



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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January 7, 2022

Anna Vickers
IMEG Corporation
1817 South Avenue West, Suite A
Missoula, MT 59806

RE: Revised Approval of Annexation – 3719, 3721, and 3723 Grant Creek Road

Dear Anna Vickers,

This letter supersedes the Approval of Annexation letter dated January 5, 2022.

At its regularly scheduled meeting of December 13, 2021 the Missoula City Council voted (11 Aye, 0 Nay, 1 Absent) to adopt a resolution to annex and incorporate within the boundaries of the City of Missoula three certain parcels of land described in Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M., and zone the property M1-2 Limited Industrial, based on the findings of fact in the staff report, and subject to the recommended six (6) conditions of annexation approval as amended in Memo No. 1 dated December 3rd, 2021 and Memo No. 2 dated December 7th 2021.

The reasons for the decision to adopt the resolution to annex, including the imposition of conditions of approval, may also be found in the attached document entitled "Findings of Fact and Conclusions of Law."

If you have questions, please contact me at 529-0709 or email me at degrandpred@ci.missoula.mt.us.

Sincerely,

Dave DeGrandpre, AICP
Land Use Supervisor, CPDI

cc: Eran Pehan, CPDI
Mary McCrea, CPDI
Walter Banziger, CPDI
Troy Monroe, PW&M
Steve Reichert, PW&M
Eric Anderson, CPDI

CONDITIONS OF APPROVAL
2719, 2721, & 2723 GRANT CREEK ROAD ANNEXATION
December 13, 2021

Road Improvements

1. The petitioner shall install curb and gutter improvements and an ADA compliant crosswalk and curb ramp on Howard Raser Drive at the point of curvature of the new southwest curb radius to connect with the existing curb ramp across Grant Creek Road prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
2. The petitioner shall install half street improvements on Grant Creek Road to include sidewalk, boulevard, curb and gutter, and asphalt bike lane and drive lane, prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility and City Parks and Recreation.
3. The petitioner shall construct the driveway entrance to the property on Grant Creek Road as a commercial entrance prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
4. The petitioner shall execute a waiver of SID for future improvements and maintenance to Howard Raser Drive and Grant Creek Road, including but not limited to the installation of paving, drainage facilities, curbs and gutters, traffic control devices, motorized and nonmotorized facilities, and street widening, subject to the review and approval of the City Attorney and City Public Works and Mobility prior to the effective date of the annexation, to be filed with the Missoula County Clerk and Recorder.

Utilities

5. The petitioner shall connect to city sewer, abandon the existing septic system, and if the petitioner chooses to connect to city water, install backflow prevention per City of Missoula standards, prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.

Fire

6. The petitioner shall install a fire hydrant prior to new combustible construction or included in an improvements agreement guaranteed with a security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Fire and City Public Works and Mobility.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
2719, 2721, & 2723 GRANT CREEK ROAD ANNEXATION
December 13, 2021

Introduction

1. City of Missoula Development Services received Petition Number 10100 from Anna Vickers of IMEG Corp., on behalf of Diversified Plastics, Inc., requesting annexation into the City of Missoula and zoning upon annexation to M1-2 Limited Industrial for three parcels with a combined 3.32 acres located at 3719, 3721, and 3723 Grant Creek Road.
2. The subject parcels currently contain four (4) existing buildings in which general manufacturing activities take place, including urethane manufacturing and injection molding.
3. Following the proposed annexation, the applicant intends to construct a building addition that

connects two buildings on the two northern parcels, as well as improvements to the parking area including the provision of 47 parking spaces and landscaping.

4. The applicant requests annexation into city limits in order to allow the site to have access to city water and sewer. The proposed expansion of the buildings will require the site to have fire sprinklers. Therefore access to City water is necessary.
5. Upon annexation, the subject properties would become part of City Council Ward 2 and the Grant Creek Neighborhood Council.

Annexation Policy

6. 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".
7. The subject parcels are wholly surrounded by City limits. Per the Annexation Policy, the City should prioritize the annexation of properties that would fill in gaps left by previous annexations that created islands, and other types of non-contiguous boundaries. This annexation will eliminate an island and create a contiguous boundary.
8. The subject property is inside the Urban Growth Area, the Utilities Service Area, and the Air Stagnation Zone. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Utilities Services Area.

Road Improvements, Transit, and Utility Infrastructure

9. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet current City standards, including water, sewer, and transportation infrastructure.
10. City water and sanitary sewer utilities are currently available adjacent to the property on Howard Raser Drive. The subject parcels are not connected to City water and sewer, and currently use a private well and septic system. Staff recommends a condition of approval requiring connection to City water and sewer and abandonment of the current private well and septic utilities to occupancy of the new addition or within twelve (12) months of annexation, whichever comes first, subject to the review and approval of City Public Works and Mobility.
11. A fire hydrant currently exists on the corner of Howard Raser Drive and Reserve Street. As part of the annexation application, the applicant is proposing the installation of a new fire hydrant adjacent to the subject property at the corner of Howard Raser Drive and Grant Creek Road. Staff recommends a condition of approval requiring the applicant to install a fire hydrant as shown in the approved Missoula Water System Map Exhibit prior to new combustible construction or within twelve (12) months of annexation, whichever comes first, subject to the review and approval of City Fire and City Public Works and Mobility.
12. The subject parcels have frontage along Grant Creek Road, which is functionally classified as an urban collector, and Howard Raser Drive, which is functionally classified as a local collector. Both sections of the roads that abut the parcels have been previously annexed into city limits.
13. The current standards for collectors call for an 80-foot right-of-way, a 41-foot street width (31-foot with turn lane), 10' lane width, 5-foot sidewalk, 7-foot boulevard width, and 5-foot bike lanes. Howard Raser Drive and Grant Creek Road do not currently meet these standards, therefore staff recommends conditions of approval that reflect the required improvements that would bring the streets in closer compliance with City standards.
14. A curbside sidewalk exists adjacent to the subject parcels on Howard Raser Drive. There are no pedestrian facilities on Grant Creek Road adjacent to the subject parcels.
15. There are no bicycle facilities adjacent to the subject parcels.
16. The subject parcels are located within a quarter mile of a bus stop for the Mountain Line Route 11 that provides service on a limited schedule between downtown Missoula and Missoula International Airport. The subject parcels are located within the Missoula Urban Transportation District.

Growth Policy & Zoning

17. Per the City Annexation Policy, any annexation by the City should be guided by the current City Growth Policy and include land uses which help sustain city services.
18. The applicable regional plan is the *Our Missoula 2035 City Growth Policy*, which recommends a land use designation of Community Mixed-Use on the Future Land Use Map. Land use designations are general and cover broad areas of the community. The Future Land Use Map does not always represent existing uses but does reflect uses that are desired and will implement land use recommendations in the plan.
19. Areas designated Community Mixed-Use are identified as areas providing basic employment and services integrated with main transportation corridors including public transit and active transportation system, where City services and infrastructure are readily available. A broad range of functions including retail, education, financial institutions, professional and personal services, offices, residences, and general service activities typify these areas.
20. The Growth Policy indicates that the following districts are most closely aligned with the Community Mixed-Use designation: C1-4 Neighborhood Commercial, C2-4 Community Commercial, and M1R-2 Limited Industrial and Residential.
21. The subject property is located within the Reserve Street District of the *North Reserve Scott Street Master Plan* area. The Reserve Street District is intended for a mix of corridor retail uses included hotels, dining, entertaining, and office areas. The subject parcel is identified with a recommended land use of Transitional Commercial, which is intended to accommodate office and corridor retail uses, as well as upper floor residential units.
22. The *North Reserve Scott Street Master Plan* recommends specific right-of-way improvements and modifications to Howard Raser Drive, Grant Creek Road, and the intersection of the two streets. Staff recommends a condition of approval requiring the petitioner to execute a waiver of SID for future improvements and maintenance to Howard Raser Drive and Grant Creek Road in alignment with City policies for the area.
23. The current Missoula County zoning of the property is CI-2 Heavy Industry. This County zoning district allows commercial and industrial uses such as heavy manufacturing, processing, fabrication, and assembly of products or materials.
24. The proposed zoning upon annexation for the subject parcels is M1-2 Limited Industrial. A number of commercial, general industrial, and agricultural uses are permitted in this district, including general manufacturing. Residential uses are not permitted.
25. Per, Title 20.85.040.I.2.a, the zoning district classification assigned at the time of annexation must authorize land uses comparable to the land uses authorized under the County zoning classification that applied to the property immediately before it was annexed into the City. M1-2 Limited Industrial and CI-2 Heavy Industry are comparable zoning districts in terms of allowed uses.

Statutory Requirements

26. The City will meet the statutory requirements for a petition method of annexation in regards to MCA 7-2-4601 – 4625 and the MMC 20.85.040(I)(2) by considering the petition, adopting a resolution of intent, 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.
27. 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.
28. The adjacent public rights-of-way for Grant Creek Road and Howard Raser Drive have already been annexed into the City of Missoula.

Zoning Upon Annexation

29. 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(I)(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 Missoula County zoning classification is CI-2 Heavy Industry. Land uses permitted in this district include commercial and industrial uses such as heavy manufacturing, processing, fabrication, and assembly of products or materials.
- ii. The proposed City zoning upon annexation is M1-2. Land uses permitted in this district include commercial, general industrial, and agricultural uses.
- iii. The M1-2 City zoning district permits many of the same uses allowed in the CI-2 County zoning district, except for some intensive industrial uses that are permitted in the CI-2 zoning district. Thus, this criterion is met.

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. No unique land uses have been approved by the Board of County Commissioners or the County Board of Adjustment on the subject property, therefore this criterion is not applicable.

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:

1. The proposed zoning district M1-2 Limited Industrial is not a current relatable zoning district for the Community Mixed Use land use designation in the *Our Missoula 2035 Growth Policy*. Thus, this criterion is not met.