



## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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

# CONDITIONAL USE STAFF REPORT

**Agenda Item:** Conditional Use Request for Townhome Exemption Development at Hellgate Village West located west of Mary Jane Boulevard.

**Report Date:** March 8, 2023

**Case Number:** 2020-MSS-BRD-00015

**Case Planner:** Madson Matthias, Associate Planner, CPDI

**Report Reviewed & Approved By:** Cassie Tripard, Planning Supervisor, CPDI

**Public Meetings & Hearings:**

City Council Consent Agenda: 3/13/2023

City Council Public Hearing: 3/27/2023

LUP Post-Public Hearing Informational Item: 3/29/2023

City Council Final Consideration: 4/3/2023

**Applicant & Owners:**

HEH, LLC. c/o Hoyt Homes

PO Box 2727

Missoula, MT 59806

**Representative:**

Kate Dinsmore

WGM Group

1111 East Broadway

Missoula, MT 59802

**Location of Request:** Lot 5 of Hellgate Village Subdivision located in the Northwest Quarter of Section 18, Township 13 North, Range 19 West, P.M.M.

**Geocode:** 04-2200-18-2-02-02-0000

**Legal Notification:** The legal ad was published in the Missoulian on 3/5/23 and 3/12/23. The site was posted on 2/8/23. Adjacent property owners within 150 feet of the subject property were notified by mail on 2/10/23.

**Growth Policy:** The applicable regional plan is the Sx<sup>w</sup>tpqyen Neighborhoods Master Plan. The subject property is within the Community Center Neighborhood Unit Type.

**Zoning Designation:** B2-1 Community Business

**Surrounding Land Uses**

North: Single-dwelling detached residential

South: Vacant

East: Single-dwelling detached, townhouse, and multi-dwelling residential

West: Single-dwelling detached residential

## **Surrounding Zoning**

North: RT10 Residential (two-unit/ townhouse)

South: B2-1 Community Business

East: B2-1 Community Business

West: NR Neighborhood Residential (County), RT10 Residential (two-unit/ townhouse)

## **I. RECOMMENDED MOTIONS**

### **City Council Consent Agenda (3/13/2023):**

Set a public hearing for City Council on March 27th, 2023, and refer the item for discussion at Land Use and Planning Committee on March 29th, 2023.

### **City Council Final Consideration (4/3/2023):**

**Approval** of the Townhome Exemption Development conditional use request based on the findings of fact and conclusions of law in the staff report, subject to five (5) conditions of approval.

## **II. CONDITION(S) OF APPROVAL**

1. The townhome exemption development conditional use on land legally described as Lot 5 of Hellgate Village Subdivision shall comply with all applicable portions of Title 20. Plans submitted at the time of zoning compliance permit, townhome declaration, and building permit application shall substantially conform with the application submitted at the time of conditional use review, subject to review and approval by Development Services.
2. The Declaration of Townhomes Covenants, Conditions and Restrictions for Hellgate Village West shall include the following sections and statements, subject to review and approval by Development Services, prior to zoning compliance approval of the townhome exemption declaration:
  - a. "Energy Efficiency: The builders should consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, photovoltaic cells, and ground source heat pumps for heating/cooling. Ground source heat pumps and other types of heat exchangers are usually more efficient, and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes."
  - b. "Parking Restrictions: Parking is prohibited on both sides of the alley ways shown in the declaration. The Hellgate Village Townhomes Owners Association must ensure 20-foot clear travel way is maintained on all alley ways."
  - c. "Subdivision Covenants: The development covenants of the Hellgate Village Subdivision apply to all land within the platted subdivision in addition to the Declaration of Townhomes for Hellgate Village West."
3. The applicant shall prepare plans and install improvements for the private alley ways resulting in a 20-foot-wide public access easement including 20 feet of paving, drainage facilities, and ADA improvements. Plans for improvements shall be approved by City Engineering prior to zoning compliance approval of the townhome exemption declaration. All infrastructure shall be installed and accepted by the City prior to certificate of occupancy of the first unit.

4. The improvement plans for all alley ways shown in the application packet shall include provisions for restricting parking on both sides of all alley ways in the form of installation of “No Parking Fire Lane” signage, and curb markings where appropriate, subject to review and approval of City Engineering, prior to zoning compliance approval of the townhome exemption declaration.
5. All townhome unit structures shall comply with International Fire Code, including Appendix D, subject to review and approval by City Fire, prior to building permit approval.

### III. INTRODUCTION

The City of Missoula Development Services has received a conditional use request from Kate Dinsmore of WGM Group Inc on behalf of HEH LLC for a thirty-three-unit townhome exemption development (TED). The TED will contain nineteen detached houses, five 2-unit townhouses, and one 4-unit townhouse. The TED will be located on Lot 5 of the Hellgate Village Subdivision, west of Hellgate Village East TED and south of Pleasant View Homes Subdivision. Mary Jane Boulevard borders the eastern side of the subject property.

In 2019, the City Council approved a Growth Policy amendment and a rezoning affecting the subject property [Ordinance No. 3647](#). The 2035 Our Missoula Growth Policy was amended to apply the Neighborhood Mixed Use land use designation to the subject property. The subject property was rezoned to the B2-1 Community Business zoning district.

Title 20, Section 20.100.010 defines a TED as a residential development containing one or more dwelling units that are owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units but under which they may jointly own the common area and facilities in accordance with MCA §§ 70-23-102(18) and 76-3-203.

The applicant began the planning process with Development Services for Hellgate Village Townhomes in 2018 when [Ordinance No. 3609](#) was in effect. [Ordinance No. 3609](#) includes requirements for townhomes exemption developments. A letter was signed by the applicant and the Interim Director of Development Services agreeing that [Ordinance No. 3609](#) applies to this project due to detrimental reliance on the regulations in place when the project began. The version of Title 20, Section 20.40.180 regarding Townhome Exemption Development Standards in place under [Ordinance No. 3609](#) applies to this project rather than the current code.

Title 20, Section 20.05.040 Figure 20.05-7 under [Ordinance No. 3609](#) requires conditional use approval in compliance with the review requirements of Title 20, Section 20.85.070 for townhome exemptions developments containing ten (10) or more units.

### IV. APPLICABLE ZONING REGULATIONS IN TITLE 20

The version of Title 20, Section 20.40.180 regarding Townhome Exemption Development Standards in place under [Ordinance No. 3609](#) applies to this project.

The townhouse design standards of Title 20, Section 20.40.140 will apply to all townhouses within Hellgate Village West. Townhouses are defined in Title 20, Section 20.05.030.B.3 as “a residential building containing more than one dwelling unit, each located on its own parcel or TED ownership unit with a common or abutting wall along shared parcel lines or TED ownership unit boundaries”. The definition of townhouse in Title 20, Section 20.05.030.B.3 and the townhouse design standards of Title 20, Section 20.40.140 have not been modified since [Ordinance No. 3609](#).

Title 20 Zoning Ordinance, Section 20.05.040.D under [Ordinance No. 3609](#) describes the process for review of Townhome Exemption Developments. Title 20, Section 20.10.030 describes the parcel and building standards for the B2-1 Community Business zoning district. Parcel and building standards specific to TEDs are provided in Title 20, Table 20.05-3 under [Ordinance No. 3609](#).

Title 20 Zoning Ordinance, Section 20.85.070(H) outlines the review criteria for conditional use applications. According to the Zoning Ordinance, “not all review criteria will apply in every case... [and] only the applicable review criteria need to be met.” Uses that require conditional use approval may be approved by the City Council only when Council determines that the proposed uses meet all the applicable review criteria.

## **V. CONDITIONAL USE REVIEW CRITERIA**

### **Findings of Fact:**

#### **General**

1. The subject property is located west of Mary Jane Boulevard, south of the Pleasant View Homes Subdivision, west of the Hellgate Village East TED, and north of Mullan Road.
2. The subject property is legally described as Lot 5 of Hellgate Village Subdivision located in the Northwest Quarter of Section 18, Township 13 North, Range 19 West, Principal Meridian, Montana.
3. Lot 5 is 2.97 acres or 129,373.2 square feet.
4. Surrounding land uses are residential, predominantly with single detached houses and small to medium lots, including parcels to the west of the subject parcel. There are some townhouse building types located in Hellgate Village East and Hellgate Meadows Subdivision to the east. The parcel to the south of the subject property is vacant.
5. The subject property is currently vacant.

#### **Proposed Development**

6. Per Title 20, Section 20.05.040.D.1.a, a TED is intended to encourage affordable fee simple detached house, two-unit townhouse, and 3+-unit townhouse development without subdivision review in accordance with City zoning regulations.
7. The applicant is proposing thirty-three (33) dwelling units, each on their own townhome ownership unit for Hellgate Village West. Proposed building types include detached house, two-unit townhouse, and four-unit townhouse.
8. The subject property is within the Missoula Urban Transportation District. There are two bus stops on Route 11 within 0.3 miles of the subject property.
9. The subject property is inside the Urban Growth Area, the Utility Service Area boundaries, and Air Stagnation Zone.
10. The property will be served by City sewer and water and is located within an established service area for Missoula emergency services.
11. The proposed development includes alleys and recreation area as common area, serving all units.

12. Per Title 20, Section 20.05.040.D.2.b, two-unit townhouse and 3+-unit townhouse building types as part of TED projects must also comply with Section 20.40.140, Townhouse standards.

### **Growth Policy and Zoning**

13. The subject property is zoned B2-1 Community Business which allows forty-three dwelling units per acre or one dwelling unit for every 1,000 square feet of parcel area.
14. The subject property is approximately 129,373.2 square feet which would allow one hundred and twenty-nine dwelling units in the B2-1 Community Business zoning district.
15. A Development Agreement (attached) was established with the rezoning limiting the maximum density to fourteen dwelling units per acre which allows for forty-one dwelling units on Lot 5.
16. The applicant is proposing to develop a total of thirty-three dwelling units which complies with the density allowed in the B2-1 zoning district as well as the Development Agreement.
17. The B2-1 Community Business zoning district allows for all residential building types including detached house, two-unit townhouse, and 3+ unit townhouse. The proposed use complies with the permitted building types in the B2-1 Community Business zoning district per the application packet.
18. The parcel was rezoned to B2-1 in 2019 by [Ordinance No. 3647](#). At that time the applicable regional plan was the Our Missoula: 2035 City Growth Policy. In 2020, the Missoula City Council adopted the Sxwtpqyen Neighborhoods Master Plan and Title 21 Form Based Code by [Ordinance No. 3674](#) which affected the applicable regional plan for this area. Though the Our Missoula: 2035 City Growth Policy land use designation for the subject property was replaced by the Sxwtpqyen Neighborhoods Master Plan, the parcel was not rezoned in compliance with the new master plan.
19. The applicable regional plan is the Sxwtpqyen Area Master Plan which corresponds with the Title 21 Form Based Code. Neither the Master Plan nor the Form Based Code consider the B2-1 zoning district or Title 20.
20. The Sxwtpqyen Area Master Plan recommends a neighborhood unit type of Community Center. The Community Center neighborhood unit type allows for a neighborhood size of 60 – 160 acres, and between 10% and 40% T4-O Neighborhood General, Open, T4-R Neighborhood General, Restricted, and T3 Neighborhood Edge, while allowing only 0-15% T5 Mixed use Center. Most of these allow townhouses, while all allow duplexes and detached homes.
21. The Sxwtpqyen Area Master Plan refers to this neighborhood as being an important connection between Flynn Lane and Mullan Road and, along with the existing neighborhoods, this community provides an opportunity for kids to walk or ride their bikes to Hellgate School.
22. Parcels to the north of the subject property are zoned RT10 Residential (two-unit/townhouse). Parcels to the west are zoned Neighborhood Residential, a County zoning district. To the east of the subject property is Hellgate Village East which is zoned B2-1 Community Business. The parcel south of the subject property is also zoned B2-1 Community Business.

### **Parking and Access**

23. The subject property will be accessed via Mary Jane Boulevard. Mary Jane Boulevard is functionally classified as a collector road. Road improvement requirements and boulevard landscaping requirements for Mary Jane Boulevard were established with the Hellgate Village Subdivision.
24. Access to the proposed dwelling units and garages will also be provided by two private alley ways, one encircling the development and one running parallel to Mary Jane Boulevard, within common areas established through the Townhome Exemption Development Declaration.
25. The site development plan shows alley ways located in 20-foot-wide common areas. Engineering recommends a condition of approval requiring the common areas for the alley ways to be marked as public access easements. City Fire requires 20 feet of paving to meet Fire Department access standards.
26. Condition of approval #3 requires the private alley ways to be paved to a 20-foot width within a 20-foot-wide public access easement in order to comply with City Fire requirements.
27. Due to the proposed alley way width and the need for Fire access, conditions of approval #2.b and #4 state that parking is prohibited along alley ways and “No Parking” signs must be installed along alley ways. This requirement is to be enforced by Hellgate Village Townhomes Owners Association, Inc.
28. Structures located from alley ways and common areas that are not located within 15 to 30 feet of an aerial fire apparatus road cannot exceed 30 feet in height to comply with Appendix D of International Fire Code.
29. Parking for the proposed units is provided through a mix of attached garages, detached garages, and outdoor parking spaces. The applicant must show compliance with Title 20 parking requirements at the time of building permit.

#### **Townhome Exemption Development Standards**

30. The applicant began the planning process with Development Services under [Ordinance No. 3609](#) which specifies standards for Townhome Exemption Developments. All Title 20 code sections referenced in this portion of the report are from the version of Title 20 in effect under [Ordinance No. 3609](#).
31. According to Title 20, Section 20.05.040 Figure 20.05-7, townhome exemption developments of greater than ten (10) units require a conditional use approval.
32. Per Title 20 Section 20.40.180.B, townhome exemption development (TED) density is determined by dividing the net area of the site by the subject zoning district's minimum parcel area-per unit standard.
33. Title 20 Section 20.40.180.B.1-4 states that net site area cannot include land that contains special flood hazard areas; slopes greater than 25%; riparian resource areas; or wetlands and waterways under the jurisdiction of the Army Corps of Engineers. None of these conditions pertain to the subject property, so the full area of Lot 5 is used to calculate permitted density.
34. The net area of Lot 5 is 2.97 acres of the Hellgate Village Subdivision. A Development Agreement was established with the rezoning limiting the maximum density to fourteen (14) dwelling units per acre which would allow forty-one (41) dwelling units on Lot 5.



35. The applicant is proposing to develop a total of thirty-three (33) dwelling units which complies with the density allowed in the B2-1 zoning district as well as the Development Agreement.
36. Per Title 20 Section 20.40.180.C, TED projects must meet the setbacks of the underlying zoning district. Setbacks only apply to the original parcel lines. Setbacks do not apply to TED ownership unit lines. There are no setbacks in the B2-1 Community Business district unless the parcel abuts a residential zoning district. The western side of Lot 5 abuts the Neighborhood Residential County zone which is considered a residential zoning district. Setbacks only apply to the western sides of Lot 5 which are side setbacks. There are no required setbacks anywhere else on the subject property.
37. The 5-foot minimum setback for the western property line falls within the alley way common area, which means all structures will meet the western property line side setback.. The proposed TED complies with the setback requirements.
38. Per Title 20, Section 20.05.050 Table 20.05-3, a minimum 6-foot separation between detached buildings is required for zoning districts which require a minimum side yard setback distance of 7.5 feet or less. A 6-foot building separation is required for all detached buildings on the subject property.
39. Per the site development plan in the application packet, all detached buildings have a minimum separation of 6-feet, meeting the building separation requirement.
40. The application packet shows alley ways located in common area. City Engineering requires that the alley ways be in public access easements. The public access easements can be established in the TED Declaration site plan and zoning compliance permit. Separate filed public access easements are not required. Condition of approval #3 will bring the project in to compliance with Title 12 standards.
41. Title 20 Section 20.40.180.E states that all surface infrastructure shall meet the standards in Title 12. Conditions of approval #3 and #4 ensure compliance with Title 12 standards and review and approval by City Engineering.
42. Per Title 20 Section 20.40.180.F, blocks may not be longer than 480 feet without a pedestrian access break. None of the four sides of Lot 5 exceed the 480-foot limit.
43. Title 20 Section 20.40.180.G.3 specifies that 11% of the site area must be used as open space accessible to residents of the development and useable for passive or active recreation. Section 20.40.180.G.3.e states that the TED may be exempted from the requirement to provide land if a cash donation is given in lieu to the Parks Department, equal to the fair market value for the amount of land that would have been required. Cash-in-lieu was provided to the Parks Department with the Hellgate Village Subdivision, meeting this requirement.
44. Title 20 Section 20.40.180.H may require installation of bus stop facilities for TEDs within one-fourth mile of an established public transit or school bus route. The regulation also requires developments outside the Missoula Urban Transportation District to petition for annexation into the District.
45. There are two bus stops on Route 11 within 0.3 miles of the subject property. This property is already in the Missoula Urban Transportation District. Mountain Line had no comment on this proposal.

46. The development is approximately a half mile from Hellgate Elementary and Middle School which is within walking distance. The subject property is within the Big Sky High School district. Hellgate Elementary and Middle School District and Missoula County Public Schools did not provide agency comment at the time of this report.

### **Conditional Use Review**

47. Title 20, Section 20.85.070(H)2 outlines criteria for the review of conditional uses, which include whether the proposed uses are: compliant with all applicable Title 20 zoning standards; compatible with the character of the surrounding area; in the interest of public convenience; will not have a significant adverse impact on the general welfare of the neighborhood or community; compatible operating characteristics in terms of hours of operation, noise, outdoor lighting and traffic generation; and will not have a significant adverse impact on traffic safety or comfort – both motorized and non-motorized.
48. Title 20, Section 20.01.060 requires all uses and development to comply with all other applicable regulations. Conditions of approval #3, #4, and #5 will bring the proposed development into compliance with City Engineering and City Fire requirements if imposed.
49. Residential development on this parcel is compatible with both the character and operating characteristics of uses in the surrounding area, which are primarily residential.
50. The scale of the proposed TED residential use in this location will not compromise either public convenience or the general welfare of the neighborhood or community, subject to compliance with the conditions of approval.
51. Any signs or outdoor lighting associated with this project will be required to meet all applicable standards as outlined in Title 20 zoning regulations, as well as all other applicable Missoula Municipal Codes.
52. The TED will generate additional traffic in this area. The recent installation of Mary Jane Boulevard will mitigate the impact of traffic generated by the proposed use.
53. Sidewalks shown in the application packet connect all dwelling units to public rights-of-way and common areas.
54. The increase in traffic generated by this development should impose no significant adverse impact on traffic safety or comfort in the area, regardless of the mode of transportation.
55. The TED ownership units in proposed Hellgate Village West are similar to the lot sizes in the Hellgate Meadows Subdivision and Hellgate Village East TED, both east of the subject property. The lots in both developments are narrow like the TED ownership units in proposed Hellgate Village West resulting in compatible site design and building scale.
56. The Hellgate Meadows Subdivision and Hellgate Village East TED contain a mix of detached house and townhouse building types which are compatible with the building types proposed for Hellgate Village West.
57. The Pleasant View Homes #3 Subdivision north of the subject property consists of detached house residential development.

### **Conclusions of Law**

- 1. Whether the proposed use complies with all applicable standards of the Title 20 Zoning Ordinance;**



- a. The townhome exemption development will comply with all applicable sections of the Title 20 Zoning Ordinance and other applicable Missoula Municipal Codes and Fire Code if the recommended conditions of approval are imposed.
- 2. Is in the interest of the public convenience and will not have a significant adverse impact on the neighborhood or community;**
- a. The Hellgate Village West TED as shown in the application packet is compatible with surrounding development which consists of detached house and townhouse building types.
  - b. The Hellgate Village West TED provides a mix of housing types which is in the best interest of the public convenience.
  - c. Recommended conditions of approval #3, #4, and #5 will bring the project into compliance with Engineering and Fire standards and ensure there is not a significant impact on the welfare of the neighborhood or community.
  - d. The TED is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood community if the recommended conditions of approval are imposed.
- 3. Will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;**
- a. The TED is similar to the Hellgate Meadows Subdivision and Hellgate Village East TED east of the subject property and the Pleasant View Homes #3 Subdivision north of the subject property in terms of site planning, building scale, and project design.
  - b. The TED is compatible with the character of the surrounding area in terms of site planning, building scale, and project design.
- 4. Has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation;**
- a. The Hellgate Village West TED is a residential development and will have operating characteristics, outdoor lighting, noise, and traffic generation similar to other residential developments.
  - b. The surrounding area consists of primarily residential development.
- 5. Will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized), and will be functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;**
- a. The TED improves pedestrian and bicycle connectivity for the residents of Hellgate Village West by providing system of pedestrian paths separated from vehicular areas connecting dwelling units, public rights-of-way, and common areas.
  - b. Recommended conditions of approval #3, #4, and #5 will bring the project into compliance with Fire and Engineering standards to ensure the alley ways allow for safe development.
  - c. The TED use will not have a significant adverse impact on traffic safety or comfort including all modes of transport if the recommended conditions of approval are imposed.
- 6. Is in accordance with the Growth Policy and other relevant adopted plans;**

- a. The B2-1 Community Business zoning district was applied to the subject parcel at the time of rezoning in 2019 under [Ordinance No. 3647](#). The zoning was applied based on compliance with the Growth Policy.
- b. The Skyway Area Master Plan and Title 21 Form Based Code were applied to the subject parcel in 2020 under [Ordinance No. 3674](#). The B2-1 zoning district does not comply with the applicable regional plan.
- c. The zoning districts that comply with the Skyway Master Plan would have permitted a mix of townhouse and detached house residential building types. However, Title 21 would have required three residential building types and does not permit TEDs. Hellgate Village West proposed a mix of two housing types that could have been permitted under Title 21.
- d. The proposed TED use is somewhat in accordance with the Growth Policy.

**7. That the site properly addresses open space, light, and protection of natural features;**

- a. The proposed project properly addresses light access by meeting the minimum building separation standards and proposing all structures equal to or less than 30 feet tall.
- b. A central green space with pedestrian paths connecting all units is proposed.
- c. There are no significant natural features on or near the subject property.
- d. The site properly addresses open space, light, and protection of natural features.

**8. That uses are compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, any applicable use-specific standards and any other elements considered important by the City Council.**

- a. The entire development must comply with the design standards of Title 20, Section 20.40.180 for Townhome Exemption Development (TED) Standards and the parcel and building standards of Title 20, Section 20.05.
- b. The proposed detached and townhouse residential uses are consistent with the surrounding detached and townhouse residential uses.
- c. A landscaped common area is provided in the middle of Lot 5, accessible via sidewalk for all units.
- d. The site and building design are compatible with existing residential uses to the east.
- e. The uses are compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, and the TED use-specific standards.

## **VI. COMMENTS FROM CITY AGENCIES**

**Fire Department:** No comment received at the time of this report.

**Police Department:** “Is there ample room for two lanes of traffic with space for parking on both sides of Mary Jane Boulevard? With the amount of traffic and congestion on Flynn Lane due to Hellgate Elementary, I don’t think Flynn Lane can absorb any additional traffic. If Mary Jane Boulevard has the capacity to handle the traffic for the development, then we’re good.” Scott Hoffman, Assistant Chief.

*Response from City Engineer Troy Monroe:* “Mary Jane Blvd was designed by the BUILD grant as a local collector street. It includes parking on both sides of the street, but there are bulb-out curbs in areas where no parking should occur – at a mid-block crosswalk and at four (4) alley approaches. In these areas the curb-to-curb width is 24-ft. Bike lanes are provided, but they are offset behind the boulevard adjacent to the sidewalk.”

**Missoula City-County Health Department:** “The Air Program at the Missoula City-County Health Department request that the statement on energy efficiency, copied below, remain in the Hellgate Village W covenants. Energy efficiency helps us maintain or improve air quality and there are long term economic benefits when energy efficiency actions are taken.”

“Energy Efficiency: The builders should consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, photovoltaic cells, and ground source heat pumps for heating/cooling. Ground source heat pumps and other types of heat exchangers are usually more efficient, and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes.” Benjamin Schmidt, Air Quality Specialist.

**Missoula Valley Water Quality District:** No comment received at the time of this report.

**Parks and Recreation:** No comments.

**Missoula Urban Transportation District:** “This property is already in the Missoula Urban Transportation District, so there is no need to have the developer petition into the District as part of the TED approval.” Dan Stone, Transit Planner.

**City Public Works and Mobility – Engineering:** No comment received at the time of this report.

**City Public Works and Mobility – Transportation:** No comment received at the time of this report.

**City Public Works and Mobility – Utilities:** No comments.

**Missoula Redevelopment Agency:** No comments.

**Office of Emergency Management:** No comment received at the time of this report.

**Montana Department of Transportation:** No comment received at the time of this report.

**Montana Department of Revenue:** No comments.

**Hellgate Elementary School District:** No comment received at the time of this report.

**Missoula County Public Schools:** No comment received at the time of this report.

**Captain John Mullan Neighborhood Council:** No comment received at the time of this report.

## **VII. ATTACHMENTS**

- A. Application Packet
- B. Development Agreement

## **VIII. EXHIBIT A: LEGAL MAP**

