



MISSOULA

## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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

March 21<sup>st</sup>, 2022

Joe Dehnert  
IMEG Corp  
1817 South Avenue W  
Missoula, MT 59801

### Re: West End Homes Third Element Review

Dear Joe Dehnert,

Development Services received your application packet for the above subdivision for *3rd Element Review* on March 14<sup>th</sup>, 2022. The element review deadline is March 21<sup>st</sup>, 2022. **At this time, Development Services cannot certify your application packet as containing all the necessary elements.**

Please address the items listed below. Once these items have been addressed, please submit a third Element Review packet with a new cover page clearly titled as *4<sup>th</sup> Element Review*, and include the date submitted. In lieu of a CD, please provide the 4<sup>th</sup> Element Review materials on a USB drive or provide a link for downloading the application materials. Only submit documents which have changed from first Element Review.

### General

Provide all the information required under City Subdivision regulations Article 5, Sections 5-010 and 5-020 and provide answers to all questions consistently from one section to the next, and address all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Please include the following items:

- a. When will the C.O.S for the boundary line relocation in the County be filed? Per the pre-application notes; "County approval of the boundary line relocation will need to happen prior to submitting the formal application. You may file the amended plat as we work through Element Review but the plat must be filed **prior to submittal of Sufficiency review**". Once I certify for element, the packet will go straight into sufficiency. We will need the tracts of land created and the new legal description for sufficiency.
- b. Upon closer review of the Preliminary Grading and Drainage Engineering Design Report I noticed that stormwater facilities are proposed in Flynn Square Park and still seem very preliminary. Do you have a sense of how much of the park will be dedicated parkland versus stormwater facilities? Have you spoken with Parks and Rec about whether they will accept the swale in the location shown or whether they will accept the swale at all? Additionally, I see reference to a pond in the report though the drawings only show a swale. Article 3, Section 3-080.9.D states "Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than 100-year events". The report is missing information which means it will get held up in sufficiency (15-day review period) and staff will have less specific feedback. The submitted report does not meet all of the requirements of Article 5, Section 5-020.11. Once certified for element, the packet as certified will go straight into sufficiency.

Rather than spending a 15-day review period on an incomplete report, it is better to finish the design so that staff can provide detailed feedback during first sufficiency. The goal is to reduce the number of sufficiency reviews needed as this will shorten overall review time.

### **Preliminary Plat / Master Site Plan / Regulating Plan**

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-010 and applicable preliminary plat supplements under Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. This subdivision must also comply with Title 21 (Sxwtpqyen Form Based Code). Include the following items:

- c. The parkland dedication requirement on the regulating plan does not align with the number in the subdivision application.
- d. The percentages of each transect zone on the regulating plan do not match the percentages in Section D.2.d of the Subdivision Application. If the regulating plan is accurate and not the subdivision application, then are you still using the 1% increase in T4-R? If not, remove this language from the regulating plan to avoid confusion. Note that the code allows for rounding of numbers, so the 10.1% T4-O and 49.8% T3 are in compliance with the code.
- e. Article 3, Section 3-020.15.B(1)(a) requires the subdivider to provide active transportation facilities with continuous access to all lots. This is met by the path in the open space, but then 3-020.15.C(1) states all active transportation facilities must be provided within the right-of-way or public access easement. The U.E. shown needs to be a public access easement to meet this code section and provide adequate access to the homes. Revise the easement label on the plat and throughout other documents.

### **Project Summary**

- f. The project summary states there are no variances, yet you are now applying for one variance.

### **Subdivision Application**

- g. Item K.2.c.iz: requires evidence that water rights removal process has been initiated. While I see water rights documentation in the packet, I do not see any proof of this process being initiated. This was on the first element letter. You replied that this has historically been a final plat condition. I discussed with Mary and she stated proof the process has been initiated is a requirement of Element review. The final removal may be a condition of final plat, but we still need evidence the process has begun.
- h. Item K.6.c.vi.2 and K.6.d.iii.1 state that a letter is required showing permission to connect to City sewer and water. This is an element item (not sufficiency).

### **Road Construction Plans**

- i. Staff had requested that the neighborhood street (Road C) continue through as a Neighborhood Street and should not switch to a Fietsstraat. The zoning officer opinion will modify the transect zone assignment, allowing the T4-O to abut the Neighborhood Street in cases where one street type should continue for the entire length of the road. We are not writing a Zoning Officer Opinion stating the 4' textured portion is not required for Fietsstraats. Change the portion of Road C that is a Fiestraast to a

Neighborhood Street (no need to modify transect zones as this will be covered in the Zoning Officer Opinion). Add the textured center back to Road A which will remain a Fietsstraat.

**Other Issues (Sufficiency)**

- j. There are inconsistencies in number of lots throughout documents in the packet. This is due to changes with each submittal. For the next submittal, go through the entire packet and make sure all documents state the correct number of lots. Examples include the Weed Management Plan and Stormwater Narrative.
- k. Subdivision Application item D.4.b states the Annexation Petition is in Section C of the application packet. According to the table of contents, it is now in Section A of the application packet. There are other instances of this and I may not have caught them all. Double check all references align with the current table of contents. This will help staff navigate the packet during sufficiency.
- l. Subdivision Application item I states the C.O.S. history is in Section B of the packet. According to the table of contents, it is in Section C.
- m. Subdivision Application item K.1.b.iii states the covenants are in Section B but they are in Section C of the application packet.
- n. Under #4 of the variance request, it references Title 20 which does not apply to this area. This item should reference Title 21, the Form Based Code. Additionally, include the Sxwtpqyen Master Plan in this section since it is the applicable regional plan (understand regs are outdated here and refer only to the Growth Policy).

If you have additional questions, you may reach me at (406) 552-6673 or email me at [TripardC@ci.missoula.mt.us](mailto:TripardC@ci.missoula.mt.us).

Sincerely,

*Cassie Tripard*

Cassie Tripard, Planning Supervisor  
Development Services  
Community Planning, Development & Innovation

cc: Mary McCrea, CPDI  
Dave DeGrandpre, CPDI  
Troy Monroe, PW&M  
Steve Reichert, PW&M  
Walt Banziger, CPDI  
Eran Pehan, CPDI