Montana Fish, Wildlife and Parks - Region 2
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500
04/03/2023

IMEG Corp
Attn: Joe Dehnert
1817 South Ave W Suite A
Missoula, MT 59801
(406)721-0142

RE: Icon Apartment Homes at Dougherty Ranch

Dear Joe Dehnert,

Thank you for the opportunity for Montana Fish, Wildlife & Parks (FWP) to provide input on the proposed Icon Apartment Homes at Dougherty Ranch located off Mullan Road. FWP is supportive of the plans for high-density residential development of this area to accommodate the large and growing need for housing in the greater Missoula area while avoiding areas of intact wildlife habitat, development of relatively large lots, and perpetuation of urban sprawl. One of the most prominent threats to the remaining wildlife habitat in the Missoula Valley is properties being subdivided and sold as larger lots. This leads to relatively few new homes and properties for people to occupy relative to the amount of wildlife habitat fragmentation. Building housing in high densities and close to existing population centers is a good way to conserve the remaining open space and wildlife habitats in the Missoula Valley while still accommodating the housing needs of a burgeoning population.

The proposed project is in an area where residents should expect to have wildlife using habitats around and within their property boundaries. Therefore, FWP recommends Living with Wildlife Covenants be put in place as part of the project development. These types of covenants are critical to responsible development of natural areas. FWP requests that you review the covenants in Section A at the end of this letter and adopt these as official covenants for the project area, including adequate enforcement mechanisms that assure the covenants are followed by the eventual residents.

Water rights, points of diversion and conveyance lines associated with irrigation and surface water rights for the properties planned for development should be reviewed closely through the subdivision process. Conversion of irrigation, stock water or other water rights with agricultural beneficial uses could be converted to instream flow for Grant Creek as an environmental mitigation measure for this extensive development.

Thank you again for providing FWP the opportunity to comment on the proposed Icon Apartment Homes at Dougherty Ranch. Ladd Knotek of FWP's Region 2 fisheries team will be the primary contact for this project. He can be reached at 406-542-5506 or lknotek@mt.gov.

Sincerely,

Randy Arnold
Regional Supervisor, Region 2

Section A. Living with Wildlife

Homeowners 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, pet food, livestock feed, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, moose, black bear, grizzly bear, mountain lion, wolf, coyote, fox, skunk, and raccoon. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

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

a. Homeowners must be aware of the potential for **vegetation damage by wildlife,** particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs, and trees in this subdivision. Homeowners 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. Native vegetation also protects wildlife, as there are many non-native shrubs and other plants that are poisonous to Montana's wildlife species.

b. **Gardens**, fruit trees, or orchards can attract wildlife such as bear and deer. Fruit-bearing trees and shrubs are **not allowed** in this subdivision because they can regularly attract bears in the fall. Keep produce and any fruit such as strawberries picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks, and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries, but netting should be kept taught and highly visible to prevent entanglement of birds and other wildlife.

c. **Garbage** must be stored either in secure, bear-resistant containers or indoors to avoid attracting wildlife such as bears and raccoon. If stored indoors, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers. If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.

d. **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 87-6-216; Unlawful supplemental feeding) to purposely or knowingly attract bears, deer, elk, or turkeys with supplemental food attractants (any food, garbage, or other attractant for game animals). Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

e. **Birdseed** is an attractant to bears. Use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner and must not be allowed to roam freely as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals (MCA 87-6-404). Keeping pets confined also helps protect them from predatory wildlife.

g. **Pet food** must be stored indoors, in closed sheds, or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets,** do not leave food out overnight. Pets must be fed indoors or inside kennels so wild animals do not learn to associate food with your home.

h. **Barbecue grills** must be stored indoors and permanent outdoor barbecue grills shall not be allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.

i. **Fencing** lot boundaries is discouraged. If used, fences should be no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer, elk, and/or moose becoming entangled in the fence or injuring themselves when trying to jump the fence.

j. **Compost piles** can attract skunks and bears and may not be used.

k. **Apiaries (beehives)** could attract bears in this area and are not allowed in this subdivision.

l. **Livestock or domestic animals** such as cattle, pigs, sheep, goats, llama, poultry, etc. (including those kept as 4H projects) are not allowed in this subdivision because they can attract bears, coyotes, and mountain lions.

m. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (subdivision applicants to insert here for their individual HOA or other governing body).

RE: Icon Apartment Homes at Dougherty Ranch Major Subdivision Second Sufficiency Agency Sending

EB

Ellen Buchanan <buchanane@ci.missoula.mt.us>
To Joe M. Dehnert

Reply | Reply All | Forward

Wed 11/16/2022 4:05 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 11/14/2029

Start your reply all with: Thank you! | Ok, thanks. | Thank you so much! | Feedback

External Email: Treat links and attachments with caution.

MRA has no comments.

Ellen Buchanan, Director
Missoula Redevelopment Agency
140 West Pine Street
Missoula, MT 59802
406 552-6156
buchanane@ci.missoula.mt.us

Icon Apartments

AB

Adriane Beck <abeck@missoulacounty.us>
To Joe M. Dehnert
Cc Madson Matthias

Reply | Reply All | Forward

Thu 11/17/2022 12:34 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 11/15/2029

External Email: Treat links and attachments with caution.

Good afternoon,
Emergency Management has no significant comments on the proposed development; however, given the proximity to the airport, I encourage direct coordination with the Missoula Montana Airport and FAA to ensure there are no additional considerations due to this close proximity.

Adriane Beck
Director, DES Coordinator
Office of Emergency Management
Office 406-258-3632
Cell 406-830-0974
abeck@missoulacounty.us

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From: Hagemo, T J J <Tj.J.Hagemo@p66.com>
Sent: Monday, November 28, 2022 11:48 AM
To: joseph.m.dehnert@imegcorp.com; Madson Matthias <MatthiasM@ci.missoula.mt.us>
Cc: Lilleberg, Derek <Derek.Lilleberg@p66.com>
Subject: Braxton Icon Apartments

Yellowstone Pipe Line Company has no objections to the work taking place at the above named location.

The envelope the sheet of paper showed up in was addressed to Larry Ostwald. Larry has been retired for several years. Any chance you could update your records and have the letters sent to the address below? Thank you. TJ Hagemo

Phillips 66 Pipeline
ATTN: Derek Lilliberg
2626 Lillian Ave
Billings, MT 59101

TJ Hagemo
YPL Central Area Supervisor – Rockies Region
O: 406-523-4130 | M: 406-203-8972
3330 Raser Dr | Missoula, MT 59808
phillips66.com

From: Elena Evans <eevans@missoulacounty.us>
Sent: Wednesday, September 28, 2022 3:53 PM
To: joesph.m.dehnart@imegcorp.com; Madson Matthias <MatthiasM@ci.missoula.mt.us>
Cc: Andy Schultz <SchultzA@ci.missoula.mt.us>; Shannon Therriault <stherriault@missoulacounty.us>
Subject: FW: Icon Apartment Homes at Dougherty Ranch Major Subdivision First Sufficiency Agency Sending

Hello,

The Water Quality District would like to highlight that there is high groundwater in the area. Variable geologic deposition of alluvium and gravel from movement of Grant Creek across the valley floor in this area results in quickly draining gravel seams in some areas while pockets of finer sediment and clay limit drainage in others. Throughout the portion of this reach of Grant Creek that has not been lined with clay, Grant Creek loses water to groundwater throughout most of the year. Downgradient at the Mullan Trails subdivision, flooding of Grant Creek in the Spring of 1997 during high groundwater resulted in substantial flooding of basements and homes. Water elevation data has only been collected during average or below average years. The planned movement of Grant Creek to closer proximity of this subdivision may also influence groundwater dynamics. In light of the changing climate and alteration of the hydrograph from irrigation to a flashier urban hydrograph, water elevation should be reassessed throughout the development process to incorporate any additional information to ascertain the appropriateness of stormwater sumps and basements in different phases or as individual houses or infrastructure are built.

Thank you for the opportunity to comment,
Elena

From: waterquality <waterquality@missoulacounty.us>
Sent: Monday, September 12, 2022 2:38 PM
To: Elena Evans <eevans@missoulacounty.us>
Subject: FW: Icon Apartment Homes at Dougherty Ranch Major Subdivision First Sufficiency Agency Sending

Emily Larson
Program Support Specialist
Missoula Valley Water Quality District
406.258.4890

RE: Icon Apartment Homes at Dougherty Ranch Major Subdivision First Sufficiency Agency Sending

BS
Ben Schmidt <bschmidt@missoulacounty.us>
To Joe M. Dehnert
Cc Madson Matthias

Reply | Reply All | Forward

Mon 9/19/2022 11:42 AM

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Joe,

It would be great if these units are built with energy efficiency in mind to protect consumers from future energy volatility. The Missoula City-County Air Pollution Control Program supports the inclusion of protective covenant 16 on wood burning devices and 19 on radon mitigation. With high density housing, wood combustion could easily negatively impact neighbors breathing space and both these covenants will protect the health of future residents.

Ground source heat pumps may be an excellent method for heating and cooling these large of units even though the upfront cost may be more.

Sincerely,

Benjamin Schmidt, M.S., Q.E.P.
Air Quality Specialist
Missoula City-County Health Department
301 W. Alder
Missoula, MT 59802
Phone: (406)258-3369

Missoula Public Health
City-County Health Department

RE: Icon Apartment Homes at Dougherty Ranch Major Subdivision Third Sufficiency Agency Sending

BS

Ben Schmidt <bschmidt@missoulacounty.us>
To Joe Dehnert

Reply | Reply All | Forward

Fri 3/24/2023 9:20 AM

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Start your reply all with: Thank you! | Received, thank you. | Thank you very much! | Feedback

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Joe,

The Air Program at the Missoula City-County Health Department supports the inclusion of non-motorized transportation infrastructure that connects this neighborhood to adjacent neighborhoods and services. Providing non-motorized options for transportation increases fitness, health and reduces vehicle traffic congestion and pollution.

Sincerely,

Benjamin Schmidt, M.S., R.S.
Air Quality Specialist
Missoula City-County Health Department
301 W. Alder
Missoula, MT 59802
Phone: (406)258-3369

Missoula Public Health
City-County Health Department

Re: Icon Apartment Homes at Dougherty Ranch Major Subdivision First Sufficiency Agency Sending

DS

Dan Stone <dstone@mountainline.com>
To Joe M. Dehnert
Cc Madson Matthias; Colin Woodrow; Corey Aldridge

Reply | Reply All | Forward

Mon 9/19/2022 9:07 AM

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Hi Joe,

Mountain Line requests that the developers petition this property into the Missoula Urban Transportation District as a condition for subdivision approval/City annexation. This allows Mountain Line to plan for future transit service in the Sxʷtpqyen neighborhood.

Thank you,

Dan Stone
Transit Planner
He/Him
Mountain Line (MUTD)
406.215.2457
dstone@mountainline.com

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mountainline.com

RE: Icon Apartment Homes at Dougherty Ranch Major Subdivision First Sufficiency Agency Sending

Reply | Reply All | Forward

JJ Jordan Johnson <jjohnson@blackfoot.com>
To Joe M. Dehnert
Cc MatthiasM@ci.missoula.mt.us
Mon 9/12/2022 12:30 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 9/10/2029

Start your reply all with: Ok, thanks for letting me know. | Thank you! | Got it, thanks! | Feedback

External Email: Treat links and attachments with caution.

Blackfoot has no comments at this time.

Thank you!

Jordan Johnson
OSP Project Engineer
Blackfoot Communications
M: 406-499-1024

Icon Apartment Homes at Dougherty Ranch (First Sufficiency Review) – Five Valleys Audubon Comment

Reply | Reply All | Forward

V viking <gmk@bresnan.net>
To Joe M. Dehnert; MatthiasM@ci.missoula.mt.us
Cc Brown Jim
Wed 9/28/2022 4:04 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 9/26/2029

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Our concern with the Icon Apartment Homes project is not with its scope and location. It's in an area where the community has expressed its wish to see future residential development and we expected that eventuality. Rather, we are concerned with the manner in which the project's impacts to wildlife and wildlife habitat were addressed in the application. Predicting the impact of an undertaking requires knowledge of what species tend to use an area being proposed for development. A report submitted along with the application contains site specific accounts of vegetation and wildlife found in the area. Yet, conclusions in the application regarding impacts on wildlife and wildlife habitat are not founded on that information. Rather, they are based on large-scale species inventories. Data from those inventories are not site-specific and pertain to critical species that might be found within a broad geographical area. By and large, they are of little value in describing wildlife use on a specific land area such as that being proposed for the Icon Apartment Homes development.

In addressing the impact of the development on the natural environment, the application concluded that *"There are minimal impacts to the natural environment because the site is currently vacant."* In reality, the development will have a substantive impact on year-round avian use of the site, particularly that of raptors. The proposed Icon Apartment Homes development would be located in an area that now exists as open space land and comprises habitat for meadow voles and Columbian ground squirrels. Both of these species are important prey for such raptors as American kestrels and red-tailed, Swainson's and rough-legged hawks. Since the proposed development will eliminate the prey species habitat, another increment of land needed by foraging raptors is lost. Responding to new human activity, raptors will doubtlessly seek prey on undeveloped habitat elsewhere and the impact may seem minor. Yet, when viewed in context with what is occurring in the Missoula Valley, the impact is consequential. It is a loss of land that adds to the slow and persistent shrinking of our remaining open space habitat.

Icon Apartment Homes

LF
Lynn Fagan <lfagan@flymissoula.com>
To Joe M. Dehnert
Cc Dave DeGrandpre; Dan Neuman

Reply | Reply All | Forward

Mon 4/10/2023 4:47 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 4/8/2030

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Joe,
I have been out of the office and just received your letter regarding agency comments for the above subdivision. If we have already submitted comments, please accept my apologies for the duplication. However I did not want to miss the deadline.

MCAA has reviewed the subdivision documentation and is submitting this objection to the subdivision as proposed. Icon Apartment Homes is located on the flight path of the primary commercial runway at the Missoula Montana Airport ("the Airport"). The proposal is for 101 lots with 614 units on 44.75 acres. This is high density residential. Pursuant to guidance from the Federal Aviation Administration ("FAA"), residential use is incompatible in this proximity to the Airport and specifically in the flight path of the existing runway.

The FAA's land use planning objectives are to encourage land uses that are generally considered to be incompatible with airports to locate away from airports and to encourage land uses that are more compatible to locate around the Airport. Examples of non-compatible uses are residential (especially residential uses with higher than 1-2 houses per acre), schools, churches, nursing homes and hospitals. Examples of compatible uses are industrial and commercial uses.

The issues that make this subdivision incompatible with the Airport are as follows:

- The impact of aircraft noise on the high-density residential units which will be directly under a runway flight path;
- The potential safety issues involved with aircraft flying over the said residential units;
- The possibility of electronic interference with aviation navigation aids;
- The potential for interaction between aircraft and wildlife.

Please let me know if we can provide any further information.
Thanks.
Lynn

Missoula
MONTANA AIRPORT

Lynn Fagan
Administrative Manager
Missoula Montana Airport
5225 West Broadway, Missoula, MT 59808
C – 406.381.3581 | P – 406.532.8640

Missoula
MONTANA AIRPORT

5225 West Broadway | Missoula, MT 59808
www.flymissoula.com | 406-728-4381

November 18, 2022

Joe Dehnert, IMEG Corp.
Land Use Planner
1817 South Ave West, Suite A
Missoula, MT 59801
joseph.m.dehnert@imegcorp.com cc: MatthiasM@ci.missoula.mt.us, Brian Ellestad (bellestad@flymissoula.com), Lynn Fagan (lfagan@flymissoula.com), Adriane Beck <abeck@missoulacounty.us>

RE: Icon Apartment Homes at Dougherty Ranch– Second Agency Sufficiency Review

Dear Mr. Dehnert,

Please accept this letter as the official agency comments from the Missoula County Airport Authority ("MCAA") to the Icon Apartment Homes at Dougherty Ranch ("Icon Apartments") proposed subdivision.

MCAA has reviewed the Icon Apartments subdivision documentation and is submitting this objection to the subdivision as proposed. Icon Apartments is in close proximity to the flight path of runway 12/30 at the Missoula Montana Airport ("the Airport") with a proposed 83 lots on 44.75 acres and residential densities in the high range. Pursuant to guidance from the Federal Aviation Administration ("FAA"), residential use is incompatible in this proximity to the Airport and specifically in near proximity to the flight path of an existing runway.

The FAA's land use planning objectives are to encourage land uses that are generally considered to be incompatible with airports to locate away from airports and to encourage land uses that are more compatible to locate around the Airport. Examples of non-compatible uses are residential (especially residential uses with higher than 1-2 houses per acre), schools, churches, nursing homes and hospitals. Examples of compatible uses are industrial and commercial uses.

The issues that make this subdivision incompatible with the Airport are as follows:

- The impact of aircraft noise on high density residential units which will be close proximity to a runway flight path;
- The potential safety issues involved with aircraft flying over the said residential units;
- The possibility of electronic interference with aviation navigation aids;
- The potential for interaction between aircraft and wildlife.

Regardless of the outcome of this Review, the owners or future owners of this property are required to have, in place, an Avigation Easement. I have attached a sample agreement for your consideration.

Thank you for the opportunity to comment on this and any future proposals in the Airport Influence Area.

Respectfully,

Dan F. Neuman
Business Development Manager
Enclosure(s): Sample Avigation Easement; Sample Avigation Easement Disclosure

Icon 1st Sufficiency Comments - Utilities

AM
Adam Marsh <MarshA@ci.missoula.mt.us>
To Joe M. Dehnert; Madson Matthias
Cc Steve Reichert; Troy Monroe; Andy Schultz

Reply | Reply All | Forward

Sun 9/25/2022 5:38 PM

Retention Policy Default - Permanently Delete - 7 yrs (7 years) Expires 9/23/2029

Additional Drainage Comments.pdf
5 MB

External Email: Treat links and attachments with caution.

Madson and Joe,

Below are comments water, sewer, and stormwater:

General

- We don't like to see water/sewer beneath trails. If possible, please relocate or eliminate these mains.
- Consider adjusting lot layout for main frontages.
- Will all water/sewer mains be installed during phase 1?
  - If not, lift station and force main must be part of phase 1
  - Phase 1 water is a giant dead end main if adjacent developments are delayed. If water mains are installed in phases, provide a way to loop watermain as part of phase 1.

Sewer

- Lift station
  - Provide an analysis of the area that could be served by the lift station so that mains and lift station are sized appropriately, and mains are deep enough.
  - Lift station should be able to serve Icon and currently undeveloped land west to Airport property and south to Camden Street
  - Lift station should follow layout of STD-550 1 to 3. Revisions to STD-550 are proposed for 2023 PWM updates, including: asphalt surface, 8" thick concrete approach and sidewalk, valve on force main.
- Stub sewer across Maddox at Trail (or wherever this main is moved to) and Jumping Horse intersections
- Sewer main C and E – can these mains be eliminated or re-oriented to avoid locating sewer gravity main, sewer force main, and water main all in Jumping Horse Lane?
- Provide insulation where sewer main depth is less than 5-ft (Line H)
- Force Main
  - Coat discharge manhole and next two downstream manholes in accordance with STD-555.
  - If gravity sewer must run in parallel to force main, please provide additional separation between force main and gravity main
- Ensure setback requirements are met between new buildings and easement for existing sewer mains
- Is sewer main G needed? Run services?

Water

- Run the water main in Pine Butte Blvd, not the Trail.
- 12" mains required for multifamily housing
- Loop Water Line Q (404' long) to Water Line J
- Loop Water Line N or M in Phase 1
- Add hydrant on Dougherty between Jumping Horse and Veterans
- Is watermain Q required? Can services be run to Watermain J and K?
- Is watermain L required? Can this be a service?

Stormwater

- Shallow depth dry wells will not be allowed. Alternative infiltration devises should be considered.
- What factor of safety is being applied to pond draw-down and infiltration rates?
- Analyze existing condition sub-basins to follow existing topography and quantify discharge at site boundary. When stormwater discharge across site boundary is proposed/required, existing condition sub-basins should be based around existing flow paths, not to mirror post-construction layout. Existing condition and post construction basins should include off-site tributary area.
- Google Earth images show concentrated flow paths across the property. The assumption that stormwater is conveyed only by sheetflow under existing conditions is not valid.
- Flow in curb line is concentrated flow. I don't see how post-development off-site discharge would not be concentrated.
- Provide a table comparing pre- and post-development discharge rates and volumes at the site boundary for 2-, 10-, and 100-yr storms
- Provide table of post development basins stormwater rate and volume, storage volume.
- Provide discussion of post-development stormwater conveyance and sizing for both internal routing and cross boundary flow
- Provide figure showing pre-development basins, time of concentration flow paths, contours, and discharge points
- Provide figure showing post-development basins, time of concentration flow paths, ponds, conveyance infrastructure, contours, and discharge points. We understand post-development infrastructure design is not complete. Provide information currently available and revise/update during later design phases. The focus should be on demonstrating that adequate retention/detention and infiltration is available with the proposed lot layout.
- Discuss maintenance of stormwater features: maintenance activities, who is responsible for maintenance, maintenance frequency.
- Additional comments are in the attached grading plan.

Adam Marsh, PE |he/him/his| Utility Engineer
Department of Public Works & Mobility
Planning & Engineering Division
406-529-8835 | marsha@ci.missoula.mt.us

MISSOULA

Promoting a safe, healthy Missoula through the development of transportation and mobility networks and the efficient delivery of high-quality public infrastructure, utilities, and services.