

Tara Porcari

From: Erik Dickson <edickson@missoulacounty.us>
Sent: Tuesday, August 13, 2024 3:22 PM
To: Tara Porcari; John Rimel
Cc: Dave DeGrandpre
Subject: RE: Wildroot 248 lot Major Subdivision

I wish there was a clean and easy answer, but there are a few issues that I can try to address to get to the answer.

There are two things to consider with a road easement. First, is it public or private? Second, is there a physical road in that easement that should be publicly maintained?

Not intending to step on Mike Tester's toes, COS 5525 appears to answer the first question with a clear note that Rimel Road west of Heaven's Gate is a petitioned public road. Mike has stated that Rimel Road between Heaven's Gate and Whitaker is public, so that seems to be consistent.


The second question is answered by Montana Code Annotated (MCA) that allows the commissioners to determine the level of maintenance of county roads. Since the 1970's (I believe), Missoula County has used a process to formally accept roads for maintenance, and in this case Rimel Road west of Heaven's Gate has never been accepted by the commissioners for maintenance. I don't know if that was for lack of asking by residents or for denial by the commissioners, but either way it has never been included for county road maintenance.

For existing roads in a public easement, we can and do assume maintenance for those roads as long as they meet current road construction standards regarding easement width, road width, horizontal and vertical alignment, structural section, etc. The reason that we require that a standard is met is financial and staff limitation – we struggle to maintain roads that we have, so we can't use our limited budget and staff to improve roads and then take over maintenance. In the past several years that this has occurred, residents have paid for improvements either directly or through an RSID.

This section of Rimel Road is also complicated by the fact that the properties to the north are within the city limits, so we receive no revenue from those properties. That annexation occurred in 1964, and at that time the city was not required to annex the entire road easement fronting that property, so they may have jurisdiction on the north half of that easement as the annexation typically went to the property boundary. I'm sure that the city has no interest in maintaining their half of the road that exists, but it's possible that the county could maintain the entire road by agreement as long as the issue of road condition mentioned above is met. I'm not sure if off-site improvements to Rimel Road could be a condition of approval for the proposed subdivision, but as a potential access road that could be viewed as attributable to the subdivision, it may not hurt to be suggested.

I hope this answers the question of why Missoula County doesn't maintain Rimel Road west of Heaven's Gate. Please let me know if you have additional questions or concerns.

Thanks,
Erik

Erik K. Dickson, P.E.
County Engineer / Assistant Director
Public Works Department
 406.258.3772



 edickson@missoulacounty.us

 missoulacounty.us

6089 Training Drive | Missoula, MT 59808

From: Tara Porcari <PorcariT@ci.missoula.mt.us>
Sent: Tuesday, August 13, 2024 10:24 AM
To: John Rimel <jrimel@icloud.com>
Cc: Dave DeGrandpre <degrandpred@ci.missoula.mt.us>; Erik Dickson <edickson@missoulacounty.us>
Subject: RE: Wildroot 248 lot Major Subdivision

Hi John,

After receiving your last message, I went back and confirmed specifically, just to make 100% certain, that they were saying the portion east of Heaven's Gate (not just the small section immediately adjacent to the subdivision) was all County and I received the response below from their office. Since you mentioned your last conversation wasn't since the early 2000s, I have cc'ed Erik Dickson to try and address some of your roadway maintenance comments. If you have specific questions on their maintenance plans, I would recommend reaching out to him directly as it sounds like he's your best point of contact today. In the meantime, unless you let me know you'd prefer I not, I will go ahead and attach our correspondence to the project packet as public comment so Planning Board and City Council is aware of your concerns.

Thank you,

Tara Porcari, AICP (she/her)

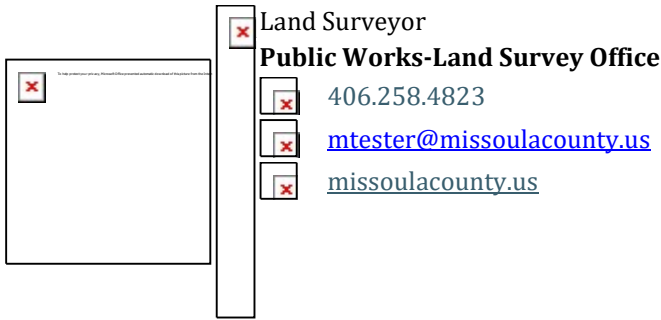
Senior Planner – Community Planning, Development & Innovation
Development Services Division, City of Missoula
(406) 552-6085

Tara,

Yes, Rimel Road is public between Heaven's Gate and Whitaker Drive, and it looks like the County currently maintains that section. Erik Dickson, the County Engineer, is a good contact regarding any maintenance questions, his # is 406.258.3772.

Regards,

Michael Tester, PLS



From: Tara Porcari <PorcariT@ci.missoula.mt.us>
Sent: Friday, August 9, 2024 3:14 PM
To: Michael Tester <mtester@missoulacounty.us>
Subject: RE: Rimel Rd questions

Michael,

Can you confirm that it's public continuing on east past Heaven's Gate as well? And do you also happen to know who a good road maintenance contact would be at the County?

From: John Rimel <jrimel@icloud.com>
Sent: Friday, August 9, 2024 3:03 PM
To: Tara Porcari <PorcariT@ci.missoula.mt.us>
Cc: Dave DeGrandpre <DeGrandpreD@ci.missoula.mt.us>
Subject: Re: Wildroot 248 lot Major Subdivision

You don't often get email from jrimel@icloud.com. [Learn why this is important](#)

Tara,

Tara, thank you for following up!

Well, it hasn't been maintained past Heaven's Gate for at least 24 years. When I asked Greg Robertson, Chief Public Works Officer about road maintenance in 2000 or 2001, he informed me that it wasn't a county road and the County would not be maintaining the road beyond Heaven's Gate. I put up a private road sign marking off the portion beyond Heaven's Gate in an effort to preserve the roadbed and prevent out of control partying, litter and general bad behavior. It's uncomfortable to have to get out of your car and ask folks standing around a half dozen to dozen cars to move so that you can drive through the road to get home. And the circular "burnout" pit created in front of our gate was getting to be a nuisance. It's a little frustrating to have privately paid for road grading on a section of road that you were told isn't County and then when it's convenient to the County, it's suddenly a public road. I've probably invested several thousand dollars rebuilding that road after it was thoroughly trashed by kids hot rodding up and down it, spinning cookies and doing burn outs. It was party central. A few years ago it was also the site of a single car accident that I believe claimed the life of at least one young woman, although I never did hear. There were three young women in the car when it rolled. All were throw clear, but all had serious injuries. Dozens of emergency vehicles responded.

In reviewing the report that I believe you're referencing, I see where there appears to be an easement purchased on land in Section 5, but I did not see where the previous owner of our property in Section 8 was ever compensated for or signed an easement. Is the road easement you refer to only on Section 5? My sister and I each own 1/2 of the NW 1/4 of Section 8, T12N, R19W. Are you claiming a 30' easement on the north border of Section 8?

So if the County asserts that it's a county road, when will they begin maintaining it?

I'm concerned how this subdivision will impact traffic both onto Hillview and onto Rimel Road. I am surprised that there has not been more public discussion of these impacts. I was initially informed by the developer that they did not plan on using Rimel Road as an access except for emergency vehicle access. But I see in their revised draft plan that Rimel Road is now being referred to as a feeder road. The developer also informed me that no improvements were planned for Rimel Road. The build out of this subdivision will require us to relocate the main entrance into our ranch and relocate our cattle guard and fence. We will need to continue to be able to accommodate semi-trucks as we haul hay in and cattle out. And depending on whether there's ever a place to sell logs again in Western Montana, we may on occasion have logging trucks accessing the ranch.

Thanks you for looking into this for us. I hope you have a great weekend!

Cordially,

John Rimel
MooseCan Gully Ranch
1575 Rimel Road
Missoula, MT 59803
Phone: 406-251-2464
E-mail: <mailto:jrimel@me.com>
Cell: 406-880-2464

On Aug 9, 2024, at 2:03 PM, Tara Porcari <PorcariT@ci.missoula.mt.us> wrote:

Hi John,

I wanted to follow up on the email that Dave sent you regarding Rimel Rd. Please see the email below with the County, confirming that the portion of Rimel Road to the east of the Wildroot property is public right-of-way.

I hope this is helpful information. Have a great weekend!

Tara Porcari, AICP (she/her)

Senior Planner – Community Planning, Development & Innovation
Development Services Division, City of Missoula
(406) 552-6085

From: Michael Tester mtester@missoulacounty.us

Sent: Tuesday, August 6, 2024 4:17 PM

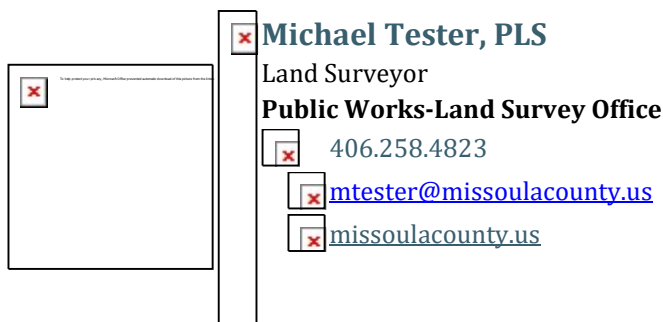
To: Tara Porcari PorcariT@ci.missoula.mt.us; Steve Inabnit sinabnit@missoulacounty.us; Eric Andersen AndersenE@ci.missoula.mt.us

Subject: Re: Rimel Rd questions

Tara,

Steve Niday retired at the end of last year and I have since stepped into his role with the County. Per the opinion of this office lined out in the attached road report, that section, along with others to the west are public rights of way. If the associated portfolio is needed please let me know and someone from this office can get it to you. Eric also has a copy of the report. I will be out of my office after today until next Tuesday, if you have questions feel free to reach out and I will address them when I return.

Regards,



From: Tara Porcari

Sent: Monday, August 5, 2024 11:44 AM

To: sinabnit@missoulacounty.us

Subject: Rimel Rd questions

Hi Steve,

I'm the case planner for the new Wildroot Subdivision up off Hillview Way in the South Hills and have some public comments I'm responding to that I need a hand on. I'm trying to confirm whether Rimel Rd is a public or private road heading east from the subdivision. I was under the impression that it had been maintained by the County in previous years, but have some questions from a landowner so I'd like to confirm. I included some of the dedications that may be helpful, but I'm wondering if you have any more information with me to make a confirmation. Thank you!

<image002.png>

Tara Porcari, AICP (she/her)

Senior Planner – Community Planning, Development & Innovation

Development Services Division, City of Missoula

(406) 552-6085

From: Dave DeGrandpre <DeGrandpreD@ci.missoula.mt.us>
Sent: Thursday, August 1, 2024 9:57 AM
To: John Rimel <jrimel@icloud.com>; Tara Porcari <PorcariT@ci.missoula.mt.us>
Subject: RE: Wildroot 248 lot Major Subdivision

Hi John,

Thank you for the message. Here is a link to the project files: <https://www.ci.missoula.mt.us/3308/Wildroot-Subdivision>

Document A.1 is the preliminary plat consisting of several sheets that show road and lot widths and other details. If you scroll down on the homepage you will find a traffic impact study and accompanying documents. Also, a new roundabout is proposed at the intersection of Hillview and Rimel Road, which should help traffic entering and exiting the subdivision move along. See document A.19 for details. The road table (Document A.13) is helpful to understand the different specifications.

All of the roads on the subdivision property are planned to be built by the developer in several phases (see Document A.25 for a phasing plan) and maintained by the City of Missoula.

Please let Tara and me know if you have concerns or comments. You have already indicated there may be a need to share maintenance responsibilities along Rimel Road between the subdivision and Whitaker Drive, if that stretch of road is to be used by subdivision residents. We will look into that.

Dave DeGrandpre, AICP | Planning Supervisor
Community Planning, Development & Innovation
435 Ryman Missoula, MT 59802
406.529.0709 | degrandpred@ci.missoula.mt.us

<image003.png>

Promoting equitable growth and a resilient, sustainable community.

From: John Rimel <jrimel@icloud.com>
Sent: Wednesday, July 31, 2024 2:01 PM
To: Tara Porcari <PorcariT@ci.missoula.mt.us>; Dave DeGrandpre <DeGrandpreD@ci.missoula.mt.us>
Subject: RE: Wildroot 248 lot Major Subdivision

You don't often get email from jrimel@icloud.com. [Learn why this is important](#)

Greetings,

As you might well imagine, I have serious concerns regarding this subdivision and it's impact on our property directly to the south. For the last 25 or more years, Rimel Road has not been maintained by the county beyond Heaven's Gate. When I approached Greg Robinson (sp?) about it years ago he simply told me that it was not a county road beyond Heaven's Gate and was my responsibility. I am now to understand that it's a feeder road for a 248 unit subdivision with the potential to generate 4000 to 9500 car trips daily. Granted, the majority of that will probably utilize Hillview, but i'm sure the first time the traffic backs up trying to get out at 7 in the morning, they'll be turning and heading up Rimel Road and down Whitaker.

If possible, I would like to have a more detailed plat that is actually legible. The one enclosed in the notice is pretty much illegible. I'm curious about the lot sizes and street widths. Have there been any traffic flow studies conducted? Improvements at access points onto Hillview? Improvements planned for Rimel Road? I was told by the developer when I inquired that no improvements were planned.

The fence line and our existing driveway entrance which has been in the same place since my parents purchased our property in 1955 will have to be moved to align with the actual property line. Our cattle guard will have to be relocated. Things are a bit constrained there by there presence of a NW Energy power line along the section line. If we move our entrance to a new location that involves a 45 degree left turn into our property i will need it to be able to accommodate semi trucks which I depend on for hay delivery and hauling cattle.

Is it possible to get a hi-res plat sent to me? Or is there somewhere I could pick one up?

Thank you for your time.

Cordially,

John Rimel
MooseCan Gully Ranch
1575 Rimel Road
Missoula, MT 59803
Phone: 406-251-2464
E-mail: <mailto:jrimel@me.com>
Cell: 406-880-2464

<Petition B 43 Road Report-Rimel Road - 55th Street.pdf><Road Petition B 43 ROW as of 10-18-2021.pdf>

Messages and attachments sent to or from this e-mail account may be considered public or private records depending on the message content. Unless otherwise exempted from the public records law, senders and receivers of County email should presume that the emails are subject to release upon request. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies.

MEMO



JAN K. PARKS & ASSOCIATES, P.C.

Certified Public Accountants

619 Southwest Higgins Avenue ■ P.O. Box 1629

Missoula, Montana 59806-1629 ■ Tel: 406-240-0344 ■ Fax: 406-541-7165

DATE: August 3, 2024
TO: Development Services
FROM: Robert Jensen, Member Sun Development
RE: Memorandum dated July 16, 2024
CC: George Jensen, Member

Attached please find the cadastral mapping for Sun Development LLC. We received your memorandum and noted that it appears your overview does not correctly reflect the boundary lines of the Sun Development property. As note on the cadastral map attached, Sun Development owns the property which includes a 42-foot access to Hillview. In addition, Sun Development holds a recorded easement which is highlighted on the attached map.

We may have misinterpreted your plat but we do want to note that Sun Development does own property and an easement with access to Hillview Way which appears may be affected by the proposed project.

Please adjust your plat so the land owned by Sun Development is correctly reflected.

Please call Bob (406-239-4834) or George Jensen (406-544-2002) if you have any questions.



Map Center: X: -114.02346 - Y: 46.82504

The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missoula County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missoula County. Before acting on the information contained on this page the user should consult original documents.

1980

1990



Missoula
COUNTY

Date: 8/2/2024

and to provide comments on this request. Please address the review criteria for major subdivisions and zoning amendments (enclosed) in your comments.

Comments may also be submitted by email to porcarit@ci.missoula.mt.us and degrandpred@ci.missoula.mt.us, or by mail to Development Services, Attn Dave DeGrandpre at 435 Ryman Street, Missoula, Montana, 59802. Written comment will be taken up until the public hearing is closed.

**PRELIMINARY PLAT OF
WILDROOT**

LOCATED IN THE SW 1/4 OF SECTION 5 AND THE SE 1/4 OF SECTION 6, TOWNSHIP 12 NORTH, RANGE 19 WEST,
P.M.M., CITY OF MISSOULA, COUNTY OF MISSOULA, STATE OF MONTANA.



1 OVERVIEW PRELIMINARY PLAT



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

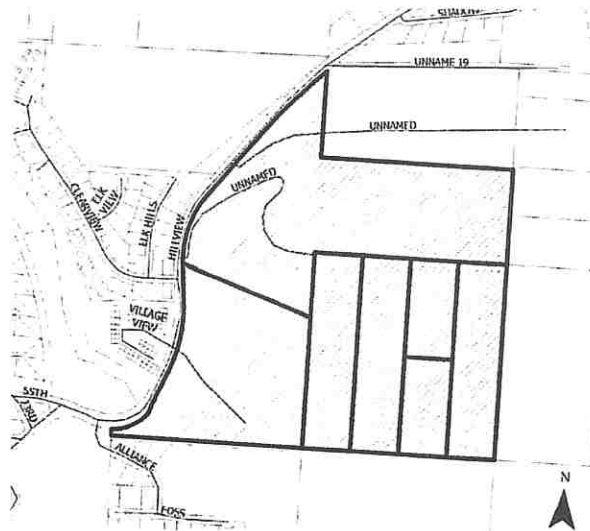
435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

MEMORANDUM

JENSEN GEORGE L
PO BOX 1479
MISSOULA MT 59806-1479

July 16, 2024

RE: Wildroot 248-Lot Major Subdivision, Annexation, and Rezoning, 106.6 Total Acres



Development Services received a request from Cushing Terrell, on behalf of Pando Holdings, for a phased 248-lot major subdivision, annexation of 41.34 acres, and rezoning of the property located at and nearby 1600 Rimel Rd in Missoula adjacent to Hillview Way. Once complete, the subdivision would contain 21 townhome lots, 226 single-family lots, and 1 multi-family lot with 203 units. The property consists of 106.6 acres within seven parcels, two of which are already within City limits and five parcels to be annexed as a part of this proposal. The legal description can be summarized as seven tracts of land in the southwest quarter of the southwest quarter of Section 5 and the southeast quarter of Section 6, Township 12 North, Range 19 West, P.M.M. Missoula County, Montana.

The property abuts either existing residential development (generally to the west) or residential zoning (generally vacant at this time to the east) on all sides and one religious assembly use to the south. Another upcoming subdivision proposal, Meadow View Homes, is located nearby at the northwest corner across Hillview Way. The property was historically used for pasture grazing and a single-family home on site will be removed as a part of the proposal.

The proposed design is broken into 7 phases and improvements include the extension of a new collector road off Rimel Road, new water and sewer infrastructure, additional parkland, trail connections, and improvements to Hillview Way. The first phase of the proposed subdivision is

the multi-family development currently permitted and under construction at the southwest parcel of the project area off Hillview Way.

The two parcels currently located within Missoula city limits are zoned a mix of RM1-35 Residential (multi-dwelling), RM0.5 Residential (multi-dwelling), R8 Residential, and B2-1 Community Business. The Hillview Heights Overlay also encompasses a portion of the western part of the site. The five parcels currently located in the County are zoned Residential (R) under Missoula County Zoning Regulations. The proposed zoning for the site includes RM0.5 Residential (multi-dwelling), RM1-35 Residential (multi-dwelling), and R5.4 Residential. The proposal also requests the removal of the Hillview Heights overlay. The requested rezone is proposed to remove split-zoning currently in place on the property and to provide appropriate zoning for the future proposed residential development with higher density development located closer to Hillview Way and single-family uses as the site moves east and steepens. The proposed zoning designations allow for a wide range of housing types including multi-dwelling buildings, townhomes, and single-family residences.

The subdivision includes 7.8 acres of dedicated parkland that includes a new 8-foot wide gravel path connecting Moose Can Gully Trail to Rimel Road and a network of less invasive singletrack trails. In addition to parkland, 21.9 acres of common area would be accessible to residents and the public. The common areas are integrated into the overall layout of residential lots, providing additional trail connections throughout the neighborhood.

The subdivision includes six variance requests from the City Subdivision Regulations relating to allowing one dead-end street, exceeding block lengths in three different areas, accepting a trail alignment along Rimel Rd not fully meeting street/sidewalk standards, and permitting alleys to provide primary vehicular access to five lots.

Development Services provides notification to all property owners directly adjacent to the subdivision and provides notification to property owners and occupants within 150 feet of the proposed zoning amendment. This notification is to inform you of the public hearings and to invite comment concerning this project.

The Missoula Consolidated Planning Board will hold a public hearing on the subdivision and rezoning requests on **Tuesday, August 20th, 2024, at 6:00 p.m.** The Land Use and Planning Committee will meet on **Wednesday, August 28th, 2024, at a time TBD.** The Missoula City Council will hold a public hearing on the subdivision and rezoning requests on **Monday, September 9th, 2024, at 6:00 p.m.** All meetings will be held in a hybrid format, with the option to attend in-person or virtually via Microsoft TEAMS.

The Planning Board public hearing will be held in the Sophie Moiese conference room in the Missoula County Courthouse (200 W Broadway St.) Planning Board meeting agendas and information will be posted here: https://missoulacomt.portal.civicclerk.com/?category_id=33

City Council meetings will be held in City Council Chambers (140 W Pine St.) Meeting agendas and information will be posted here: <https://www.ci.missoula.mt.us/1149/AgendasWebcastsMinutes>

The City of Missoula has created a website called Engage Missoula that is devoted to providing information to the public and collecting public comments. Please visit <https://www.engagemissoula.com/development-applications> to find a link to the project page

REVIEW CRITERIA FOR ZONING AMENDMENTS (RE-ZONING):

City Council may either approve or deny the request. Standard zoning districts cannot be conditioned.

Title 20.85.040.G Review Criteria

In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:

1. Whether the proposed zoning amendment is consistent with MCA § 76-2-304:
 - a. Whether the zoning is made in accordance with a growth policy;
 - b. Whether the zoning is designed to secure safety from fire and other dangers;
 - c. Whether the zoning is designed to promote public health, public safety, and the general welfare;
 - d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. Whether the zoning considers the reasonable provision of adequate light and air;
 - f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;
 - g. Whether the zoning considers the promotion of compatible urban growth;
 - h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
 - i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.
2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

Title 20.85.040.H Protest Provisions

1. A formal protest petition opposing a zoning amendment must be submitted to the zoning officer or on the public record before the City Council's vote, allowing sufficient time for the city clerk to determine the validity of the petition.
2. A protest petition will be considered "valid" if it is signed by the owners of 25% or more of:
 - a. The area of the parcels that are the subject of the proposed change; or
 - b. The parcels or units, as defined in MCA § 70-23-102, within 150 feet of the parcel that is the subject of the proposed change. The area per unit to be included in the calculation of the protest shall be determined per MCA § 76-2-305.
3. When a valid protest petition has been submitted, approval of a zoning amendment requires a two-thirds majority vote of those City Council members present and voting.

REVIEW CRITERIA FOR SUBDIVISIONS

4-010.14.A. Prerequisites for Approval.

- (1) The City Council may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:
 - (a) Provides easements for the location and installation of any planned utilities;
 - (b) Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel;
 - (c) Assures that all required public improvements will be installed before final plat approval, or that such installation after final plat approval will be guaranteed as provided by Article 5 of the subdivision regulations; and
 - (d) Will comply with the requirements of Montana Code Annotated 76-3-504 regarding the disclosure and disposition of water rights.

4-010.14.B. Consideration - Standards.

In approving, conditionally approving or denying a subdivision application and preliminary plat, the City Council must consider whether the proposed subdivision complies with:

- (1) The City of Missoula Subdivision Regulations including but not limited to the design standards set forth in Article 3;
- (2) Applicable zoning regulations;
- (3) Any other applicable local, state, and federal regulations; and
- (4) The Montana Subdivision and Planning Act, including but not limited to the following impacts
 - (a) Impact on agriculture;
 - (b) Impact on agriculture water user facilities;
 - (c) Impact on local services;
 - (d) Impact on the natural environment;
 - (e) Impact on wildlife;
 - (f) Impact on wildlife habitat; and
 - (g) Impact on public health and safety.

Response log:

- Staff (Tara Porcari) called and left a voicemail with Bob Jensen on 8/13 explaining there is a 60' easement in the location they asked about. The image of the full preliminary plat is quite small on the noticing, so it's hard to see, but staff let him know the Engage Missoula link on the adjacent property owner (APO) letter provides more information on the entire subdivision and provides access to a full-size plat. Staff also mentioned we could email him a copy if that's easier and he provides an address.

