

Return to: City Clerk
City of Missoula
435 Ryman Street
Missoula MT 59802-4297

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land legally described as Tract B of Certificate of Survey 6850 located in the E ½ of Section 12, Township 13 North, Range 20 West and the W ½ of Section 7, Township 13 North, Range 19 West, P.M.M., as shown on Exhibit A, and zone the property OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, T4-R Neighborhood General - Restricted, and T5 Mixed-Use Center, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, set a public hearing for August 21, 2023, and refer this item to the Land Use and Planning Committee on August 9 and August 23, 2023:

WHEREAS, Dougherty Ranch, LLC, owner of 100% of the property described herein as Tract B of COS 6850, has filed Petition No. 10157 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

WHEREAS, it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

WHEREAS, the herein described property is within the City of Missoula Utility Service Area boundary, the City has current and future capacity to serve the property and development, and the owners/developers will pay all costs to extend the municipal sewer and water service to the property; and

WHEREAS, the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation subject to the following conditions:

Zoning

1. Approval of the Icon Apartment Homes at Dougherty Ranch Subdivision Preliminary Plat and Master Site Plans shall be contingent upon City Council approval of the annexation and zoning upon annexation.

Streets, General

2. The following statement shall appear on the face of each plat and on each instrument of conveyance, subject to review and approval by Public Works & Mobility and Development Services: "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 Veterans Way, Ella Missoula Avenue, Charles Liberty Lane, Dougherty Drive, John Edward Lane, Roper Way, Abner Grier Road, and Pine Butte Boulevard including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities."
3. The subdivider shall provide plans for and install street and trail signage and striping for the entire subdivision, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval of each phase.

4. The subdivider shall finalize street names for all streets within the subdivision subject to review and approval of the Missoula County Public Works Department and City Council prior to final plat filing of Phase 1.

Specific Streets and Alleys

5. Within the subdivision property, the subdivider shall provide plans for and install improvements for Dougherty Drive, a neighborhood collector street, including driving lanes, parking lanes, curbs and gutters, stormwater facilities, landscaped boulevards, street lights, bike lanes, and sidewalks within a 90-foot right-of-way easement, as shown on the preliminary plat and plans subject to review and approval by Public Works & Mobility, prior to final plat filing of Phase 1.
6. The subdivider shall provide plans for and install improvements for Dougherty Drive extending from the southern property boundary and connecting to England Boulevard, including driving lanes, two-foot shoulders, roadside ditches, and a 10-foot multi-use path, prior to final plat approval for Phase 1, unless portions are already installed by others.
7. The subdivider shall provide plans for and install half-street improvements for Pine Butte Boulevard, a main street primary street, including two drive lanes, parking lane, curb and gutter, sidewalk, landscaped boulevard, street trees, and stormwater facilities as shown on the preliminary plat and plans within a 54-foot public right-of-way and public access and utility easement subject to review and approval by Public Works & Mobility prior to final plat approval of each phase.
8. The subdivider shall provide plans for and install Roper Way, an urban secondary street, including two drive lanes, parking lane, curb and gutter, sidewalks, landscaped boulevards (includes landscaped parking islands and tree wells, with topsoil as specified in the Missoula City Public Works Standards and Specifications Manual), street trees, and stormwater facilities as shown on the preliminary plat and plans within a 60-foot public right-of-way subject to review and approval by Public Works & Mobility prior to final plat approval of Phase 1.
9. The subdivider shall provide plans for and install half-street improvements for Ella Missoula Avenue, an urban secondary street, including two drive lanes, parking lane, curb and gutter, sidewalks, landscaped boulevards (includes landscaped parking islands and tree wells, with topsoil as specified in the Missoula City Public Works Standards and Specifications Manual), street trees, and stormwater facilities as shown on the preliminary plat and plans within a 43.5-foot public right-of-way and public access and utility easement subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 2.
10. The subdivider shall provide plans for and install half street improvements to Veterans Way, an urban bike street, including two drive lanes, parking lane, curb and gutter, bike lane with protection strip, landscaped boulevard, street trees, sidewalk, and stormwater facilities as shown on the preliminary plat and plans within a varying width public right-of-way and public access and utility easement subject to review and approval by Public Works & Mobility prior to final plat approval of each phase.
11. The subdivider shall provide plans for and install woonerf streets John Edward Lane and Charles Liberty Lane, shared drive lanes, alternating parking lane and landscaped boulevards on either side, curbs and gutters, sidewalks, and stormwater retention within 56.5-foot public right-of-way, as shown on the preliminary plat and plans, subject to review and approval by Public Works & Mobility prior to final plat approval of each phase.
12. The subdivider shall provide plans for and install Abner Grier Road, a neighborhood street, including drive lanes, curbs and gutters, parking lane on one side, landscaped boulevards, sidewalks, and stormwater retention within a 60-foot public right-of-way as shown on the

preliminary plat and plans, subject to review and approval by Public Works & Mobility, prior to final plat approval of each phase.

13. The subdivider shall provide plans for and install alleys within the subdivision, including a minimum pavement width to satisfy fire apparatus access route requirements and stormwater facilities within 24-foot wide public access with private maintenance easements, as shown on the preliminary plat and plans, subject to review and approval by Public Works & Mobility, prior to final plat approval of each phase.

Non-Motorized Transportaton

14. The subdivider shall provide plans for and install Trail A with a 10-foot paved surface, 1-foot shoulders, 12-foot planting strips along the north and south sides, within a 36-foot public right-of-way easement subject to review and approval of Public Works & Mobility and Parks & Recreation prior to final plat of each phase. The subdivider may provide an amendment to the existing right-of-way agreement addressing impact fee offsets / reimbursement for installation of costs for these improvements pursuant to Title 15, subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 1.
15. The subdivider shall provide plans for and install the Trail Street between Lots 16 and 17 extending from the RMB Subdivision to the sidewalk on the east side of Roper Way. The trail street shall be built with a 12-foot paved surface with 14-foot planting strips along the north and south sides within a 40-foot right-of-way easement, subject to review and approval of Public Works & Mobility and Parks & Recreation, prior to final plat approval of Phase 1.

Transit

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

Rights-of-Way and Easements

17. 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.

Grading and Drainage

18. 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

Water Systems, Sewer Systems, and Solid Waste Disposal

19. 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.
20. 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.

Parkland Dedication, Boulevard Landscaping & Noxious Weeds

21. The subdivider shall meet the parkland dedication requirement by providing a minimum of 5.64 acres of parkland / open space as shown on the preliminary plat and master site plans. The parkland / open space areas are to be developed privately and maintained privately. The designated open space areas shall be accessible to the public.

22. Within Phase 1, the subdivider shall provide a minimum of 2.52 acres of parkland / open space and cash in lieu of land and within Phase 2, the subdivider shall provide a minimum of 3.12 acres of parkland, as shown on the preliminary plat and plans. When cash in lieu of land is proposed, the land valuation shall follow the methodology in City Subdivision Regulations Section 3-080.7, subject to review and approval of Parks & Recreation, prior to final plat approval of each phase.
23. Prior to final platting of each phase, the subdivider shall provide plans for and install the parkland / open space areas as described in Chapter 3 of the Sxwtpqyen Master Plan and as proposed in the master site plan exhibits, and as described in the subdivision application (Page 33). Plans and installation shall include grading, application of topsoil, installation of commercial grade irrigation systems, turf grass or dryland grass, installation of park trees, and installation of park improvements so that they comply with the term "pocket park" as defined in Chapter 3 of the Sxwtpqyen Master Plan. Plans shall be subject to review and approval by City Parks & Recreation prior to final plat approval of each phase.
24. The subdivider shall draft an agreement for review and approval by the Parks & Recreation Department and the City Attorney's Office to provide for the dedication of land and/or payment of money lieu of parkland prior to final platting of each phase. The agreement shall provide for different circumstances including where if the subdivider pays cash in lieu of parkland in Phase 1, when additional parkland is provided in Phase 2 that exceeds the required amount of parkland in that phase, the subdivider may be reimbursed a portion of the deposited funds so that the total parkland dedication requirement of 5.64 acres is ultimately met. The agreement shall be submitted, reviewed, and approved prior to final plat filing of Phase 1.
25. The subdivider shall provide plans for and installation of boulevard landscaping adjacent to Common Area/Parkland and Open Space areas, subject to review and approval by Parks and Recreation, prior to final plat approval of each phase.
26. The subdivider shall provide plans for boulevard landscaping and landscape plans for all streets, trails, parking lots, in accordance with the Public Works Standards and Specifications Manual, subject to review and approval by Parks and Recreation, prior to final plat approval of each phase.
27. The property owner shall be responsible for obtaining boulevard landscaping permits prior to building permit approval and for installation of boulevard landscaping adjacent to development prior to certificate of occupancy. Temporary Certificate of Occupancy will be granted and held in place for occupancy occurring after the growing season and until boulevard and tree establishment has been approved by Urban Forestry.
28. 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 1.

Fire Protection

29. 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.
30. The subdivider shall ensure two separate and approved fire apparatus access roads are provided prior to final plat of Phase 1, subject to review and approval of City Fire Department and Public Works & Mobility.

Irrigation

31. Unless otherwise provided under separate written agreement, the subdivider shall provide and dedicate on each final plat easements to allow for delivery of water for irrigation to persons and land legally entitled to the water in locations of appropriate topographic characteristics and of sufficient width to allow for physical placement and unobstructed use and maintenance of irrigation facilities. The easements shall provide for irrigation water conveyance through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. The easements shall be reviewed and approved by Development Services and Public Works & Mobility prior to final plat filing of each phase.

Ground Water

32. The subdivider shall include the following note on each final plat and in the Development Covenants: "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 areas proposed for basements", subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 1.

Airport Influence Area and EADA Zone

33. The subdivider shall obtain an avigation easement from the Missoula Airport Authority in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to review and approval of Development Services, prior to final plat approval for Phase 1.
34. The final plat shall include the following statement: "This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Icon Apartment Homes at Dougherty Ranch Subdivision contains lots within the Missoula Airport Extended Approach and Departure Area and lot owners should be aware of the resultant safety risk," subject to review and approval of Development Services, prior to final plat approval for Phase 1.

Development Covenants

35. The subdivider shall submit final Development Covenants meeting the requirements of City Subdivision Regulations Section 5-020-14.K, subject to review and approval by Development Services, prior to final plat approval of Phase 1.
36. The subdivider shall include the following statement in the Development Covenants, subject to review and approval by Development Services, prior to final plat approval for Phase 1: "Sections of the Development Covenants regarding common area maintenance, wood burning devices, weed control, agricultural operations, radon mitigation, basements, water rights, SID/RSID, and fire protection may not be amended or deleted without written approval by the governing body."
37. The subdivider shall include the following note on the final plat for each phase and in the Development Covenants: "Basements shall be prohibited until such time as the owner provides sufficient evidence to the City of Missoula Public Works & Mobility Department that no threat to the public safety or loss of property will result due to groundwater in those areas proposed for basements."

WHEREAS, the parcel described herein is currently within the Sx^wtpqyen Neighborhoods Town Center Neighborhood Unit of the Sx^wtpqyen Neighborhoods Master Plan area and the recommended zoning in the City is OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, T4-R Neighborhood General - Restricted , and T5 Mixed-Use Center and in accordance with MCA 76-2-303(3)(a)(b) and (c) and Missoula Municipal Code criteria 20.85.040(1)(2a)(2b), and (2c), it is the intention of the City of Missoula to annex this property with the recommended city zoning. FURTHER, the parcel is situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

WHEREAS, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof and the current and future inhabitants of the tracts and parcels of land described herein, which have petitioned for annexation and are within the urban growth boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

NOW THEREFORE BE IT RESOLVED that it is the intention of the City Council of the City of Missoula to incorporate and annex into the City's jurisdictional boundary the herein described property, apply City zoning as stated within, and assign the property to the said Ward and Neighborhood Council District; and

BE IT FURTHER RESOLVED that the City shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the Missoulian, a newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on July 29, 2023, and August 5, 2023, a notice of the public hearing date and that such resolution of intention will appear on the City Council agenda for the meeting scheduled on August 7, 2023, and that the City will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on August 28, 2023 and that a City Council public hearing shall be held Monday, August 21, 2023 at 6:00 p.m. at the regularly scheduled City Council meeting with final consideration on the resolution at the regularly scheduled City Council meeting on Monday, August 28, 2023; and

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

PASSED AND ADOPTED _____.

ATTEST:

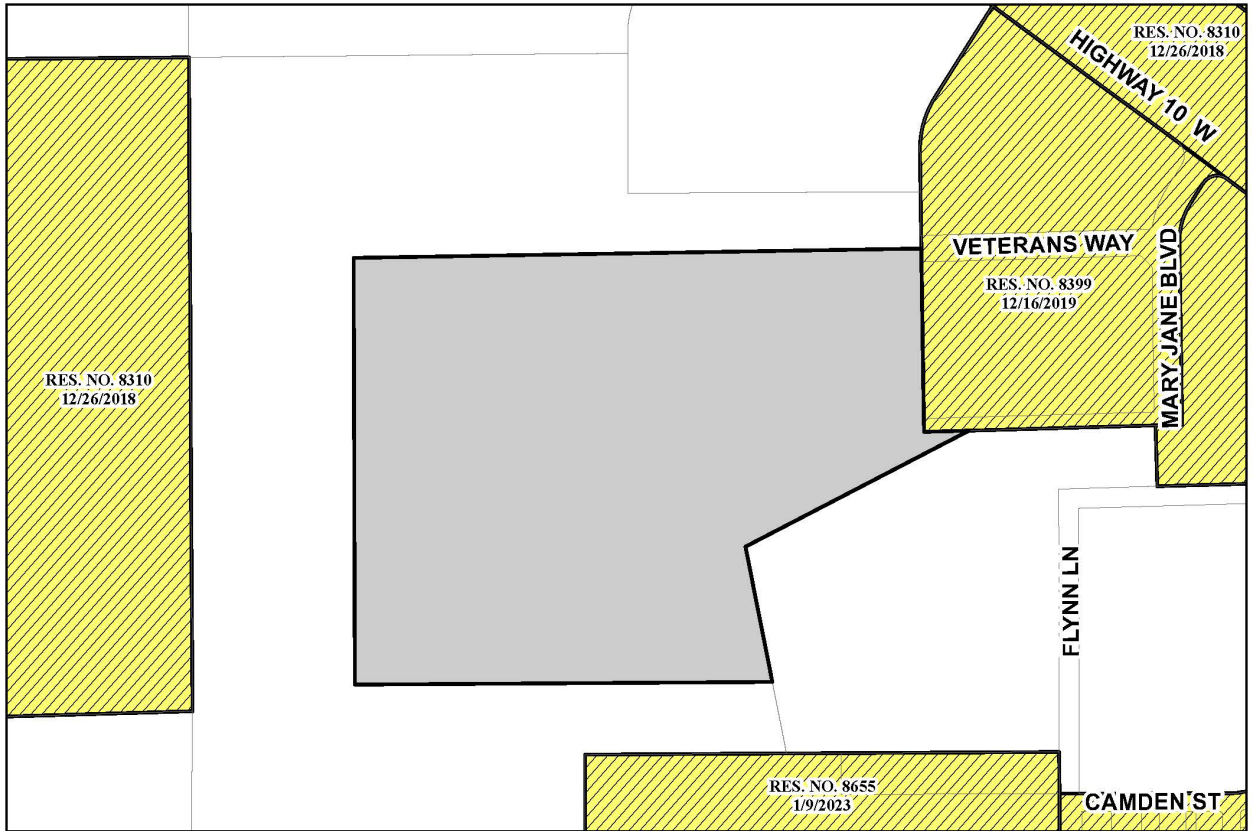
APPROVED:

Martha L. Rehbein, CMC
City Clerk

Jordan Hess
Mayor

(SEAL)

Exhibit A: Annexation Map



Tract B Certificate of Survey 6850

All Located in Section 7, T.13 N., R.19 W.
& in Section 12, T.13 N., R.20 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

Legend

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