.1 of the City Subdivision regulations requires each public road to provide for construction and perpetual maintenance of the road. Sections 5-050.3.AA and .BB of the City Subdivision regulations requires the Special Improvement District (SID) statement to be provided on the plat and on each instrument of conveyance. Staff recommend a condition of approval requiring a SID/RSID statement on the plat and in the Development Covenants for future improvements to Lower Miller Creek Road, Old Bitterroot Road, Riverfront Place, Naomi Lane, Drago Lane, Tolley Lane, Anders Way, Meyers Way, and Cassidy Court.
5. Section 3-020.6.A of the City Subdivision Regulations states private streets must be placed within a public access with private maintenance easement. Section 5-050.3.Z of the City Subdivision Regulations requires each plat and instrument of conveyance to provide a statement on the plat and in each instrument of conveyance when private roads are proposed stating the purchaser and/or owner of lot or parcel understands and agrees that private road construction, maintenance, and snow removal are the obligation of the owner or property owners’ association and that the City of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are brought up to standards and accepted by the City of Missoula for maintenance. Staff recommend a condition of approval requiring this statement on the plat and in the covenants.
6. Section 3-020.4.H.2 of the City Subdivision regulations requires street signs and traffic control devices to be approved by the City Engineer and consistent with the Manual on Uniform Traffic Control Devices adopted by the Montana Department of Transportation. Staff recommend a condition of approval requiring the subdivider to provide a street signage plan and installation of street signage in accordance with the Manual on Uniform Traffic Control Devices, subject to review by Public Works & Mobility (the City Engineer), and City Fire.
7. Section 3-020.4.J of the City Subdivision Regulations states the City Engineer may require a traffic study for subdivisions that will generate 200 or more average daily trips based on the ITE trip generation manual. The Traffic Impact Study in the application packet states the subdivision would produce up to 2,209 daily vehicle trips in the area (pg. 1, *Appendix N Riverfront Trails TIS*). Upon reviewing the Traffic Impact Study, the City Engineer recommends a condition of approval requiring the subdivider to provide an updated Traffic Impact Study warrant analysis of the Lower Miller Creek Road and Old Bitterroot Road intersection in accordance with Missoula City Public Works Standards and Specifications Manual. Results from this analysis will inform decisions for the subdivider and/or future residents to contribute a proportionate share to intersection improvements made necessary

by this subdivision and appropriate cost-share mechanisms including potential participation in a special improvement district, impact fees, latecomers fees, or other methods.

8. Section 3-010.1 of the City Subdivision Regulations requires the subdivision to comply with all applicable laws, ordinances, and regulations. The City Engineer recommends a condition of approval requiring the subdivider to petition to create a new Special Improvements Lighting District for street lights on Lower Miller Creek Road and Old Bitterroot Road in accordance with Section 7.3.6 of the Missoula Public Works Standards and Specifications Manual.
9. Section 3-020.2 and .3C of the City Subdivision Regulations requires improvements to roads within and adjacent to a subdivision and states all public and private street and road improvements, including pavement, curbs, sidewalks, bike facilities, and drainage to be in accordance with the Missoula City Public Works Standards and Specifications Manual and standards prescribed in Table .2A.

Lower Miller Creek Road

10. Lower Miller Creek Road is functionally classified as an Urban Collector (with parking). City of Missoula Subdivision Regulations Table .2A shows Urban Collectors with parking require a minimum 90-foot-wide right-of-way that includes two 10-foot travel lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks (pg. 53, *Riverfront Trails PUD Subdivision; Table .2A, Missoula City Subdivision Regulations*).
11. The portion of Lower Miller Creek Road adjacent to and through the subject property does not meet the standards in Table .2A of the City Subdivision Regulations for an urban collector (with parking) (pg. 53, *Riverfront Trails PUD Subdivision*).
12. Improvements to Lower Miller Creek Road are planned by the City of Missoula as a future Community Investment Program project. These improvements include installation of additional asphalt, curb/gutter, and bike lanes as well as a roundabout at the intersection of Lower Miller Creek Road and Old Bitterroot Road. Landscaped boulevards, a bike lane, and sidewalks are also planned by the City on the eastern side of Lower Miller Creek Road (*City of Missoula Community Investment Program and correspondence with City Engineer for Surface Transportation*).
13. The subdivision is proposed to be a Planned Unit Development (PUD) subdivision. Section 3-020.4.F of the City Subdivision Regulations states “Planned Unit Developments (PUDs) provide for flexibility in the standards and each PUD must be reviewed on a case by case basis for road standards, upon recommendation of the City Engineer and approval of the City Council”. The subdivider is proposing to provide parking on only one side of Lower Miller Creek Road for the portion along the western property boundary of the subject property and no parking lanes for the portion of Lower Miller Creek running through the subject property in alignment with the plans created by the city for the City initiated improvements project (sheet C7.6, *Appendix R Preliminary Construction Plans*).
14. Currently Lower Miller Creek Road is located within a 60-foot-wide easement. In order to accommodate all of the improvements required by Table .2A as modified by 3-020.4.F of the City Subdivision Regulations, an additional 20 feet of right-of-way width is necessary. Staff recommend a condition of approval requiring the subdivider to dedicate 20 feet of right-of-way width for Lower Miller Creek Road on the west side of the existing easement for that portion along the western property boundary of the subject property and shall dedicate an additional 10 feet of right-of-way width on both sides of the existing easement

from the point where Lower Miller Creek Road turns southwest to the edge of the subject property (3-020.3.H.2, *City Subdivision Regulations*).

15. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommend a condition of approval requiring the subdivider to provide plans and installation of improvements for Lower Miller Creek Road that are not included in the City initiated improvements and to provide security for all improvements required for Lower Miller Creek Road. Improvements to be installed by the subdivider include landscaped boulevard and sidewalk on the western half of Lower Miller Creek Road from the intersection of Lower Miller Creek Road and Old Bitterroot Road to where Lower Miller Creek Road turns southwest, at which point the subdivider would be responsible for landscaped boulevard and sidewalk on both sides to the point where Lower Miller Creek Road exits the subject property (3-020.2, *City Subdivision Regulations*).

Old Bitterroot Road

16. Old Bitterroot Road is functionally classified as an Urban Collector (with parking). City of Missoula Subdivision Regulations Table .2A shows Urban Collectors with parking require a minimum 90-foot-wide right-of-way that includes a 47-foot-wide street width, two 10-foot travel lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks (pg. 53, *Riverfront Trails PUD Subdivision*; Table .2A, *Missoula City Subdivision Regulations*).
17. Old Bitterroot Road is currently an unpaved street in the County. Old Bitterroot Road currently does not meet the standards in Table .2A of the City Subdivision Regulations for an urban collector (with parking) (pg. 53, *Riverfront Trails PUD Subdivision*).
18. The subdivision is proposed to be a Planned Unit Development (PUD) subdivision. Section 3-020.3.E of the City Subdivision Regulations states “street and road rights-of-way may be narrower than the standard if approved by the city Council as part of a PUD subdivision...”. The applicant is proposing a narrower 80-foot wide right-of-way width, while still incorporating all required facilities at their required widths per Table .2A of the City Subdivision Regulations (pg. 49, *Riverfront Trails PUD Subdivision*). As mitigation, 5-foot-wide utility easements are provided on both sides of the Old Bitterroot Road right-of-way, effectively meeting the intent of a 90-foot-wide right-of-way as would regularly be required by Table .2A of the City Subdivision Regulations.
19. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommend three conditions of approval requiring the subdivider to provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks prior to each applicable phase.
20. A portion of Old Bitterroot Road within Phase 3 of the PUD subdivision is located on the adjacent parcel to the south, legally described as Tract 1 of Certificate of Survey No. 2591. Section 3-020.3.A of the City Subdivision Regulations requires the subdivider to obtain an easement or right-of-way from the property owner for public roads crossing property not owned by the subdivider. Staff recommend a condition of approval requiring the subdivider to provide proof of easement across Tract 1 of Certificate of Survey No. 2591. If the easement cannot be obtained, the recommended condition of approval states Old Bitterroot Road must be constructed entirely on the Riverfront Trails Subdivision property.
21. Section 3-020.4.D of the City Subdivision Regulations requires the subdivider to provide street connections to any existing or approved public street, road or right-of-way extension

abutting the subdivision. City Engineering has approved plans for an extension of Christian Drive, connecting to Old Bitterroot Road on the subject property.

22. Staff recommend a condition of approval requiring the subdivider to dedicate a public access easement for Old Bitterroot Road from the eastern subject property boundary to the western subject property boundary with Phase 1A to accommodate future connection to Christian Drive in compliance with Section 3-020.4.D of the City Subdivision Regulations.

Drago Lane, Naomi Lane, Tolley Lane, and Riverfront Place

23. Drago Lane, Naomi Lane, Tolley Lane, and Riverfront place are functionally classified as urban local streets (pg. 53, *Riverfront Trails PUD Subdivision*). City of Missoula Subdivision Regulations Table .2A shows urban local streets require a minimum 80-foot-wide right-of-way that includes 47-foot-wide street width, two 10-foot-wide travel lanes, 8-foot-wide parking lanes, curb and gutter, 5-foot-wide sidewalks, and 7-foot-wide landscape boulevard (pg. 53, *Riverfront Trails PUD Subdivision*; Table .2A, *City Subdivision Regulations*).
24. The subdivision is proposed to be a PUD subdivision. Section 3-020.3.E of the City Subdivision Regulations states “street and road rights-of-way may be narrower than the standard if approved by the city Council as part of a PUD subdivision...”. The subdivider is proposing a narrower 64-foot-wide right-of-way width for urban local streets while still incorporating all required facilities at their required widths per Table .2A of the City Subdivision Regulations (pg. 49, *Riverfront Trails PUD Subdivision*). As mitigation, 5-foot-wide utility easements are provided on both sides of the urban local street rights-of-way (pg. 48, *Riverfront Trails PUD Subdivision*).
25. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommend three conditions of approval requiring the subdivider to provide plans for and install improvements to Drago Lane, Naomi Lane, Tolley Lane, and Riverfront place, urban local streets including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks prior to each applicable phase.

Anders Way and Meyers Way

26. Anders Way and Meyers Way are functionally classified as local residential streets and referred to as “neighborhood streets” in the subdivision application packet (pg. 50 & 54, *Riverfront Trails PUD Subdivision*). City of Missoula Subdivision Regulations Table .2A shows local residential streets require a minimum 47-foot-wide right-of-way that includes 35-foot-wide street width, two 10-foot-wide travel lanes, 7-foot-wide parking lanes, curb and gutter, 5-foot-wide sidewalks, and 7-foot-wide landscape boulevards (pg. 54, *Riverfront Trails PUD Subdivision*; Table .2A, *City Subdivision Regulations*).
27. The subdivision is proposed to be a PUD subdivision. Section 3-020.4.F of the City Subdivision Regulations states “Planned Unit Developments (PUDs) provide for flexibility in the standards and each PUD must be reviewed on a case by case basis for road standards, upon recommendation of the City Engineer and approval of the City Council”. The subdivider is proposing a narrower street width and variable width boulevards to accommodate alternating parking bays and a meandering road for local residential streets. Anders Way and Meyers Way would still incorporate all required facilities (pg.50, *Riverfront Trails PUD Subdivision*).
28. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommend two conditions of approval requiring the subdivider to provide plans for and install improvements to Meyers Way and

Anders Way, local residential streets, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks prior to each applicable phase.

Cassidy Court

29. Cassidy Court is functionally classified as a local residential street and referred to as a “neighborhood yield street” in the subdivision application packet (pg. 50 & 54, *Riverfront Trails PUD Subdivision*). City of Missoula Subdivision Regulations Table .2A shows local residential streets require a minimum 47-foot-wide right-of-way that includes 35-foot-wide street width, two 10-foot-wide travel lanes, 7-foot-wide parking lanes, curb and gutter, 5-foot-wide sidewalks, and 7-foot-wide landscape boulevards (pg. 54, *Riverfront Trails PUD Subdivision*; Table .2A, *City Subdivision Regulations*).
30. The subdivision is proposed to be a PUD subdivision. Section 3-020.4.F of the City Subdivision Regulations states “Planned Unit Developments (PUDs) provide for flexibility in the standards and each PUD must be reviewed on a case by case basis for road standards, upon recommendation of the City Engineer and approval of the City Council”. The subdivider is proposing a narrower street width and a parking lane on one side of the street rather than both sides. Section 3-020.4.N of the City Subdivision Regulations requires a parking land on both sides of local residential streets, unless approved through variance or the PUD provisions of Section 3-020.4.F. Cassidy Court would still incorporate all required facilities aside from having one parking lane instead of two parking lanes (pg. 48 & 50, *Riverfront Trails PUD Subdivision*).
31. Section 3-020.5 of the City Subdivision Regulations states Loop Streets are prohibited unless approved by variance. Section 2-020.106.J of the City Subdivision Regulations defines a loop street as a local street or road that begins and ends on the same street, generally used for access to properties. Section 3-020.4.F of the City Subdivision Regulations states “Planned Unit Developments (PUDs) provide for flexibility in the standards and each PUD must be reviewed on a case by case basis for road standards, upon recommendation of the City Engineer and approval of the City Council”. The applicant is proposing Cassidy Court as a loop street through the road flexibility standards permitted by PUD subdivisions (*Preliminary Plat*).
32. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommends one condition of approval requiring the subdivider to provide plans for and install improvements to Cassidy Court, a local residential street, including two-travel lanes, curb and gutter, parking lane, boulevards, and sidewalks.

Short Courts

33. The subdivision proposes thirteen short court private streets. The short courts are proposed to access lots grouped in sets of four. The short courts propose access to fifty-two lots and would be located in 26-foot-wide public access and utility easements with private road maintenance (*Preliminary Plat*). Section 2-020.106.K of the City Subdivision Regulations defines a short court as a private road serving three to six lots or dwelling units with the Urban Growth Area (UGA). The thirteen proposed private roads meet the definition of a short court.
34. Section 3-020.6.B of the City Subdivision Regulations states short courts are prohibited unless approved by variance. Section 3-020.4.F of the City Subdivision Regulations states “Planned Unit Developments (PUDs) provide for flexibility in the standards and each PUD must be reviewed on a case by case basis for road standards, upon recommendation of the

City Engineer and approval of the City Council”. The applicant is proposing short courts through design flexibility permitted under the PUD provisions of the City Subdivision Regulations rather than through variance.

35. The proposed short courts contain 21-foot-wide pavement width, two 10-foot-wide travel lanes, two overflow parking spaces at the ends of the roads, a 10-foot-wide valley gutter down the center of the roads, and two overflow parking spaces (Sheets C3.26, C3.27, & C3.28, *Appendix R Preliminary Construction Plans*).
36. When short courts are approved through Section 3-020.6.B of the City Subdivision Regulations, short courts are required to be surfaced with at least twenty-five percent (25%) scored, textured, or stamped and colored concrete, paving blocks or bricks or other similar materials approved by Missoula City Engineer (3-020.6.B.6, *City Subdivision Regulations*). The application packet shows textured concrete parking pads outside of the short court access easement (Sheet C7.2, *Appendix R Preliminary Construction Plans*). The textured concrete parking pads are not within the short court easement and are therefore not part of the short court. The intent of the standard in Section 3-020.6.B is to provide a visible pedestrian path to dwelling units along the short court. However, the short courts on the subject property are being approved through PUD rather than through variance so this standard is not applicable unless included in a recommendation from the City Engineer, necessary to recommend approval of the short courts through PUD.
37. Section 3-020.4.E of the City Subdivision Regulations states “the circulation system [in the subdivision] must provide for various modes of transportation such as automobiles, pedestrians...”. The short courts as shown in the subdivision application packet do not contain pedestrian facilities for lots accessed by short courts (Sheets C3.26, C3.27 & C3.28, *Appendix R Preliminary Construction Plans*).
38. In order for the City Engineer to recommend approval of the short courts per Section 3-020.4.F of the City Subdivision Regulations and to meet circulation pattern standards contained in Section 3-020.4.E of the City Subdivision Regulations, staff recommend conditions of approval related to installation of short courts require a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area.
39. In order to meet the City Subdivision Regulations which requires improvements to roads within and adjacent to the subdivision, staff recommends two conditions of approval requiring the subdivider to provide plans for and install improvements to thirteen short courts, including two travel lanes, curb, valley gutter, overflow parking, and a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area, all within a 26 foot wide public access and utility easement.
40. All proposed short courts are less than 150 feet in length and have been reviewed by City Fire. A fire turnaround is not required to serve dwelling units if the short court is less than 150 feet (*Missoula City Fire*; 3-020.6.B.9, *City Subdivision Regulations*).

Alleys

41. The subdivision proposes four alleys. Section 3-020.10 of the City Subdivision Regulations provides requirements for alleys, including a minimum 20-foot-wide right-of-way width, a 12-foot-wide pavement width, and compliance with Missoula City Public Works Standards and Specifications Manual. Additionally, alleys must not dead end (3-020.10, *City Subdivision Regulations*).

42. The proposed alleys are located within 20-foot-wide rights-of-way and include 20-foot-wide pavement width and a valley gutter down the center of the alleys (pg. 48, *Riverfront Trails PUD Subdivision*). The four proposed alleys do not dead end (*Preliminary Plat*).
43. In order to meet the City Subdivision Regulations, staff recommend two conditions of approval requiring the subdivider to provide plans for and install improvements to the four alleys in accordance with Missoula City Public Works Standards and Specifications Manual and Missoula City Subdivision Regulations (3-020.10).

School Way

44. School Way is a proposed access drive to Jeannette Rankin Elementary School, located south of the Riverfront Trails Subdivision (pg. 3, *Preliminary Plat*; pg. 54, *Riverfront Trails PUD Subdivision*).
45. Section 3-020.4.D of the City Subdivision Regulations requires subdividers to incorporate connections to nearby destinations such as schools. Additionally, Section 3-020.15.B.1.b of the City Subdivision Regulations requires subdividers to provide active transportation facilities that provide safe route to schools. Active transportation facilities include sidewalks (3-020.15, *City Subdivision Regulations*). Section 3-020.3.F of the City Subdivision Regulations states access must be adequate for emergency and service vehicles and approved by City Engineer and the Fire Chief. The Fire Chief has indicated 20-foot-wide pavement width is necessary to provide adequate emergency service access.
46. The School Way drive access is proposed to include a 5-foot-wide sidewalk on one side, a 7.5-foot-wide boulevard on one side, curb and gutter, and a 24-foot-wide paved surface containing two drive lanes (pg. 54, *Riverfront Trails PUD Subdivision*).
47. Missoula County Public Schools has not indicated that they will allow the School Way access drive connection to the Jeannette Rankin Elementary School property at this time.
48. In order to meet City Subdivision Regulations Sections 3-020.4.D, 3-020.15.B.1.b, and 3-020.3.F, staff recommend a conditions of approval requiring the applicant to obtain approval from Missoula County Public Schools to connect School Way to the Jeannette Rankin Elementary school property and to install School Way including two travel lanes, curb and gutter, and boulevard and sidewalk on one side.

"Gustuson Road" – Private Street

49. The application packet shows a road located in the southeast corner of the parcel, labeled Gustuson Road (*Preliminary Plat*; pg. 53, *Riverfront Trails PUD Subdivision*; *Appendix R Preliminary Construction Plans*). A 2015 report from the County Surveyor's Office, *Status of Un-named Road*, indicated that the road labeled "Gustuson Road" is not public right-of-way and is a private street for the use and benefit of parcels not contained within the Riverfront Trails PUD Subdivision (*Missoula County Property Information System*).
50. Section 3-010.7 of the City Subdivision Regulations requires the subdivision to provide access to other neighborhoods. "Gustuson Road" is a private road used to access lots outside of the Riverfront Trails PUD Subdivision.
51. In order to comply with Section 3-010.7 of the City Subdivision Regulations, staff recommend a condition of approval requiring the subdivider to provide a 20-foot-wide private access easement for the area described as "Gustuson Road" in the application packet.

Road Access to Open Space

52. Section 3-010.7 of the City Subdivision Regulations requires the subdivision to provide access to open space, parks, and common areas. The PUD subdivision proposes open space along the Bitterroot River in the form of parkland dedicated to the City and HOA maintained Common Area (*Preliminary Plat*). The open space is planned to be provided with Phase 1A of the subdivision, including a public parking lot. However, Phase 1A does not include lots and full right-of-way improvements in a location accessible to the open space (pg. 58, *Riverfront Trails PUD Subdivision*).
53. In order to comply with Section 3-010.7 of the City Subdivision regulations, staff recommend a condition of approval requiring an access easement from Old Bitterroot Road to the open space, parks, and common area with Phase 1A for the use and benefit of lots within Phase 1A and the greater Missoula Community accessing the public trails and City parkland. Additionally, staff recommend the condition of approval require plans for and installation of vehicular and pedestrian access to the open space including two paved travel lanes within a 24-foot-wide public access easement prior to final plat approval of Phase 1A. Full road improvements would be required with Phase 2 if City Council adopts recommended conditions of approval for improvements to Riverfront Place, Tolley Lane, and Cassidy Court. At the time of Phase 2 plat filing, the easement will become public right-of-way.

Non-Motorized

54. Sections 3-010.7 and 3-020.15.B.1.b of the City Subdivision Regulations requires the subdivision to provide access to schools through active transportation facilities. Additionally, Section 3-020.15.B.1.e requires active transportation facilities that provide accessibility in accordance with the Americans with Disabilities Act (ADA).
55. A mid-block pedestrian path extending from Old Bitterroot Road to Parcel A of C.O.S 6568, containing Jeannette Rankin Elementary School, is proposed on the Riverfront Trails PUD Subdivision preliminary plat. The mid-block pedestrian path continues a 10-foot-wide paved path within a 20-foot wide right-of-way (*Appendix R Preliminary Construction Plans*).
56. Missoula County Public Schools has not indicated that they will allow the mid-block pedestrian path to connect to the Jeannette Rankin Elementary School at this time.
57. In order to comply with Sections 3-010.7 and 3-020.15.B.1.b of the City Subdivision Regulations, staff recommend conditions of approval requiring the subdivider to obtain approval from Missoula County Public Schools to connect the mid-block pedestrian path to the Jeannette Rankin Elementary School property and to install the mid-block pedestrian path, including a 10-foot-wide paved path within a 20-foot-wide right-of-way.
58. Section 3-020.15.B.1 requires the subdivision to provide active transportation facilities that provide continuous access to all lots within the subdivision and access to adjoining developments. The subdivision application packet shows 5-foot-wide sidewalks along all street frontages, excluding the short courts, within the subdivision (*Appendix R Preliminary Construction Plans*). Staff recommend conditions of approval requiring installation of sidewalks for all streets. Additionally, staff recommend a condition of approval requiring stamped, textured, or scored surface on the short courts intended to act as pedestrian facilities for active transportation.

Transit

59. Section 3-020.15.B.1.b of the City Subdivision Regulations requires the subdivider to provide active transportation facilities that provide safe routes to schools, playgrounds, bus stops, and public parks and common area.

60. Section 3-020.4.G of the City Subdivision Regulations states when development is adjacent to or within ¼ mile of an established public transit or school bus route, the subdivider may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities.
61. City Engineering (Public Works & Mobility) will not be requiring the installation of bus stop facilities for this subdivision. The nearest Mountain Line bus stop is located approximately 1.5 miles away on Weeping Willow Drive. The subject property is not within ¼ mile of an established public transit route (*Mountain Line Bus Stop Master Plan*).
62. The subject property is not within the Missoula Urban Transportation District. To comply with the City Subdivision Regulations, staff recommend a condition of approval requiring the subdivider to petition the property to be included in the Missoula Urban Transportation District, to allow for future transit opportunities.
63. The subject property is within the walking boundary for Jeannette Rankin Elementary School. The nearest school bus stop is located at the intersection of Lower Miller Creek Road and Jack Drive, serving Meadow Hill Middle School and Sentinel High School (*Missoula County Public Schools Bus Schedules and Stops*).

Conclusions of Law:

1. The Riverfront Trails PUD Subdivision will meet the road improvement and non-motorized facility standards in the Missoula City Subdivision Regulations if the recommended conditions of approval are imposed.
2. The Riverfront Trails PUD Subdivision provides active transportation facilities that provide safe routes to bus stops, open space, other neighborhoods, and all lots within the subdivision in compliance with Section 3-010.7 and 3-020.15.B.1.b of the City Subdivision Regulations if the recommended conditions of approval are imposed.

Rights-of-Way and Easements

Findings of Fact:

1. Section 3-020.3.B of the City Subdivision Regulations requires all streets within a subdivision to be dedicated public right-of-way or, at the City Engineer's discretion, may be a private street and public access with private maintenance easement. Section 3-060.1 of the City Subdivision Regulations requires easements to be provided for utilities, drainage, watercourse, channel, ditch, stream, vehicular, and pedestrian access.
2. All streets proposed in the subdivision are dedicated public right-of-way, except for the short courts which are private streets within a public access with private maintenance easement (*Preliminary Plat*). All utilities and drainage are located within easements (*Preliminary Plat*).
3. In order to comply with Sections 3-020.3.B and 3-060.1 of the City Subdivision Regulations and Missoula City Public Works and Specifications Manual, staff recommend a condition of approval requiring all proposed rights-of-ways and easements to be shown on the face of each plat and identified for their width, purpose, and the recorded book and page numbers.

Conclusions of Law:

1. The Riverfront Trails PUD Subdivision will meet the easement and right-of-way requirements of Sections 3-020.3.B and 3-060.1 of the City Subdivision Regulations if the recommended conditions of approval are imposed.

Drainage

Findings of Fact:

1. Section 3-040 of the City Subdivision Regulations provides minimum standards for site grading and control of stormwater runoff.
2. Section 3-040.2.E of the City Subdivision Regulations states all drainage systems must meet the minimum standards of the Montana Department of Environmental Quality (DEQ), as required by MCA Title 76, Chapter 4 and 5, Part 1, as amended, and all applicable state and local regulations.
3. The subdivision application includes a Preliminary Storm Drainage System Design Report that evaluates pre- and post-development conditions. Additionally, a Preliminary Stormwater Prevention Pollution Plan has been provided (*Appendix P Utility Design Reports*). Due to the presence of seasonal high ground water, the proposed drainage system primarily consists of piped storm drainage and a storm water detention wetland pond rather than sumps. Lot 1 has adequate separation from ground water for sumps to be utilized, but the rest of the development will discharge to underground piping extended detention wetland, and the Bitterroot River (pg. 8 & 4, *Preliminary Storm Drainage System Design Report, Appendix P Utility Design Reports*). The stormwater detention pond is located on the lot proposed to be dedicated to the City as parkland (*Preliminary Plat*). Once dedicated to the City, the stormwater detention pond will be maintained by Public Works & Mobility.
4. Section 5-020.11 and 3-040 of the City Subdivision Regulations requires the subdivider to submit a complete grading and drainage plans showing proposed grade of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana Department of Environmental Quality standards, subject to the review and approval of the City Engineer. All drainage facilities must be constructed in accordance with the approved plans.
5. In order to comply with Section 5-020.11 of the City Subdivision Regulations, staff recommend a condition of approval requiring the subdivider to provide plans for and installation of grading, drainage, and stormwater facilities, subject to review and approval by Montana Department of Environmental Quality and Public Works & Mobility, prior to final plat approval for each phase.
6. In order to comply with Section 3-010.1, compliance with other regulations, of the City Subdivision Regulations, staff recommend a condition of approval requiring a flap gate on the stormwater detention pond to prevent sediment from entering the Bitterroot River.

Conclusions of Law:

1. The Riverfront Trails PUD Subdivision will meet the grading and drainage standards of the Missoula City Subdivision Regulations and Montana Department of Environmental Quality if the recommended conditions of approval are imposed.
2. Final grading, drainage, and stormwater plans will be reviewed and approved by the City Engineer prior to final plat approval of each phase if the recommended conditions of approval are imposed.

Water Supply, Sewage Disposal, and Solid Waste

Findings of Fact:

3. The majority of the subject property is within the Utility Services Area Boundary. Phase 3 of the PUD subdivision is not within the Utility Services Area Boundary. Additionally, while the

boundary is very close to the boundary of the proposed open space, it may not perfectly align with the proposed lot lines between the open space and lots intended for residential development (*City Central Maps*).

4. Section 3-010.5 of the City Subdivision Regulations requires subdivisions to be served by adequate public facilities and services including water supply, sewage disposal, and solid waste disposal.
5. Staff recommend City Council approve an amendment to the Utility Services Area Boundary to align the boundary with the northern lot lines on the portion of the subdivision proposed to be zoned RT5.4 / NC-RT. See Exhibit D and Resolution of Intent to Amend the Utility Services Area Boundary. City Public Works & Mobility supports the minor amendment and can accommodate connection to city sewer and water within the amended boundary (*Appendix O Intent to Serve*).
6. Staff recommend a condition of approval stating the PUD Subdivision preliminary plat approval is contingent upon City Council approval of the Utility Services Boundary Amendment (3-010.5, *City Subdivision Regulations*).
7. The closest public water main is approximately 140 feet from the western boundary of the subject property in the intersection of Bigfork Road and Lower Miller Creek Road. (pg. 64, *Riverfront Trails PUD Subdivision*).
8. The maximum daily demand for domestic water service and landscaping irrigation for the proposed subdivision is 107,513 gallons per day. The City has insufficient water rights to serve the subdivision and will require mitigation to allow capacity to serve the proposed development through transfer of existing water rights from the property owner to the City (pg. 64, *Riverfront Trails PUD Subdivision*).
9. Domestic service in Phase 1A will be provided by a private water supply well until sufficient water rights are transferred. The city currently has sufficient water rights only to serve fire protection for Phase 1A, to be provided by extensions to the City of Missoula water system (pg. 28, *Subdivision Application; Water and Sanitation Report; Confirmation of Authorization of Water Rights Consulting Serves dated July 15, 2022*).
10. The subdivision application packet includes a Water Supply Design Report describing the process and plan for transferring sufficient water rights to meet the demands of the PUD subdivision (*Water Supply Design Report, Appendix P Utility Design Reports*).
11. In order to meet Section 4-010.14.A.1.d requiring disclosure and disposition of water rights and Section 3-010.5 of the City Subdivision Regulations, staff recommend a condition of approval requiring the subdivider to transfer sufficient water rights to the City of Missoula prior to final plat approval for each phase.
12. Sewer mains run along the western side of the subject property, south of Old Bitterroot Road, as well as within Old Bitterroot Road itself (pg. 1, *Water Supply Design Report, Appendix P Utility Design Reports*).
13. Sewer and water utility main extensions are planned from existing mains located on the property, Lower Miller Creek Road, and from the Sweet Grass Addition of Maloney Ranch Phase II (*Preliminary Construction Plans; Water and Sanitation Report*).
14. Section 3-070.6 of the City Subdivision Regulations requires that all utilities be placed in public rights-of-way or public utility easements.

15. The section of water main extension from the Sweet Grass Addition of Maloney Ranch – Phase II will require an easement to the Lower Miller Creek Road right-of-way. The County Surveyor determined this section of road is not a public right-of-way. The subdivider will need to gain necessary easements for the extension of this water main. (*2015 County Surveyor Memo; Preliminary Construction Drawings*).
16. In order to comply with Section 3-070.6 of the City Subdivision Regulations, staff recommend a condition of approval requiring the applicant to obtain a utility easement through properties adjacent to the subdivision for utility main extension from the Sweet Grass Addition of Maloney Ranch Phase II, prior to final plat approval for Phase 1A.
17. In order to comply with Section 3-010.5 of the City Subdivision Regulations, staff recommend a condition of approval requiring the subdivider to provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works and Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase.
18. A sanitary sewer lift station is expected to be required to provide sanitary sewer service to Phase 3 of the PUD subdivision (*Water and Sanitation Report, Appendix P Utility Design Reports*). In order to comply with Section 3-010.5 of the City Subdivision Regulations, staff recommend a condition of approval requiring plans and installation of a sanitary sewer lift station, subject to review and approval by Public Works and Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for Phase 3.
19. Section 3-070.1 of the City Subdivision Regulations states the means for solid waste disposal is subject to approval of the City Council. Republic Services is expected to provide solid waste disposal service to the PUD subdivision (pg. 27, *Appendix C Subdivision Application*). Staff recommend a condition of approval requiring the subdivider to submit plans for solid waste disposal for review and approval by City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase.

Conclusions of Law:

20. Public sewer and water services are available to the subdivision. Each lot proposed for development within the RT5.4 / NC-RT zoning district will be served by municipal sewer and water facilities in compliance with the Subdivision Regulations, if the recommended conditions of approval are imposed.
21. Solid waste disposal service will be available to the subdivision and will be in compliance with the City Subdivision Regulations, if the recommended conditions of approval are imposed.
22. Review of water supply, sewage disposal, and solid waste is under jurisdiction of state and local health authorities under the Montana Sanitation and Subdivision Act.

Parks and Recreation

Findings of Fact:

1. Section 3-080.3.A of the City Subdivision Regulations requires parkland dedication equal to 11% of the net lotted area in subdivisions with lots of a 0.5 acre or smaller that will have one or two dwelling units on the lot, or if three or more dwelling units will be placed on the lot, 0.02 acres per dwelling unit when net residential density of development is known at the time of preliminary plat. The RT5.4 zoning district permits a density of 8 dwelling units

per acre. Based on the parkland dedication calculations for net lotted area, the subdivision is required to provide 4.03 acres of parkland (pg. 33, *Appendix C Subdivision Application*).

2. Riverfront Trails is proposed as a PUD subdivision. Section 3-120.7 requires PUD subdivisions to provide at least 1/9 of the platted area, exclusive of all other dedications, for open space either held in ownership by the HOA and/or dedicated to public use. The platted area is 92.73 acres (pg. 8, *Riverfront Trails PUD Subdivision*). 1/9 of the platted subdivision area is 10.3 acres (pg.33, *Appendix C Subdivision Application*).

3. The required parkland dedications total 14.33 acres (pg. 33, *Appendix C Subdivision Regulations*).

4. The preliminary plat depicts the following open space tracts: City Park A (0.14 acres), City Park B (24.49 acres), HOA Common Area A (19.97 acres), and HOA Common Area B (0.09 acres).

5. Section 3-080 of the City Subdivision Regulations states stormwater retention or detention ponds that are designed to hold stormwater runoff from less than 100-year events do not count toward the parkland dedication. A large stormwater detention pond is located on City Park B. For open space areas to be dedicated to the City, 13.64 acres qualify as parkland dedication (pg. 33, *Appendix C Subdivision Application & Preliminary Plat*).

6. The total acreage of open space dedicated to the City and HOA Common Area meeting the parkland dedication requirements is 33.61 acres. The 33.61 acres of dedicated parkland meet the parkland dedication requirements and the PUD subdivision open space requirements of the City Subdivision Regulations.

7. Staff recommend a condition of approval requiring the subdivider to dedicate City Park A and City Park B to the City of Missoula and to dedicate Common Area A and Common Area B as common area to be owned and maintained by the HOA. Additionally, the recommended condition of approval requires plans for and installation of a trail system through the open space in compliance with Section 3-020.15.F.2 of the City Subdivision Regulations.

8. Section 5-020.4.C of the City Subdivision Regulations requires the subdivider to submit a boulevard landscaping plan. For findings of fact regarding installation of boulevards, see the roads section of this report. Staff recommends a condition of approval requiring the subdivider to submit plans for and installation of boulevard landscaping, subject to review and approval by Parks and Recreation.

9. Staff recommend a condition of approval requiring the subdivider to provide maintenance plans for common area per Section 5-020.14.K.10 of the City Subdivision Regulations which requires a maintenance program for common area and mutually controlled facilities.

Conclusion of Law:

1. Parkland dedication is required in this subdivision in accordance with the City Subdivision Regulations. The subdivision, as proposed, will meet the parkland dedication requirements if the recommended conditions of approval are imposed.
2. The subdivision, as proposed, will meet the open space requirements for Planned Unit Development Subdivisions if the recommended conditions of approval area imposed.

3. City Subdivision Regulations require plans for and installation of boulevard landscaping, which will be reviewed and approved prior to final plat approval for each phase if the recommended conditions of approval are imposed.

Schools

Findings of Fact

1. The subject property is within the Jeannette Rankin Elementary School, C.S. Porter Middle School, and Sentinel High School districts. The proposed subdivision would create 176 residential lots with an estimated addition of 75 children to the Missoula County Public Schools district (pg. 30, *Appendix C Subdivision Application*).

Conclusion of Law:

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

Fire Department

Findings of Fact:

1. The Missoula City Fire Department will serve the subdivision. The nearest station is located approximately 3 miles away at the intersection of Hillview Way and 39th Street (pg. 30 *Appendix C Subdivision Application*).
2. Subdivision Regulations Section 3-070.1 requires that water supply for fire protection be provided via a public or community water system with 1,000 gallons per minute minimum flow, or via residential sprinkler systems.
3. The city currently has sufficient water rights only to serve fire protection for Phase 1A, to be provided by extensions to the City of Missoula water system (pg. 28, *Subdivision Application; Water and Sanitation Report; Confirmation of Authorization of Water Rights Consulting Serves dated July 15, 2022*). Staff recommend a condition of approval requiring sufficient water rights to be transferred to the City in order to serve the rest of the subdivision, including fire protection for Phase 1B, Phase 2, and Phase 3.
4. Water supply for fire protection for this subdivision is planned to be supplied via new fire hydrants, proposed to be installed with each phase. A fire hydrant layout exhibit was provided with the subdivision application (*Appendix Q*).
5. The Missoula City Fire Department regularly requires an addressing system to be developed that conforms to the addressing requirements of the city. All new buildings are assigned an address at the time of building permit approval, and are required to meet City standards for signage (3-010.1.F, *City Subdivision Regulations*).
6. Staff recommend a condition of approval requiring the subdivider to provide plans for fire suppression water flow and hydrant placement, prior to final plat approval for each phase.

Conclusion of Law:

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

Law Enforcement

Findings of Fact:

1. The subdivision is located within the jurisdiction of the Missoula Police Department (pg. 30, *Appendix C Subdivision Application*).

2. The Missoula Police Department did not provide comments on the subdivision or annexation requests.

Conclusion of Law:

1. Law enforcement service is available to the subdivision.

CRITERIA D, E AND F: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

Natural Environment

1. Section 5-020.6.D states the subdivider must identify the resources and evaluate the impacts on those resources including adjacent public lands, cultural resources, hydrological characteristics, soil characteristics and vegetative cover types.
2. The subject property is bordered by the public lands to the north, the Bitterroot River. Currently there is no public access to the Bitterroot River on the subject property. The applicant is proposing to dedicate a parcel of open space to the City to be used as public parkland. The parcel of open space contains the entire bank of the Bitterroot River within the subject property (*Preliminary Plat*).
3. The parcel contains 43.44 acres of the subject property contains Zone AE, 1% annual chance flood, floodplain (*Preliminary Plat*). The 43.44 acres of floodplain will be preserved as open space, protecting the environmental benefits of the natural floodplain.
4. The subject property contains riparian vegetation along the Bitterroot River. A Riparian Resource Management Plan is provided in compliance with Section 3-130.3 of the City Subdivision Regulations. The Riparian Resource Management Plan designates the riparian area and provides a 300-foot-wide riparian buffer. However, the dedicated parkland extends over 300 feet beyond the riparian buffer, providing additional protection (*Appendix L Riparian Management Plan & Preliminary Plat*).
5. Staff recommend a condition of approval requiring the subdivider to append the Riparian Resource Management Plan to the Covenants and include language in both the Riparian Resource Management Plan and the Covenants stating “all owners are subject to and must abide by the riparian resource management plan. The riparian resource management plan must be implemented in perpetuity” (3-130.3.B & C, *City Subdivision Regulations*).
6. Subdivision Regulations Section 3-010.1F requires the subdivision to comply with other regulations applicable to the land proposed for subdivision.
7. The Missoula County Noxious Weed Management Plan adopted by Resolution 2012-063 requires a weed management plan as part of subdivision plans.
8. The application packet includes a weed management and revegetation plan. The weed management plan states weeds will be managed by removing existing weeds with herbicide mixture prior to construction and by reseeding areas disturbed by construction using native plants to prevent weeds. Revegetation of the open space will not be required due to the presence of desirable competitive grasses on the property (*Appendix H Weed Management Plan*).
9. Staff recommend a condition of approval requiring the subdivider to provide and append the Weed Management and Revegetation Plan to the Development Covenants.

10. The application packet indicates the property may support grouse, pheasant, white-tailed deer, Hungarian partridge, grizzly bear, gray wolf, mountain lion, and black bear. The area along the Bitterroot River would be protected by the dedicated open space and riparian management plan, protecting wildlife habitat. Additionally, the covenants include information for lot purchasers about living with wildlife and advises lot owners of potential issues associated with wildlife concerning pets, garbage, and other potential areas of conflict (pg. 17, *Appendix C Subdivision Application; Preliminary Plat, Appendix L Riparian Management Plan; Appendix G Draft Covenants*).
11. The parcel is currently vacant. No historical or cultural resources are located on the subject property (pg. 12, *Appendix C Subdivision Application*).

Conclusion of Law:

1. Minimal impacts to the natural environment and wildlife habitat are foreseen as a result of this subdivision if the recommended conditions of approval are imposed.

CRITERION G: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. Section 5-020.6.G of the City Subdivision Regulations states the subdivider must demonstrate the proposed subdivision will have no adverse impact on conditions that relate to public health and safety including disease control and prevention, emergency services, environmental health, flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes and other natural hazards, high voltage lines or high pressure gas lines, on-site or nearby off-site land uses that create nuisance (e.g. noise, dust, smoke, unpleasant odors), and are or vehicular traffic safety hazards.
2. Subdivision Regulations Section 3-010.2 requires the mitigation of hazards to subdivision development, including but not limited to flooding and slopes of 25% or more.
3. The subject property contains 43.44 acres of land designated as Zone AE, 1% annual chance flood, floodplain. The 43.44 acres of floodplain is proposed to be dedicated open space. No developable lots are located within the current adopted special flood hazard area (*Preliminary Plat*).
4. A stormwater detention pond is proposed within the floodplain (*Preliminary Plat*). Staff recommend a condition of approval requiring the subdivider to obtain a City Floodplain permit and all other applicable permits prior to installation of the stormwater detention pond (3-010.1.B, *City Subdivision Regulations*).
5. The City received draft floodplain data and maps from DNRC in summer of 2022. The new draft floodplain data, which is the best data available, shows that Phase 3 may be within Zone AE, 1% annual chance flood, floodplain (*Missoula-Granite Floodplain Mapping Update*). The new data is not set to be adopted until 2025. However, Phase 3 is expected to be constructed by 2030, after the new maps will have been adopted (pg. 54, *Riverfront Trails PUD Subdivision*).
6. As mitigation to the new data showing potential for increased flood risk on Phase 3, staff recommend a condition of approval requiring the following statement on the final plat and in the covenants: "The lowest floor of any structure and mechanical equipment in Phase 3 of the Riverfront Trails Subdivision shall be at least 2 feet above the 100-year base flood elevation of the Bitterroot River. Pre-and post-construction Elevation Certificates shall be submitted documenting the lowest floor and mechanical equipment elevations are a

minimum of two feet above the base flood elevation” (*City Floodplain Administrator Recommendation & 3-010.2, City Subdivision Regulations*).

7. The geotechnical report indicated high ground water within 15 feet of the ground surface at the subject property. The geotechnical report states basement levels are not recommended at this site due to the possibility of basement flooding (pg. 6, *Appendix M Geotechnical Report*). The covenants include a statement prohibiting basements (*Appendix G Draft Covenants*). Staff recommend a condition of approval requiring a note on the plat and statement in the covenants stating “Basements shall be prohibited in all phases until such time as the developer provides sufficient evidence to the appropriate agencies that no threat to the public safety or loss of property will result in those area proposed for basements”.
8. The application packet indicates that there are slopes at or above 25% on Lot 176, along the Bitterroot River, and within an existing drainage swale (pg. 39, *Riverfront Trails PUD Subdivision*). The drainage swale and Bitterroot River would be protected from development via existing easements and dedication of open space. The applicant has provided a “no-build” zone on the plat for Lot 176 over areas containing slopes at or above 25% (*Preliminary Plat*).
9. The subject property is located within the Wildland Urban Interface (WUI) and is in an area considered to have low to moderate wildfire risk. The majority of lots proposed for development are within the low wildfire risk area (pg. 41, *Riverfront Trails PUD Subdivision*). Section 5-020.14.F of the City Subdivision Regulations require the standards found in Exhibit 2 of the subdivision regulations to be included in the covenants when land is located in the WUI. Staff recommend a condition of approval requiring the subdivider to include the standards found in Exhibit 2 in the covenants.
10. The subject property is located within an air stagnation zone. The Development Covenants include language requiring all lot owners to abide by the Woodstove, Paving, and Outdoor Burning rules provided by the Missoula City-County Health Department (*Appendix G Draft Covenants*).
11. For findings of fact on provision of emergency services, see Criterion C of this report. For findings of fact and mitigation related to nuisances created by off-site agriculture, see Criteria A and B of this report.

Conclusion of Law:

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

C. DESIGNATION AS A PLANNED UNIT DEVELOPMENT

Findings of Fact:

2. The PUD subdivision is proposed in conjunction with a neighborhood character overlay which allows for more dense building types and reduced setbacks on select lots (*Appendix S RT NC Overlay*). Additionally, a large open space will be dedicated as parkland (*Preliminary Plat*). The development plan promotes the clustering of individual building sites.
3. Section 3-120.1.A states the intent of PUDs is to provide flexibility in certain subdivision standards, allowing the subdivider creativity in subdivision design. The PUD regulations are expressly intended to accommodate developments that may be difficult if not impossible to carry out under otherwise applicable subdivision and zoning regulations. One example of

the types of development that may benefit from the PUD regulations includes developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats and native plant communities.

4. The PUD subdivision proposes to protect 43.44 acres of floodplain, wildlife habitat, and riparian vegetation through dedication of parkland, meeting the intent and purpose of PUDs (*Preliminary Plat; Appendix L Riparian Management Plan*).

Criteria for Designation

5. Section 3-120.3 of the City Subdivision Regulations states Development Services must review the information and proposed plan and, before designating the subdivision a PUD, must determine that the development plan promotes the clustering of individual building sites, conforms to the definition and intent of this section, and meets four or all of the Criteria for Designation.
 - a. Preserves, to the maximum extent possible, the natural characteristics of the land including topography, vegetation, and streams or other bodies of water;
 - i. The PUD subdivision preserves 43.44 acres of floodplain as open space, protecting riparian vegetation and the Bitterroot River (*Preliminary Plat*).
 - b. Provides for economical development of streets and other public improvements;
 - i. The PUD subdivision requests several variations to road standards while still providing all required facilities (*pg. 49 & 50, Riverfront Trails PUD Subdivision*). The property can be served by city sewer and water if the recommended conditions of approval are imposed. The PUD subdivision provides for economical development of streets and other public improvements.
 - c. Protects important wildlife or important historic sites or structures and preserves productive agricultural land, open space, or riparian resource areas;
 - i. The PUD subdivision preserves open space and riparian resource areas (*Preliminary Plat; Appendix L Riparian Management Plan*).
 - d. Provides for dedication and development of common open space for recreational purposes; or
 - i. The PUD subdivision provides for dedication of common open space and development of trails for recreational purposes (*Preliminary Plat*).
 - e. Provides developed facilities for recreational purposes.
 - i. Aside from trails through the open space, the PUD subdivision does not provide developed facilities for recreational purposes.

D. PRIMARY CRITERIA COMPLIANCE

This subdivision complies with:

1. SURVEY REQUIREMENTS

Findings of Fact:

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

2. City Subdivision Regulations Section 4-070 includes a process to ensure final plats contain all necessary seals and certificates prior to filing and comply with state survey requirements.

Conclusion of Law:

1. This proposal meets the survey requirements.

2. SUBDIVISION REGULATIONS

Findings of Fact

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

Conclusion of Law:

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

3. REVIEW PROCEDURE

Findings of Fact:

1. *Subdivisions are required to comply with the local subdivision review procedure provided for in Article 4 of the Missoula City Subdivision Regulations.*
2. Notice of a public hearing on this subdivision was posted on the property on October 25, 2022, and letters were mailed to adjacent property owners on October 26, 2022. Legal notice was published in the Missoulian on October 30, 2022 and November 6, 2022.
3. The public hearing before the Missoula Consolidated Planning Board is scheduled for November 15, 2022 at 6 pm. The public hearing before the City Council is scheduled for December 5, 2022.
4. City Council is scheduled to give final consideration to this subdivision on December 12, 2022. The 80-working day review period for this subdivision expires on December 19, 2022.

Conclusion of Law:

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

E. PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

1. Legal and physical access would be provided to the subdivision via Lower Miller Creek Road and Old Bitterroot Road. Additional new access to the lots would be provided via six new public rights-of-way and thirteen short court private streets within public access easements (*Preliminary Plat*).

Conclusion of Law:

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

VI. SUBDIVISION ATTACHMENTS

1. Subdivision Attachment A: Final Plat Requirements
2. Subdivision Attachment B: Project History Form

VII. REFERENCES CITED

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

Plans and Regulations

M.C.A.: Montana Code Annotated, 2021

https://leg.mt.gov/bills/mca/title_0760/chapters_index.html

Subdivision Regulations: *City of Missoula Subdivision Regulations*, adopted by the Missoula City Council and amended on July 18, 2022

<https://www.ci.missoula.mt.us/DocumentCenter/View/58232/Missoula-City-Subdivision-Regulations2022-Amend?bidId=>

Our Missoula 2035 City Growth Policy

https://www.ci.missoula.mt.us/DocumentCenter/View/34746/OurMissoulaGP_full?bidId=

1997 Miller Creek Area Plan

<https://www.ci.missoula.mt.us/DocumentCenter/View/22405/Miller-Creek-Plan?bidId=>

Title 20 Missoula Zoning Ordinance, adopted by the City Council and amended May, 2022.

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

Annexation Policy, adopted July 22, 2019

http://www.ci.missoula.mt.us/DocumentCenter/View/50374/July-23_Annexation-Policy-as-Amended?bidId=#:~:text=City%20annexation%20provides%20a%20united,addressing%20community%20goals%20and%20values.

Missoula Public Works Standards and Specifications Manual, amended December 1, 2022

<http://www.ci.missoula.mt.us/2708/Public-Works-Standards-Specifications-Ma>

Title 18 City of Missoula Floodplain Hazard Management Regulations, amended May 16, 2022

<https://www.ci.missoula.mt.us/DocumentCenter/View/36563/Floodplain-Regulations-31319-Title-18>

Missoula County Zoning Code, effective July 1, 2022

<https://www.missoulacounty.us/government/community-development/community-planning-services/regulations/zoning-regulations>

Missoula County Growth Policy, amended 2019

<https://www.missoulacounty.us/government/community-development/community-planning-services/plans/2016-growth-policy>

Elements of the Application Packet for Governing Body Review

00 - Preliminary Plat

00 - Riverfront Trails PUD Subdivision

00 - Agency Correspondence

Appendix A - Rezone Application

Appendix B - Reserved

Appendix C - Subdivision Application

Appendix D - Annexation Petition
Appendix E - MUTD Petition
Appendix F - Title Report
Appendix G - Draft Covenants
Appendix H - Weed Management Plan
Appendix I - NRCS Soils Survey Report
Appendix J - Water Rights Consultant Confirmation
Appendix K - SHPO Historic Records Search
Appendix L - Riparian Management Plan
Appendix M - Geotechnical Report
Appendix N - Riverfront Trails TIS
Appendix O - Intent to Serve Letter
Appendix P - Utility Design Reports
Appendix Q - Hydrant Layout Exhibit and Approval Request
Appendix R - Preliminary Construction Plans
Appendix S - RT NC Overlay 2nd Sufficiency
Appendix T - PUD Subdivision Variance Outline
Appendix U - Hillside Density Adjustment
Appendix V - Block Length Exhibit
Appendix W - Maps and Exhibits

Other References

Missoula County Property Information System

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

City Central Maps

<https://missoulamaps.ci.missoula.mt.us/portal/apps/sites/#/gis>

FEMA Map Service Center

<https://msc.fema.gov/portal/home>

Mountain Line Bus Stop Master Plan

<https://mountainline.maps.arcgis.com/apps/webappviewer/index.html?id=c73e4b12cf114db798e150af2722360e>

A Place to Call Home: Meeting Missoula's Housing Needs

https://www.ci.missoula.mt.us/DocumentCenter/View/50833/A-Place-to-Call-Home_Meeting-Missoulas-Housing-Needs_Adopted-PDF

**SUBDIVISION ATTACHMENT A
RIVERFRONT TRAILS PUD SUBDIVISION
FINAL PLAT REQUIREMENTS**

If City Council preliminarily approves the proposed subdivision, the preliminary approval applies to the subdivision as proposed on the preliminary plat and in the application packet, as amended by any conditions of approval. Development Services and other applicable agencies will review for the following items, in addition to conditions of approval, Subdivision Regulations Section 5-050, and the final plat checklist, prior to final plat approval of each phase in order to ensure compliance with the subdivision regulations, other applicable regulations, and the proposed preliminary plat and submittal packet:

Grading and Drainage

- A.** As per Section 5-020.11 of the City Subdivision Regulations, the subdivder shall submit a complete grading and drainage plan that meets Montana DEQ standards prior to final plat approval, subject to review and approval of the City Engineer.

**SUBDIVISION ATTACHMENT B
SUBDIVISION PROJECT HISTORY**

Project: Riverfront Trails PUD Subdivision, Targeted Growth Policy Amendment, Annexation, Utility Services Area Boundary Amendment, and Rezoning

Applicant: Tollefson Properties, LLC

Representative: Kody Swartz, Woith Engineering, Inc.

Pre-application Meeting: Scoping Meeting 2/4/2020; New Intake Submitted 12/2/2020; Pre-application Meeting 1/7/2021.

Element: Submitted 6/11/2021, 8/17/2021, 2/18/2022, 3/28/2022, 5/13/2022, 5/23/2022; Complete 5/31/2022.

Sufficiency: Submitted 6/21/2022, 8/1/2022; Sufficient 8/22/2022.

Start Governing Body Review: 8/23/2022

80-day Deadline: 12/19/2022

Extension Granted: No.

City Council Consent Agenda: 11/14/2022

Planning Board: 11/15/2022

Land Use and Planning Committee: 11/30/2022; 12/7/2022 (tentative)

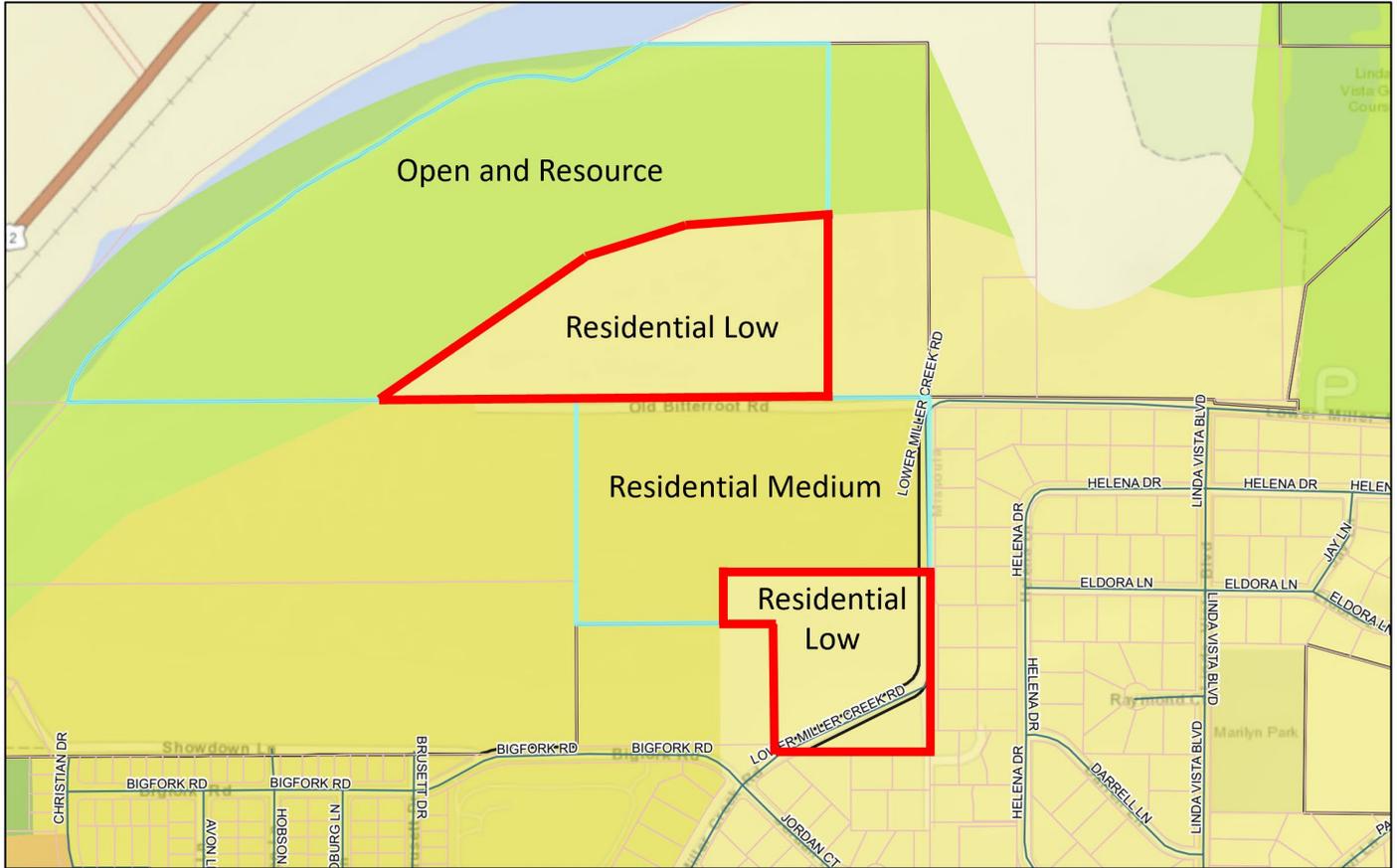
City Council Public Hearing: 12/5/2022

City Council Final Consideration: 12/12/2022

Public Notice: Posted 10/25/2022; Adjacent Property Owner Letters Sent 10/26/2022; Legal Ad in Missoulian 10/30/2022 and 11/6/2022.

EXHIBIT A: TARGETED GROWTH POLICY AMENDMENT MAP

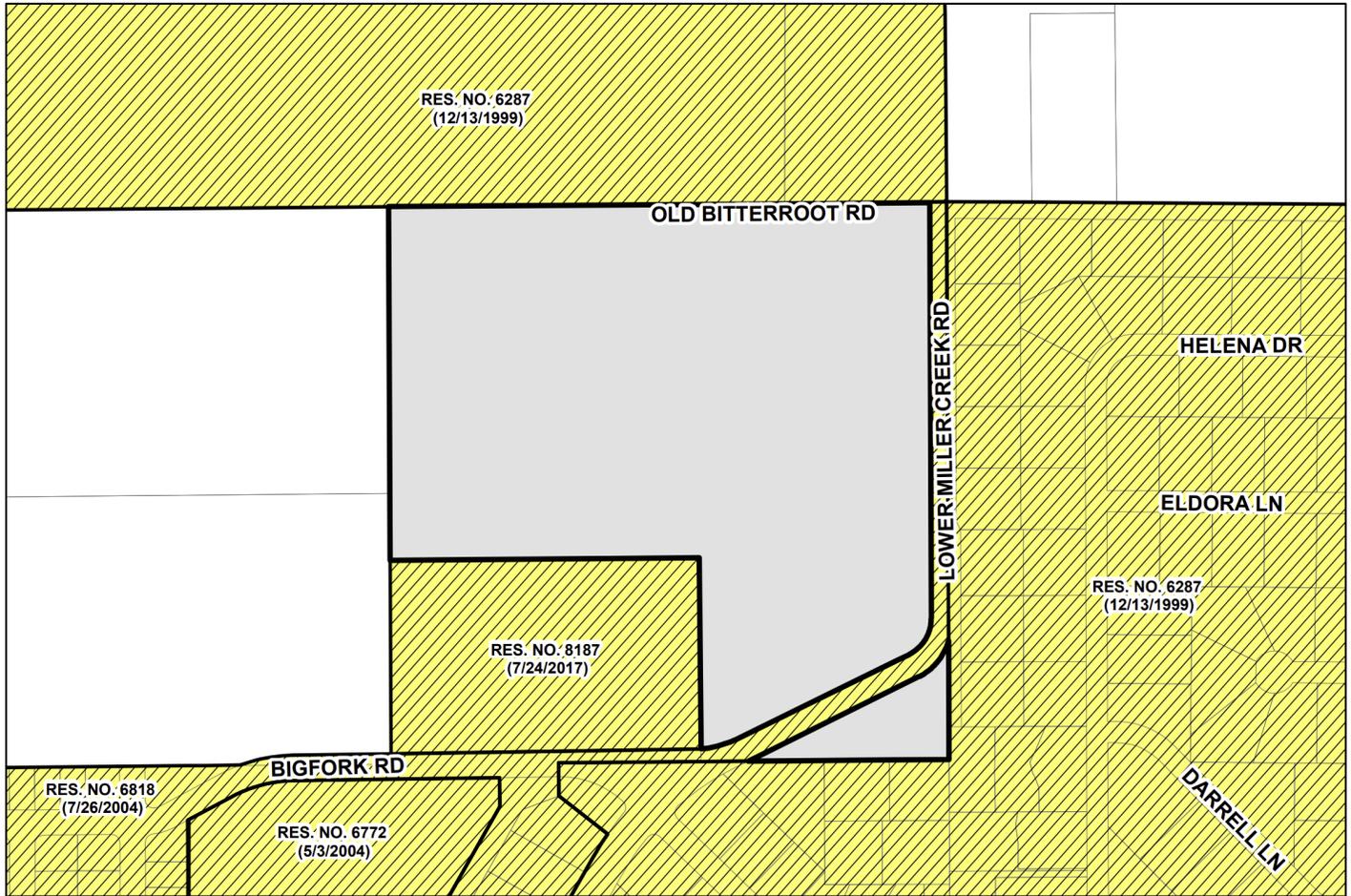
Amendment to change areas designated as Residential Low to Residential Medium on portions of Tract 1 of C.O.S 6449.



Portion of Tract 1
Certificate of Survey 6449

All Located in Section 2, T.12 N., R.20 W., P.M.M.

EXHIBIT B: ANNEXATION MAP



**Portion of Tract 1
Certificate of Survey 6449**

All Located in Section 2, T.12 N., R.20 W., P.M.M.
Prepared by: CITY OF MISSOULA GIS SERVICES



0 100 200 300 400 500
Feet

Legend

-  Proposed Annexation
-  Annexation Resolutions
-  Parcel Boundaries
-  City Limits

EXHIBIT C: ANNEXATION AREA LEGAL DESCRIPTION

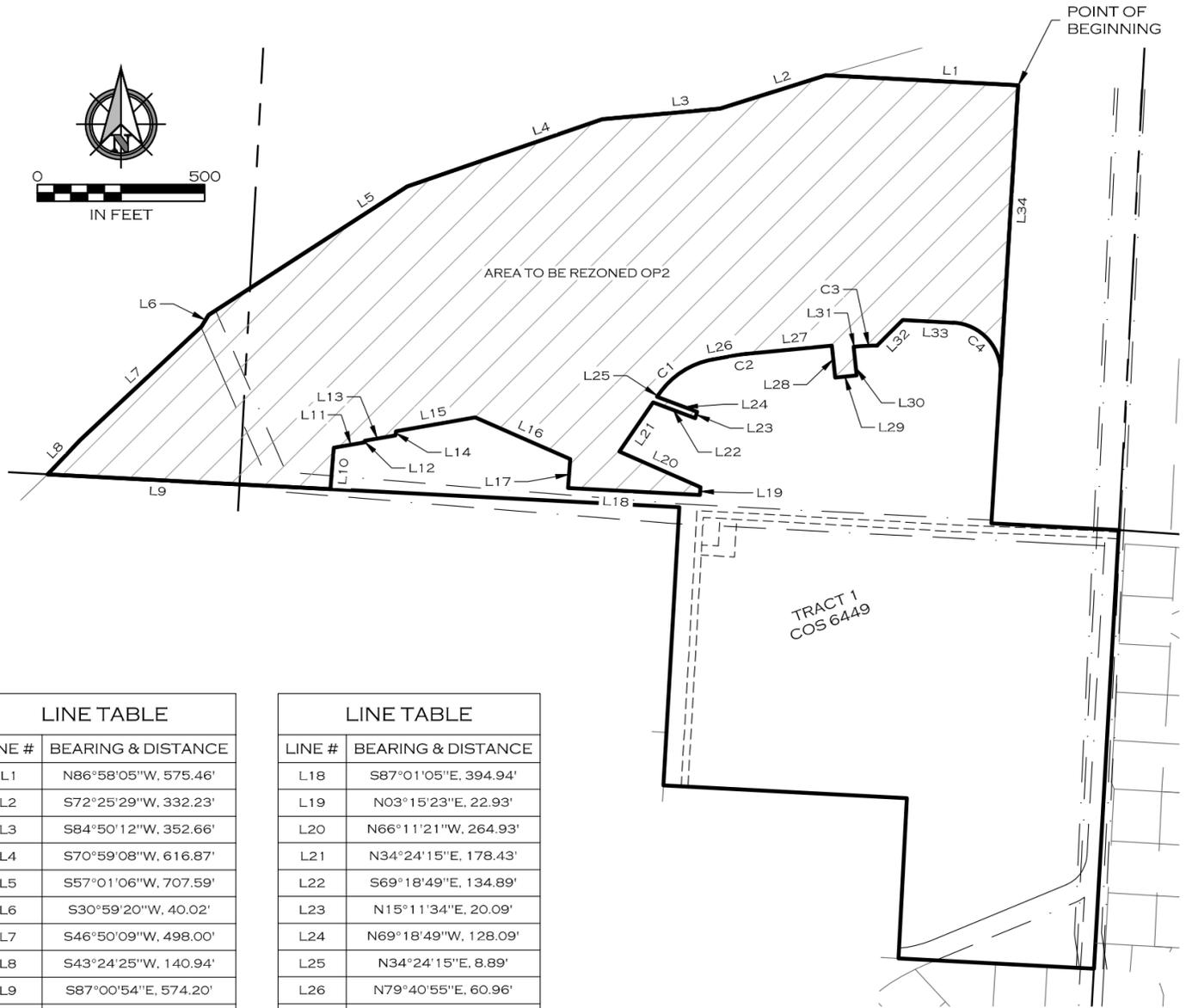
LEGAL DESCRIPTION

A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY 6449, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 1, THENCE N03°15'37"E, A DISTANCE OF 1,315.75 FEET; THENCE N87°01'05"W, A DISTANCE OF 1,315.49 FEET; THENCE S03°15'23"W, A DISTANCE OF 834.44 FEET; THENCE S86°59'23"E, A DISTANCE OF 728.52 FEET; THENCE S03°00'39"W, A DISTANCE OF 480.65 FEET; THENCE S86°59'22"E, A DISTANCE OF 584.81 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 31.67 ACRES, MORE OR LESS.

EXHIBIT D: REZONING MAPS

Area to be rezoned from R215 to OP2

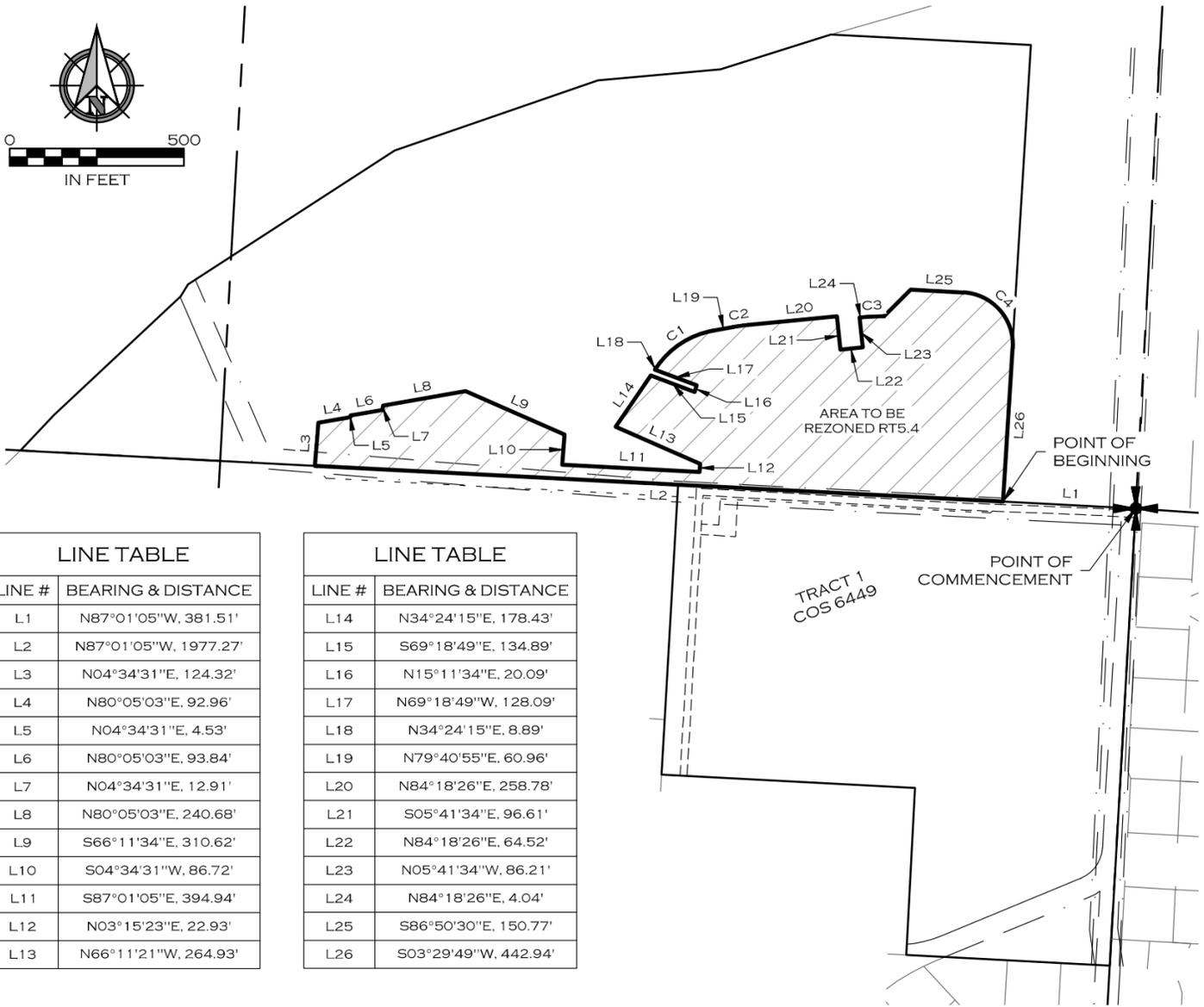


LINE TABLE	
LINE #	BEARING & DISTANCE
L1	N86°58'05"W, 575.46'
L2	S72°25'29"W, 332.23'
L3	S84°50'12"W, 352.66'
L4	S70°59'08"W, 616.87'
L5	S57°01'06"W, 707.59'
L6	S30°59'20"W, 40.02'
L7	S46°50'09"W, 498.00'
L8	S43°24'25"W, 140.94'
L9	S87°00'54"E, 574.20'
L10	N04°34'31"E, 124.32'
L11	N80°05'03"E, 92.96'
L12	N04°34'31"E, 4.53'
L13	N80°05'03"E, 93.84'
L14	N04°34'31"E, 12.91'
L15	N80°05'03"E, 240.68'
L16	S66°11'34"E, 310.62'
L17	S04°34'31"W, 86.72'

LINE TABLE	
LINE #	BEARING & DISTANCE
L18	S87°01'05"E, 394.94'
L19	N03°15'23"E, 22.93'
L20	N66°11'21"W, 264.93'
L21	N34°24'15"E, 178.43'
L22	S69°18'49"E, 134.89'
L23	N15°11'34"E, 20.09'
L24	N69°18'49"W, 128.09'
L25	N34°24'15"E, 8.89'
L26	N79°40'55"E, 60.96'
L27	N84°18'26"E, 258.78'
L28	S05°41'34"E, 96.61'
L29	N84°18'26"E, 64.52'
L30	N05°41'34"W, 86.21'
L31	N84°18'26"E, 4.04'
L32	N44°56'48"E, 108.84'
L33	S86°50'30"E, 150.77'
L34	N03°29'49"E, 871.59'

CURVE TABLE			
CURVE #	RADIUS	LENGTH	DELTA
C1	248.00'	195.98'	045°16'41"
C2	498.00'	40.20'	004°37'31"
C3	618.00'	65.63'	006°05'05"
C4	150.00'	236.50'	090°20'17"

Area to be rezoned from R215 to RT5.4 / NC-RT



LINE TABLE	
LINE #	BEARING & DISTANCE
L1	N87°01'05"W, 381.51'
L2	N87°01'05"W, 1977.27'
L3	N04°34'31"E, 124.32'
L4	N80°05'03"E, 92.96'
L5	N04°34'31"E, 4.53'
L6	N80°05'03"E, 93.84'
L7	N04°34'31"E, 12.91'
L8	N80°05'03"E, 240.68'
L9	S66°11'34"E, 310.62'
L10	S04°34'31"W, 86.72'
L11	S87°01'05"E, 394.94'
L12	N03°15'23"E, 22.93'
L13	N66°11'21"W, 264.93'

LINE TABLE	
LINE #	BEARING & DISTANCE
L14	N34°24'15"E, 178.43'
L15	S69°18'49"E, 134.89'
L16	N15°11'34"E, 20.09'
L17	N69°18'49"W, 128.09'
L18	N34°24'15"E, 8.89'
L19	N79°40'55"E, 60.96'
L20	N84°18'26"E, 258.78'
L21	S05°41'34"E, 96.61'
L22	N84°18'26"E, 64.52'
L23	N05°41'34"W, 86.21'
L24	N84°18'26"E, 4.04'
L25	S86°50'30"E, 150.77'
L26	S03°29'49"W, 442.94'

CURVE TABLE			
CURVE #	RADIUS	LENGTH	DELTA
C1	248.00'	195.98'	045°16'41"
C2	498.00'	40.20'	004°37'29"
C3	618.00'	65.63'	006°05'05"
C4	150.00'	236.51'	090°20'20"

Area to be rezoned from RT5.4 to RT5.4 / NC-RT

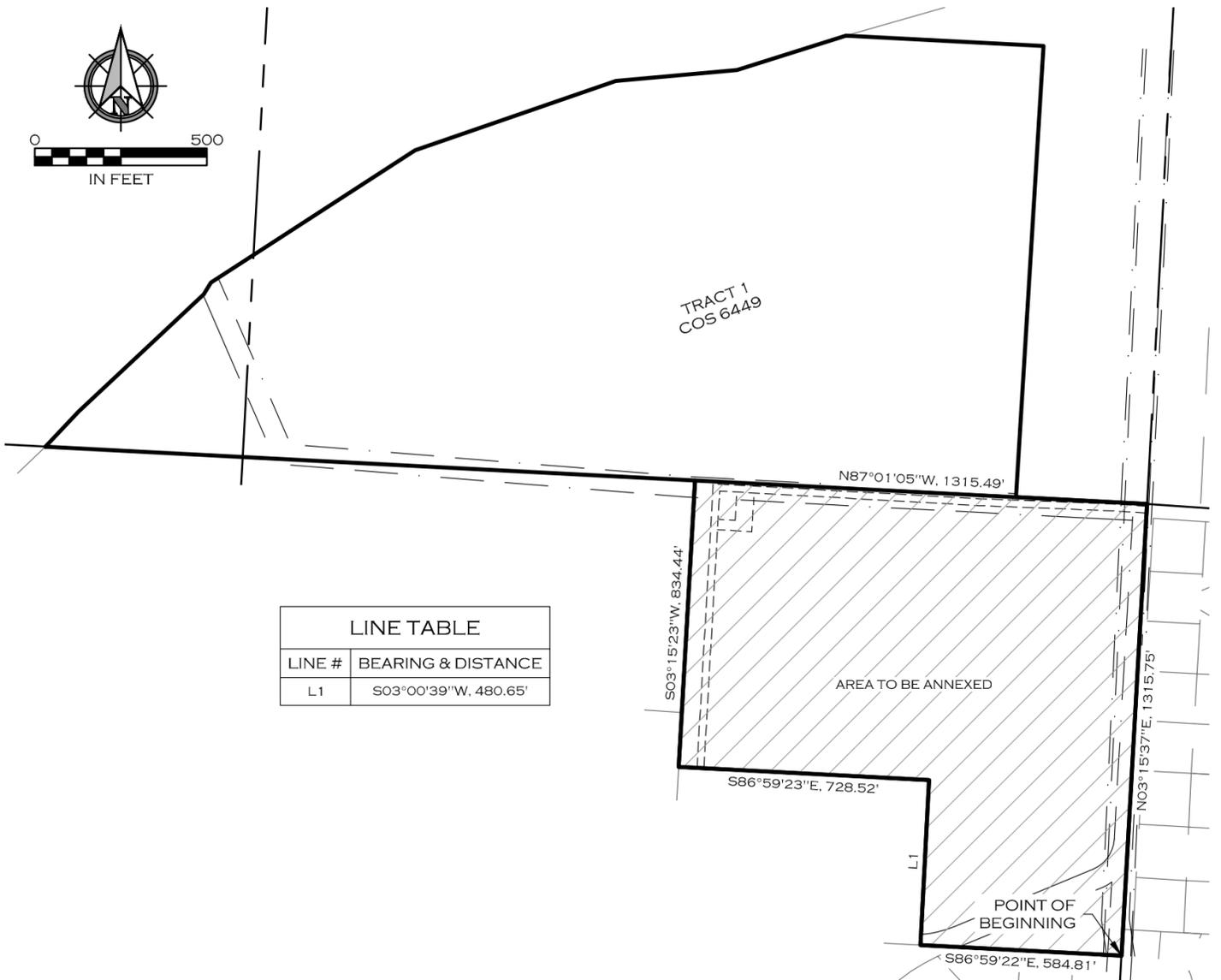


EXHIBIT E: REZONING LEGAL DESCRIPTION FOR PORTION PROPOSED TO BE REZONED FROM R215 TO OP2

LEGAL DESCRIPTION

A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY 6449, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 1, THENCE N86°58'05"W, A DISTANCE OF 575.46 FEET; THENCE S72°25'29"W, A DISTANCE OF 332.23 FEET; THENCE S84°50'12"W, A DISTANCE OF 352.66 FEET; THENCE S70°59'08"W, A DISTANCE OF 616.87 FEET; THENCE S57°01'06"W, A DISTANCE OF 707.59 FEET; THENCE S30°59'20"W, A DISTANCE OF 40.02 FEET; THENCE S46°50'09"W, A DISTANCE OF 498.00 FEET; THENCE S43°24'25"W, A DISTANCE OF 140.94 FEET; THENCE S87°00'54"E, A DISTANCE OF 574.20 FEET; THENCE N04°34'31"E, A DISTANCE OF 124.32 FEET; THENCE N80°05'03"E, A DISTANCE OF 92.96 FEET; THENCE N04°34'31"E, A DISTANCE OF 4.53 FEET; THENCE N80°05'03"E, A DISTANCE OF 93.84 FEET; THENCE N04°34'31"E, A DISTANCE OF 12.91 FEET; THENCE N80°05'03"E, A DISTANCE OF 240.68 FEET; THENCE S66°11'34"E, A DISTANCE OF 310.62 FEET; THENCE S04°34'31"W, A DISTANCE OF 86.72 FEET; THENCE S87°01'05"E, A DISTANCE OF 394.94 FEET; THENCE N03°15'23"E, A DISTANCE OF 22.93 FEET; THENCE N66°11'21"W, A DISTANCE OF 264.93 FEET; THENCE N34°24'15"E, A DISTANCE OF 178.43 FEET; THENCE S69°18'49"E, A DISTANCE OF 134.89 FEET; THENCE N15°11'34"E, A DISTANCE OF 20.09 FEET; THENCE N69°18'49"W, A DISTANCE OF 128.09 FEET; THENCE N34°24'15"E, A DISTANCE OF 8.89 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 248.00 FEET, AN ARC LENGTH OF 195.98 FEET, AND A CENTRAL ANGLE OF 45°16'41"; THENCE N79°40'55"E, A DISTANCE OF 60.96 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 498.00 FEET, AN ARC LENGTH OF 40.20 FEET, AND A CENTRAL ANGLE OF 04°37'31"; THENCE N84°18'26"E, A DISTANCE OF 258.78 FEET; THENCE S05°41'34"E, A DISTANCE OF 96.61 FEET; THENCE N84°18'26"E, A DISTANCE OF 64.52 FEET; THENCE N05°41'43"W, A DISTANCE OF 86.21 FEET; THENCE N84°18'26"E, A DISTANCE OF 4.04 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 618.00 FEET, AN ARC LENGTH OF 65.63 FEET, AND A CENTRAL ANGLE OF 06°05'05"; THENCE N44°56'48"E, A DISTANCE OF 108.84 FEET; THENCE S86°50'30"E, A DISTANCE OF 150.77 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 236.50 FEET, AND A CENTRAL ANGLE OF 90°20'17"; THENCE N03°29'49"E, A DISTANCE OF 871.59 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 46.12 ACRES, MORE OR LESS.

EXHIBIT F: REZONING LEGAL DESCRIPTION FOR PORTION PROPOSED TO BE REZONED FROM R215 TO RT5.4 / NC-RT

LEGAL DESCRIPTION

A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY 6449, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11, AND 12 OF TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., THENCE N87°01'05"W A DISTANCE OF 381.51 FEET TO THE POINT OF BEGINNING; THENCE N87°01'05"W, A DISTANCE OF 1977.28 FEET; THENCE N04°34'31"E, A DISTANCE OF 124.32 FEET; THENCE N80°05'03"E, A DISTANCE OF 92.96 FEET; THENCE N04°34'31"E, A DISTANCE OF 4.53 FEET; THENCE N80°05'03"E, A DISTANCE OF 93.84 FEET; THENCE N04°34'31"E, A DISTANCE OF 12.91 FEET; THENCE N80°05'03"E, A DISTANCE OF 240.68 FEET; THENCE S66°11'34"E, A DISTANCE OF 310.62 FEET; THENCE S04°34'31"W, A DISTANCE OF 86.72 FEET; THENCE S87°01'05"E, A DISTANCE OF 394.94 FEET; THENCE N03°15'23"E, A DISTANCE OF 22.93 FEET; THENCE N66°11'21"W, A DISTANCE OF 264.93 FEET; THENCE N34°24'15"E, A DISTANCE OF 178.43 FEET; THENCE S69°18'49"E, A DISTANCE OF 134.89 FEET; THENCE N15°11'34"E, A DISTANCE OF 20.09 FEET; THENCE N69°18'49"W, A DISTANCE OF 128.09 FEET; THENCE N34°24'15"E, A DISTANCE OF 8.89 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 248.00 FEET, AN ARC LENGTH OF 195.98 FEET, AND A CENTRAL ANGLE OF 45°16'41"; THENCE N79°40'55"E, A DISTANCE OF 60.96 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 498.00 FEET, AN ARC LENGTH OF 40.20 FEET, AND A CENTRAL ANGLE OF 04°37'29"; THENCE N84°18'26"E, A DISTANCE OF 258.78 FEET; THENCE S05°41'34"E, A DISTANCE OF 96.61 FEET; THENCE N84°18'26"E, A DISTANCE OF 64.52 FEET; THENCE N05°41'34"W, A DISTANCE OF 86.21 FEET; THENCE N84°18'26"E, A DISTANCE OF 4.04 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 618.00 FEET, AN ARC LENGTH OF 65.63 FEET, AND A CENTRAL ANGLE OF 06°05'05"; THENCE N44°56'48"E, A DISTANCE OF 108.84 FEET; THENCE S86°50'30"E, A DISTANCE OF 150.77 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 236.51 FEET, AND A CENTRAL ANGLE OF 90°20'20"; THENCE S03°29'49"W, A DISTANCE OF 442.94 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 14.93 ACRES, MORE OR LESS.

EXHIBIT G: REZONING LEGAL DESCRIPTION FOR PORTION PROPOSED TO BE REZONED FROM RT5.4 TO RT5.4 / NC-RT

LEGAL DESCRIPTION

A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY 6449, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 1, THENCE N03°15'37"E, A DISTANCE OF 1,315.75 FEET; THENCE N87°01'05"W, A DISTANCE OF 1,315.49 FEET; THENCE S03°15'23"W, A DISTANCE OF 834.44 FEET; THENCE S86°59'23"E, A DISTANCE OF 728.52 FEET; THENCE S03°00'39"W, A DISTANCE OF 480.65 FEET; THENCE S86°59'22"E, A DISTANCE OF 584.81 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 31.67 ACRES, MORE OR LESS.

EXHIBIT H: LEGAL MAP OF FULL SUBJECT PROPERTY

