



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

May 8, 2015

Dale McCormick
Professional Consultants Inc.
3115 S Russell St
Missoula, MT 59801

RE: Howard Raser Business Park Subdivision Phasing Extension

Dear Mr. McCormick:

At its regularly scheduled meeting of April 27, 2015 the Missoula City Council voted to **approve** the phasing plan extension request for **Howard Raser Business Park Subdivision**. The amended deadline for submitting the Phase 1 final plat for the subdivision is November 19, 2017, as shown in the attached amended phasing plan.

Please feel free to contact me should you have any questions regarding this matter at 552-6671 or contact the Development Services main office at 552-6630.

Sincerely,

Drew Larson

Drew Larson
Planner I, Development Services

cc: Denise Alexander, DS
Casey Wilson, DS

Marty Rehbein, City Clerk
Kevin Slovarp, City Engineer

Attachments:

1. Phasing Plan dated March 30, 2015

Exhibit 3

MASTER LIST OF CONDITIONS **HOWARD RASER BUSINESS PARK** **December 1, 2010**

Roads and Sidewalks

1. Plans for and installation of curb/gutter and paving Howard Raser Drive and Hobbs Drive (North Howard Raser Road) to a 41' width from back-of-curb to back-of-curb shall be reviewed and approved by the City Engineer prior to final plat approval of each phase. A paved emergency vehicle turnaround shall be constructed at the east end of Howard Raser Drive prior to Phase 1 final plat approval, and a paved temporary emergency vehicle turnaround at the north end of Hobbs Drive (North Howard Raser Road) adjacent to the north boundary of Lot 4 prior to Phase 2 final plat approval, subject to review and approval by City Engineering and City Fire prior to final plat approval of each phase. Additional easement for the temporary turnaround shall be dedicated on the final plat of Phase 2 if necessary as determined by the City Engineer.
2. The applicant shall submit an updated geotechnical report verifying that proposed road sections meet heavy industrial standards. The geotechnical report is to be reviewed and approved by City Engineering prior to Phase 1 final plat approval.
3. The final plat shall include a 1' no-access strip on both sides of Howard Raser Drive from Old Grant Creek Road to a point 100' east of the intersection to be reviewed and approved by City Engineering prior to Phase 1 final plat approval.
4. The roadway named North Howard Raser Road shall be renamed Hobbs Drive on the Phase 2 and 3 final plats to be reviewed and approved by City Engineering and County Public Works prior to Phase 2 and 3 final plat approval.
5. Plans for street lighting along Howard Raser Drive and Hobbs Drive (North Howard Raser Road) shall be reviewed and approved by City Engineering prior to Phase 1 final plat approval.
6. Final plans for grading, drainage and erosion control, including applicable areas along Old Grant Creek Road shall be reviewed and approved by City Engineering prior to Phase 1 final plat approval.
7. Plans for and installation of 7' wide curbside sidewalks within the 60' easement area and 5' wide sidewalks with 7' boulevards within the 80' easement area for the offsite portion of Howard Raser Drive west of the subdivision, including precise locations of the sidewalk sections, shall be reviewed and approved by City Engineering prior to Phase 1 final plat approval. Plans for 6' wide sidewalks with 10' wide boulevards for the onsite portion of Howard Raser Drive and the offsite portion east of the subdivision shall be reviewed and approved by City Engineering prior to Phase 1 final plat approval, with the installation of boulevard sidewalks on the south side prior to final plat approval of Phase I and on the north side prior to final plat approval of Phase 2.
8. Plans for 5' wide sidewalks with 10' wide boulevards along Hobbs Drive (North Howard Raser Road) shall be reviewed and approved by City Engineering prior to final plat approval of each phase.
9. Plans for street-tree plantings shall be reviewed and approved by City Parks and Recreation prior to final plat approval of each phase.

Access

10. Proof of legal access across Tracts A and C of Certificate of Survey 5855 for Howard Raser Drive and Hobbs Drive (North Howard Raser Road) plus appropriate utility easement(s) shall be reviewed and approved by City Engineering prior to Phase 1 final plat approval. The terms and scope of any access and utility easements shall be defined for this subdivision. Any required access and utility easements for Howard Raser Drive and Hobbs Drive (North Howard Raser Road) shall be finalized and recorded with the subdivision plat, to be reviewed and approved by the City Attorney's Office prior to Phase 1 final plat approval.
11. All sections of Howard Raser Drive and Hobbs Drive (North Howard Raser Road) shall be annexed into the City of Missoula and dedicated to the public on the final plat, to be reviewed and approved by City Engineering prior to final plat approval of each phase.

Petroleum Pipeline

12. Plans for road construction across the Yellowstone Pipeline shall comply with Yellowstone Pipeline Company (YPL) Encroachment Guidelines and shall be reviewed and approved by YPL prior to final plat approval of each phase. If required by YPL a signed and executed Encroachment Agreement shall be returned to the utility prior to Phase 1 final plat approval.
13. The following note shall be shown on the final plat of each phase and reference the 10" high-pressure petroleum line: "Approximate location of 10" high-pressure petroleum line. Prior to any construction near the line, the developer or lot owner(s) shall locate the 10" high-pressure petroleum line and contact the utility company for its exact location. See covenants for any applicable rules and guidelines concerning the petroleum line."

Miscellaneous

14. Plans for address signs and a fire hydrant plan shall be reviewed and approved by the City Fire Department prior to building permit approval. Fire hydrants shall be installed prior to combustible construction as required by the City Fire Department approved hydrant plan.
15. A Revegetation Plan for disturbed sites shall be approved by the Missoula County Weed Board prior to Phase 1 final plat approval.

Covenants/Development Agreement

16. The applicant shall file covenants or a development agreement for the Howard Raser Business Park to include the following items, prior to Phase 1 final plat approval, and these sections of the covenants or development agreement shall not be amended, deleted, modified or added to without consent of the governing body:
 - a. DRIVEWAYS: Dead-end driveways in excess of one hundred and fifty (150) feet in length shall have approved turnaround for fire apparatus. A turnaround shall be located within one hundred and fifty (150) feet of the building. A minimum unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of 13'6" shall be provided for any driveway over one hundred and fifty (150) feet. The opening through a gate should be two feet wider than the road. Final design shall be approved through the City Fire Department.
 - b. RADON: The EPA has designated the Missoula Area as having a high radon gas potential (Zone 1). Therefore, the Missoula City-County Health Department recommends that all new buildings incorporate radon resistant construction features.
 - c. WEED CONTROL: The lot owners shall maintain the property in compliance with the Montana County Noxious Weed Control Act and the Missoula County

Noxious Weed Management Plan. The lot owners shall revegetate any ground disturbance with beneficial species at the first appropriate opportunity after the disturbance occurs.

- d. **PETROLEUM LINE:** No utility poles will be allowed to cross the Yellowstone Pipeline right-of-way if they interfere with future maintenance. Utility poles, guy wires, or anchors shall not be placed within 8 feet of the pipeline(s). Utility poles running parallel to the pipeline(s) must be located at least 25 feet from the nearest pipeline(s), or 25 feet if located on both sides of the line.

- e. **LIVING WITH WILDLIFE:**

Owners and/or renters of lots in this commercial subdivision (hereafter, "residents") must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, livestock feed, and other potential attractants. Residents must be aware of potential problems associated with the presence of wildlife such as deer, black bear, fox, raccoon, skunk, magpie, and other species. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help owners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that residents could have with wildlife, as well as helping residents protect themselves, their property and the wildlife that Montanans value.

- I. Residents must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on landscaping--green lawns, flowers, ornamental shrubs and trees--in this subdivision. Residents should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- II. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears and raccoons.
- III. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- IV. If **pets** are allowed on site, they must be confined to buildings, in a fenced yard, or in an outdoor kennel area, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- V. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bear, raccoon, and skunk. When feeding pets do not leave food out overnight, and consider feeding pets indoors so that wild animals do not learn to associate food with your buildings.
- VI. If tall **security fencing** is utilized and if lot location relative to adjacent lots allows, consider installing a second egress gate in the back of the lot, away from the main entry gate. It is not uncommon for wildlife such as deer to become trapped inside large fenced compounds, and being able to leave a back gate open for awhile when this happens can often facilitate getting the wildlife out of the compound without risking animal or human injury by wildlife leaving through the main gate onto a potentially busy road.

New Condition – December 1, 2010:

17. The following note shall be placed on the face of the plat, subject to review and approval by OPG prior to final plat approval of each phase:

“STREET REPAIRS OR RECONSTRUCTION CAUSED BY YELLOWSTONE PIPELINE MAINTENANCE, INSPECTION, OPERATION, PROTECTION, REPAIR, REPLACEMENT OR REMOVAL: Due to the fact that the Yellowstone pipeline preexisted the subdivision platting, the subsequent owners of the platted subdivision lands shall be responsible for any cost of street repairs or reconstruction adjacent to their property caused by the Yellowstone Pipeline. Costs of minor repair of the curb, gutter, sidewalk or driveway approaches to be assessed to the adjacent property owners per Missoula Municipal Code (Chapter 12 Section 12 Paragraph 210 and Paragraph 310) and major street repairs or reconstruction will be assessed by Special Improvement District per Montana Code Annotated (Title 7 – Chapter 12 – Part 41)). The type of assessment to be determined by the City Engineer.”

PHASE 3 - NOVEMBER 19, 2021

DRAWN: CGJ	CHECKED: BW	DWG:	DATE: 7/11/07
PROJECT NO. 7375-05		Z:	SHEET 1 OF 5