



**REFERRAL AND STAFF REPORT**

**Agenda Item:** Referral and Staff Report – 3300 Raser Drive Annexation

**Report Date:** 12/31/2024

**Case Planner:** Dave DeGrandpre, Planning Supervisor

**Report Review & Approved by:** Mary McCrea, Planning Manager

**Public Meetings & Hearings:**

City Council (CC) Consent Agenda:	1/6/2025
Land Use & Planning Committee (LUP):	1/8/2025
City Council Public Hearing:	1/27/2025

**I. GENERAL PROJECT INFORMATION**

**Applicant & Fee Owner:**

Roseburg Forest Products Co. and Roseburg Resources Co.  
3660 Gateway Street  
Springfield, Oregon 97477

**Representative:**

Jeff Smith  
WGM Group  
1111 East Broadway  
Missoula, MT 59802

**Location of Request:** 3300 Raser Drive (Exhibit A)

**Legal Description:** Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995 and adjacent rights-of-way, all located in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M.

**Geocode:** 04-2200-08-2-04-05-0000 and 04-2200-08-3-01-09-0000

**Legal Notification:** The legal ad was published in the Missoulian on January 4 and 11, 2025. The site was posted on January 10, 2025. Adjacent property owners within 150 feet of the site were notified by first class mail on November 26, 2024.

**II. DECISION AND REGULATORY FRAMEWORK**

**Applicable State Law:** Montana Code Annotated 2023

**Annexation Policy:** Adopted 2019

**Land Use Plan:** The Our Missoula 2045 Land Use Plan is the applicable regional plan and recommends a land use designation of Industrial and Employment.

**Local Zoning Law:** Title 20, Missoula Municipal Code amended March 27<sup>th</sup>, 2024.

**Current and Proposed Zoning:** The parcel is zoned Industrial Center, Heavy (ICH) in the County. If City Council approves the petition to annex, the parcel would be zoned M1-2 Limited Industrial upon annexation.

**Surrounding Land Uses:**

North: Interstate 90, landfill, recreational vehicle sales  
South: Railway uses, Industrial  
East: Interstate 90, landfill, and open land  
West: Offices for in-home health care provider, petroleum storage and distribution, various industrial

**Surrounding Zoning:**

North: Industrial Center Heavy (County), M1-2 Light Industrial (City)  
South: Industrial Center Heavy and Neighborhood Center (County)  
East: Industrial Center Heavy and Neighborhood Center (County)  
West: Industrial Center Heavy (County), and M2-4 Heavy Industrial (City)

**III. RECOMMENDED MOTIONS**

**City Council Consent Agenda (1/6/2025)**

**Adopt a resolution of intention** to annex and incorporate within the boundaries of the City of Missoula Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995, and adjacent rights-of-way, all in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., as shown on Exhibit A, and zone the property M1-2 Limited Industrial, subject to the conditions of annexation approval, based on the findings of fact in the staff report, **set a public** hearing for January 27, 2025, and **refer this item** to the Land Use & Planning Committee on January 8, 2025.

**Land Use and Planning Committee (1/8/2025)**

No motion – City Council committee discussion and informational meeting only.

**City Council Public Hearing (1/27/2025)**

**Adopt/Deny** a resolution to annex and incorporate within the boundaries of the City of Missoula Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995 and adjacent rights-of-way, all located in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., as shown on Exhibit A, and zone the property M1-2 Limited Industrial, subject to the conditions of annexation approval, based on the findings of fact in the staff report.

**IV. RECOMMENDED CONDITIONS**

1. The petitioner shall dedicate to the City of Missoula 80-foot wide public access rights-of-way and utility easements for collector streets, and 30-foot wide public access easements for trails to serve the future development of the subject property, as shown on Exhibit B, subject to review and approval by Public Works & Mobility, Parks & Recreation, and the City Attorney’s Office, within 60 days of City Council adoption of a resolution to annex. The easements may be modified following the North Reserve / Scott Street (NR/SS) area planning process currently planned to occur in 2025.
2. The petitioner shall provide a regional infrastructure plan to include collector street and trail routing, trunk line water main alignments, sewer force main alignments and lift station location(s), and stormwater routing to include off-site run-on, in general conformance with the NR/SS Plan update, within one year of City Council adoption of the NR/SS Plan update and

prior to submittal of any building permits for new construction that cannot be served by extension of existing City infrastructure in conformance with City standards, subject to review and approval by Public Works & Mobility. All new buildings and structures, except those on Tract 8A of Certificate of Survey 6995 utilizing existing water supply and wastewater treatment systems, shall be required to connect to municipal water and sewer and the developers shall be responsible for the water, sewer, and stormwater improvements necessary for service as determined by Public Works & Mobility.

3. The petitioner shall provide a waiver of the right to protest the creation of a special improvement district for City water, sewer, stormwater, streets, and trails for installation of the regional infrastructure improvements, based on benefit, subject to review and approval by Public Works & Mobility and the City Attorney's Office, within 60 days of City Council approval of the resolution to annex.
4. The petitioner shall file a retracement survey that includes all existing easements and encumbrances of record at the time of annexation (not including the right-of-way or trail easements required above), subject to review and approval by Public Works & Mobility and City Attorney's Office, within 180 days of City Council adoption of a resolution to annex.
5. The petitioner shall survey the location of the onsite YPL gas line, identify the line on a retracement survey, and include a 100-foot wide easement centered on the gas line as a no-build zone, where no habitable structures (dwellings, industrial buildings, or places of public assembly) are allowed within 50 feet of the gas line, and a 50-foot wide easement centered on the gas line where no storage buildings or trees or deep-rooted vegetation are allowed within 25 feet of the gas line, subject to review and approval by Public Works & Mobility, within 180 days of City Council adoption of a resolution to annex.

## **V. INTRODUCTION**

Development Services received Petition No. 10222 from Jeff Smith and Jamie Erbacher of WGM Group, on behalf of property owner Roseburg Resources Co., requesting annexation into the City of Missoula for Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995, all in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M.

No public comment has been received regarding this request for annexation.

## **VI. PROPERTY INFORMATION**

1. The subject property consists of 13 tracts of land encompassing 235 acres.
2. The subject property abuts the Missoula municipal boundary to the west and northwest. It also abuts City Council Ward 2 and the Grant Creek Neighborhood Council area.
3. The property is located adjacent to and to the southwest of Interstate 90, east of Grant Creek Road, and north of Raser Drive in an industrial area. Coal Mine Road is located adjacent to the southeastern corner of the property.
4. The property is within the Urban Growth Area, the Utilities Service Area Boundary, and the Air Stagnation Zone.
5. It is located at 3300 Raser Drive and is the site of the former Roseburg Forest Products particleboard plant. Several industrial buildings and a large earthen berm are located near the southwestern corner of the property on Tract 8A of Certificate of Survey No. 6995. Railroad spur lines are located near the southwestern and southern property boundaries. In addition to the industrial site, the property includes a large expanse of open area.

6. Roseburg Forest Products permanently ended particleboard manufacturing operations at this site in May of 2024 to focus on other products in other locations.<sup>1</sup>
7. The property is located adjacent to the North Reserve / Scott Street Urban Renewal District (URD). Roseburg Resources Co. has expressed the desire to annex the property into the URD following annexation into City limits.
8. The Missoula Redevelopment Agency (MRA) plans to update the North Reserve / Scott Street Master Plan in 2025, with the intent of including the subject property. MRA Director Ellen Buchanan commented that MRA is strongly in support of this annexation and intends to forward a recommendation to City Council to amend the North Reserve / Scott Street URD boundary to include the 235 acres in the URD boundary if the Roseburg property is annexed into the city.
9. Because much of the industrial equipment has been removed, if the property were to be annexed into the URD boundary at this time, the initial taxable value would be at a low level. As reuse, development, and investment at the site occur over time, the tax increments would grow, enabling reinvestment in the district.
10. The property is not connected to City water or sewer services. City water is located along Raser Drive to the south and Howard Raser Drive to the west. City sewer is also located in Howard Raser Drive to the west and Coal Mine Drive to the southeast. Additional information is provided in the Public Utility Infrastructure section of this report.
11. The Missoula County Property Information System website shows several septic permits and water rights statements of claim for the property. City of Missoula engineering maps show three public water supply wells on the property. The existing industrial buildings are served by private water supply and wastewater treatment systems. According to City Public Works & Mobility Department staff, the existing water supply and wastewater facilities are generally sufficient to serve light industrial use of the existing buildings.
12. A 2016 Regional Environmental Site Assessment report for the North Reserve / Scott Street area, prepared by WGM Group for MRA, indicates the major environmental concern at that time was air emissions, which are currently not an issue due to the industrial plant ceasing operations. The report also states the facility has a Montana Groundwater Pollution Control System Permit governing the discharge of industrial wastewater to groundwater. The report states existing structure changes of use and new development on the subject property will be evaluated and should be required to comply with the Department of Environmental Quality requirements at the time of development.
13. In support of the annexation petition, WGM Group submitted a memorandum describing findings and recommendations from a 2024 Phase 1 Environmental Site Assessment (ESA). A Phase 1 ESA is a preliminary investigation of a property's environmental conditions. The purpose is to determine if a property's current or past uses have impacted the soil or groundwater, and if there are any potential threats to human health or the environment. A Phase 1 ESA is conducted by a qualified environmental professional and typically includes an examination of historical records, maps, and photos, a site inspection, and interviews with owners, neighbors, and regulators. Depending upon the findings, a Phase 1 ESA may recommend further investigation.

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<sup>1</sup> <https://www.roseburg.com/news-corporate/roseburg-to-end-operations-at-missoula-mt-particleboard-plant-permanently-close-facility/#:~:text=Roseburg%20announced%20today%20that%20it,plant%20on%20May%2022%2C%202024.>

14. The Phase 1 ESA memorandum for the Roseburg property identifies a groundwater plume containing volatile organic compounds and dissolved metals originating at the Missoula Landfill property across Interstate 90 to the north. The memo states the groundwater plume is approximately 85 to 105 feet below ground surface and is believed to be becoming less toxic due to remediation efforts. The contamination is considered a Controlled Recognized Environmental Condition, meaning it may be left in place and has been addressed to the satisfaction of Montana Department of Environmental Quality regulators, subject to ongoing controls and monitoring. In the memo, WGM concludes the groundwater plume is unlikely to hinder future development of the property because the contamination concentrations appear to be declining, because the plume is 80 feet or more below ground surface, and because future development is planned to connect to the municipal water system as opposed to onsite water supply wells.
15. The Phase 1 ESA also identifies a petroleum stain on surface soil near the industrial facilities, which was excavated and removed in June of 2024, and a five-acre gravel and wood storage area near Interstate 90, which the memo describes as not needing additional investigation.
16. City of Missoula Brownfields Program Specialist Tyler Walls commented that the Brownfields Program supports property annexation at 3300 Raser Drive. As a voluntary program, current and future property owners may apply for brownfields funding assistance to conduct environmental investigation and, if warranted, cleanup of known contamination to achieve appropriate reuse or redevelopment plans. To be eligible for brownfields funding assistance, current or future property owners must have completed a Phase I ESA with All Appropriate Inquiry prior to property acquisition. Tyler Walls wrote that because of the past industrial use of the property, future purchasers of the tracts may want to conduct further investigation as part of their due diligence process.
17. The Yellowstone Pipe Line Company (YPL) has an 8-inch buried petroleum pipeline that runs east-west through the property near the south boundary. YPL also has an offsite 8-inch buried pipeline running northwest-southeast near the western boundary of the subject property. Phillips 66, which operates the pipelines, provided comments stating no habitable structures (dwellings, industrial buildings, and places of assembly) can be placed within 50 feet of either pipeline, and no storage buildings or deep-rooted vegetation is allowed within 25 feet of the pipelines. City staff recommend a condition of annexation requiring a survey of the onsite YPL pipeline within a 100-foot wide no-build zone, where no habitable structures (dwellings, industrial buildings, or places of public assembly) may be located, along with no storage buildings or deep-rooted vegetation within 25 feet of the gas line.
18. City staff also recommend a condition of annexation requiring a retracement survey to include all existing easements and encumbrances within 60 days of City Council approval of the resolution to annex so it is clear where easements and encumbrances are located to facilitate issuance of building and other permits.
19. The subject property falls under floodplain classification Zone X, Area of Minimal Flood Hazard.

## **VII. PUBLIC UTILITY INFRASTRUCTURE**

1. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet City standards, including public utility and stormwater infrastructure, and equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density.

2. City Public Works & Mobility Utility division staff commented that water infrastructure is present near the property, but no City water infrastructure exists within the site boundary. Water system improvements will be required before any connection is authorized. Improvements anticipated at this time include, at a minimum, looped watermain from Howard Raser Drive to the Burns Street area to Raser Drive, along with utility easements and / or rights-of-way. The comments state additional water main extensions, tanks, wells, and other infrastructure and easements may be required. The size, capacity, alignment, and location of necessary improvements and easements will be determined through the City of Missoula public infrastructure review process.
3. City Public Works & Mobility Utility division commented that sanitary sewer collection infrastructure is present near the property, but no City sanitary sewer collection infrastructure exists within the site boundaries. Sanitary sewer collection system improvements are required before any connection is authorized. Improvements anticipated at this time include, at a minimum, construction of a new lift station (including wet well, pumps, control system back-up power, & appurtenances), force main, and gravity sanitary sewer mains, along with utility easement and/or right-of-way. Additional necessary improvements may be required. The size, capacity, alignment, and location of necessary improvements and easements will be determined through the City of Missoula Public Infrastructure Review Process. Public Works & Mobility may allow phased construction of improvements. Downstream sanitary sewer collection system improvements may be required, as determined by Public Works & Mobility, based on specific development proposals.
4. City Public Works & Mobility Utility staff commented that stormwater improvements will be determined based on specific development proposals but also must include for water entering the property from the northeast. Improvements may include infiltration facilities, stormwater mains, retention and detention facilities, pretreatment, and other stormwater infrastructure. The size, capacity, alignment, and location of necessary improvements and easements will be determined based on specific development proposals through the City of Missoula Public Infrastructure Review Process. Public Works & Mobility may allow phased construction of improvements. Comments indicate downstream storm sewer collection system improvements may also be required.
5. The 235-acre subject property does not currently provide basic infrastructure such as streets, non-motorized facilities, public water, public sewer, and stormwater facilities at the same levels of service and infrastructure as other parts of the municipality zoned M1-2 Limited Industrial with similar topography, land use, and population density. City staff recommend a condition of approval requiring the petitioner to provide a regional infrastructure plan to include collector streets and trail routes, water main alignments, sewer force main alignments and lift station(s), and stormwater routing, in conformance with the NR/SS Plan update, within one year of City Council adoption of the NR/SS Plan update and prior to submittal of any building permits for new construction where City services are required.
6. City staff also recommend a condition of approval requiring the petitioner to waive the right to protest the creation of a special improvement district for City water, sewer, stormwater, streets and trails for installation of the regional infrastructure improvements, based on benefit, that will run with the land, within 60 days of City Council adoption of the resolution to annex.
7. At this time it is unclear where existing easements and other encumbrances are located on the property. To assist with site planning and building and other permits, staff recommend a condition requiring the petitioner to file a retracement survey showing these items within 180 days of City Council adopting a resolution to annex the property.

## **VIII. ROAD IMPROVEMENTS, TRANSIT, AND PUBLIC SAFETY SERVICES**

1. The subject property has frontage on three public rights-of-way: Interstate 90, Howard Raser Drive, and Coal Mine Road. Howard Raser Drive abutting the property is located within City limits, while Interstate 90 and Coal Mine Road are not.
2. During an annexation proceeding, Montana Code Annotated Section 7-2-4211 requires municipalities to include the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed. In this case, the portion of Interstate 90 and Coal Mine Road adjacent to the subject property would be annexed, as shown on Exhibit A.
3. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet City standards, including but not limited to water, sewer, and transportation infrastructure. In addition, the annexation policy states the City should equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density.
4. The property includes 13 parcels totaling 235 acres. There is no public infrastructure such as streets, public water or sewer, trails, and stormwater facilities nor are there easements to provide transportation and utility infrastructure to all the existing parcels.
5. City staff recommend conditions of annexation for the petitioner to provide a regional infrastructure plan including streets, public sewer and water, trails and stormwater facilities, in conformance with the scheduled NR/SS plan update, within one year of City Council adoption of the NR/SS Plan Update and prior to submittal of building permits for new construction. This condition is intended to provide for infrastructure to be developed in accordance with City standards so the same level of public service can be provided to this property as is provided to other areas of the City with similar topography, land use, and population density.
6. City staff also recommend a condition of approval requiring the petitioner to waive the right to protest the creation of a special improvement district for City water, sewer, stormwater, streets and trails for installation of the regional infrastructure improvements, based on benefit, that will run with the land, within 60 days of City Council approval of the resolution to annex. This condition is intended to provide for infrastructure to be developed in accordance with City standards so the same level of public service can be provided to this property as is provided to other areas of the City with similar topography, land use, and population density.
7. The current NR/SS Plan provides a vision for collector streets, utility easements, and multi-use paths / trails to connect transportation and utilities from Howard Raser Drive to Raser Drive and Coal Mine Road, and for a future trail connecting the Grant Creek Trail to the Northside Neighborhood and eventually Downtown Missoula.
8. Given the number of existing parcels that could be transferred to separate owners, and lack of existing public infrastructure for streets, trails, sewer, water, and stormwater utilities, as well as based on comments from the City Public Works & Mobility and Parks & Recreation Departments, City staff recommend a condition of approval requiring dedication of right-of-way and utility easements for collector roads and trails, with installation of improvements to occur concurrent with future development, based on the adopted NR/SS Plan concepts. Following the site planning process to update the NR/SS Plan, the easements can be adjusted to better reflect anticipated development.
9. The petitioner provided a Conceptual Easement Alignment diagram to attach to this report as Exhibit B. The diagram shows the prospective locations of 'backbone' easements for future

collector streets, utilities, and trails. However, the exhibit did not include a trail easement that could eventually connect a trail from the Grant Creek Trail to the Northside and Heart of Missoula neighborhoods, as shown in Figure 4-1 of the current NR/SS Plan and Figure 21 of the 2045 Our Missoula Land Use Plan. City Parks & Recreation staff commented that the proposed trail connection to Howard Raser Drive is helpful but not sufficient because the existing offsite Howard Raser Drive easement is only 60 feet wide in some locations so will not support a trail in compliance with City standards. Further, an additional trail connection to the northwestern corner of property would better help to meet several Environmental Quality and Climate Resilience and Health and Safety policy objectives of the 2045 Our Missoula Land Use Plan and better help to implement the current NR/SS Plan. Therefore, staff recommend an additional 30-foot wide trail easement as shown in yellow on Exhibit B.

10. The property is within the Missoula Urban Transportation District. Mountain Line Route 11 runs along Reserve Street, approximately 9/10 of a mile via road from the subject property.
11. Upon annexation, the property would be added to the service area for the City Fire and Police Departments. City Fire commented that there is no issue at this time that would hinder annexation on the Fire Department's behalf. City Police responded that they can provide law enforcement services to this area.

## **IX. ANNEXATION POLICY**

1. The subject property is part of Annexation Area 'A' on the City's Annexation Policy Map. Areas designated as Annexation Area 'A' largely meet the guidelines of the City's Annexation Policy. Per the City Annexation Policy, the City should prioritize the annexation of areas located within Annexation Area 'A'.
2. The property is located in the Utilities Service Area Boundary and is adjacent to the Missoula Municipal Boundary. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Utilities Service Area Boundary, and areas that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries.
3. The property is located between lands already annexed into the City limits. Per the City Annexation Policy, the City should prioritize the annexation of properties that would fill in gaps left by previous annexations that created islands, and other types of non-contiguous boundaries.
4. The City Annexation Policy states the City should evaluate direct and indirect costs of service and maintenance needs. At the time of annexation, the subject property would be zoned M1-2 Limited Industrial, which is similar to the current County zoning. There are currently no public facilities that will require City maintenance.

## **X. GROWTH POLICY / LAND USE PLAN & ZONING**

1. The regional plan in effect when the City staff determined the annexation petition and supporting materials were sufficient for review is the *Our Missoula 2035 Growth Policy*, which recommends land use designations of Light Industrial and Heavy Industrial for the subject property. The City Annexation Policy states that any annexation should be guided by the current City Growth Policy.
2. Activities with a Light Industrial designation typically require large areas of land but, when clustered, services can be shared. Uses typically include manufacturing, distribution, research and development, office, technology centers, light assembly, storage, and support services to industry.

3. The current relatable zoning district to the Light Industrial land use designation is M1-2 Limited Industrial, which is the requested zoning upon annexation. In requesting the M1-2 zoning district, the applicant stated, "Given the surrounding zoning, current land uses, and current growth policy designation, the requested M1-2 zoning is most appropriate in the near term. We acknowledge that further City of Missoula planning is forthcoming which may affect change to this zoning designation in the future.
4. The Heavy Industrial designation accommodates industries that process large volumes of raw materials into refined products and/or that have significant external impacts. The uses in these areas tend to generate increased truck and rail traffic and should have access to major transportation networks such as highways, railroad, and the airport. Heavy industrial areas include uses that may emit fumes or constant and loud noise, may include business that involve hazardous conditions.
5. The current relatable zoning district to the Heavy Industrial land use designation is M2-4 Heavy Industrial. The petitioner has not requested M2-4 Heavy Industrial zoning designation be applied upon annexation.
6. On December 16, 2024, Missoula City Council adopted the *Our Missoula 2045 Land Use Plan*, which is the regional plan in effect. The Place Types Map within the 2045 Land Use Plan provides a place type of Industrial & Employment for the property. The Industrial & Employment designation is intended for areas of manufacturing, assembly plants, primary metal industries, outdoor storage yards, and distribution facilities, as well as a mixture of office spaces, research, distribution, and logistics facilities, and a diverse range of economic activities.
7. The 2045 Land Use Plan also shows the subject property as a special area with 'Ongoing Planning Considerations.' The plan says the former Roseburg Lumber site will redevelop at some juncture, stating this is an area where there is a likelihood that the associated land use designation could change in the near future, but it is too early to know what the future holds for this site. The draft plan states any development should be driven by an updated North Reserve / Scott Street Master Plan.
8. The comparable City zoning districts to the Industrial & Employment land use designation are M1 Limited Industrial and M2 Heavy Industrial. The requested M1-2 Limited Industrial zoning district complies with the guidance provided in the 2045 Land Use Plan.
9. An update of the NR/SS Master Plan, which is expected to include the subject property, is also expected to include Place Type designations that provide guidance for future streets, blocks, lots, buildings, land uses, and intensities on this property.
10. The current County zoning designation that applies to the property is Industrial Center, Heavy (ICH). The purpose of this district is to provide places where the manufacturing, processing, storage, and distribution of goods and services can occur freely with limited impacts to adjacent districts related to noise, dust, odor, and clutter. This district accommodates a range of industrial uses including heavy manufacturing, processing, fabrication, warehousing, distribution, junk / salvage yards, solid waste disposal, power generation, pipeline terminals, cryptocurrency mining, agriculture production, and others. Residential use is prohibited in this district.

11. The requested City zoning upon annexation is M1-2 Limited Industrial, which is a relatable zoning district for the Industrial Light land use designation in the Our Missoula 2035 Growth Policy and the Our Missoula 2045 Land Use Plan. The M1-2 Limited Industrial district permits a range of industrial and commercial uses including junk / salvage yards, manufacturing, processing and fabrication, warehousing, solid waste disposal, and several other less intensive uses. Residential use is prohibited in this district.
12. The M1-2 Limited Industrial zoning district aligns with the Our Missoula 2035 Growth Policy land use designation of Light Industrial and the Our Missoula 2045 Land Use Plan designation of Industrial & Employment.

## **XI. STATUTORY REQUIREMENTS**

1. Under the petition method of annexation, City Council considers the petitions, adopts a resolution of intent, and schedules a public hearing regarding the zoning upon annexation, and advertises public notice for at least 15 days prior to the public hearing with the recommended zoning upon annexation in compliance with Section 20.85.040(I)(2) of the Title 20 Zoning Ordinance. The final step for City Council is to adopt a resolution to adopt or deny the annexation request.
2. Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed.
3. The eastern terminus of Howard Raser Drive abutting the property is already within City limits.
4. The public rights-of-way for Interstate 90 and Coal Mine Road abutting the property will be annexed into the City of Missoula if the annexation resolution is approved by City Council.

## **XII. ZONING UPON ANNEXATION**

1. MCA 76-2-303 allows a municipality to conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed for annexation. Title 20 Zoning Ordinance, Section 20.85.040(I)(2) outlines the three review criteria taken from MCA 76-2-303 which may be considered for zoning upon annexation. The following are the three criteria from Title 20 and staff's assessment as to whether the annexation complies with the criteria. An annexation must comply with at least **one** of the criteria. The zoning district classification assigned at the time of annexation must:
  - a. Authorize land uses comparable to the land uses authorized under the county zoning classification that applied to the property immediately before it was annexed in the city;  
Staff Assessment: The County ICH zoning district includes heavy industrial and light industrial uses. The City M1-2 Light Industrial zoning district does not allow the heavy industrial uses. This criterion is not applicable.
  - b. Authorize land uses that are consistent with the land uses approved by the Board of County Commissioners or the County Board of Adjustment; or  
Staff Assessment: Other than the uses permitted in the County ICH zoning district, there are no special land uses approved by the County Commissioners or variances or special exceptions approved by the County Board of Adjustment for the subject property. The current zoning is a standard County zoning district. This criterion is not applicable.
  - c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the 2035 Growth Policy and 2045 Land Use Plan.

Staff Assessment: The 2035 Our Missoula Growth Policy calls for both Heavy Industrial and Light Industrial on the subject property. The 2045 Our Missoula Land Use Plan provides an Industrial & Employment place type for the property. The petitioner has requested a zoning designation of M1-2 Limited Industrial, which is a current relatable zoning district to the Light Industrial land use designation and the Industrial & Employment place type.

2. Based on compliance with criterion 2c for zoning upon annexation in MCA 76-2-303 and Title 20 Section 20.85.040(l)(2), staff recommends annexation of the subject property, and zoning upon annexation of M1-2 Limited Industrial, subject to the conditions of annexation approval.
3. If the City Council does not approve the request to annex the subject property and apply the recommended M1-2 zoning, the Resolution to Annex and the zoning upon annexation of the property shall become null and void, and the property shall revert to its original status in the County of Missoula.

### **XIII. AGENCY COMMENT**

#### **City – Brownsfields Program**

Brownsfields Program comments are included as findings of fact in the staff report.

#### **Missoula Valley Water Quality District:**

Agency comment has not been received.

#### **Missoula Air Quality District:**

Agency comment has not been received.

#### **City – County Health Department:**

Agency comment has not been received.

#### **Missoula Urban Transportation District:**

Agency comment has not been received.

#### **City Parks and Recreation Department:**

Parks feels strongly that the trail and street easements need to be separate easements. While they can be shown directly adjacent to each other they should be clearly delineated as separate easements. The trail easement should remain 30' and should be a public access easement for a public trail, not a public utility easement. I defer to Public Works if the street easement can be 80' wide or if it needs to stay at 100' as originally shown. We would like to see the 30' trail easement connection you've shown in the NW corner, this gives us options for connecting to Reserve St and the Grant Creek Trail, Howard Raser is only 60' in some places so it will be difficult to get a trail along that street anytime soon. Nathan McLeod, Associate Director – Planning, Design & Projects, 11/15/24

#### **Missoula Redevelopment Agency:**

MRA comment included in the findings of fact in the staff report.

#### **City Police:**

Yes, we can provide law enforcement services to this area. Thank you for this message. Mike Colyer, 11/21/24.

#### **City Fire:**

Currently the Missoula Fire Department, through our closest station Automatic Aid Agreement with Missoula Rural Fire Department, provides initial emergency response to the Roseburg

Property. There is no issue at this time that would hinder annexation on Fire's behalf. I do worry about the City inheriting another potential toxic waste dump like we did with White Pine and Sash, Intermountain Lumber, etc. Gordy Hughes, 11/19/24

**Office of Emergency Management:**

Agency comment has not been received.

**City Public Works and Mobility:**

Public Works and Mobility Engineering and Utilities staff comments are included in the findings of fact in the staff report.

**Grant Creek Council:**

Agency comment has not been received.

**Montana Department of Transportation:**

Thank you for the opportunity to review. Not comments at this point just for the annexation. For further development within the tracts, we would have a few observations. Aldo Videa, 10/21/24

**Montana Department of Revenue:**

Agency comment has not been received.

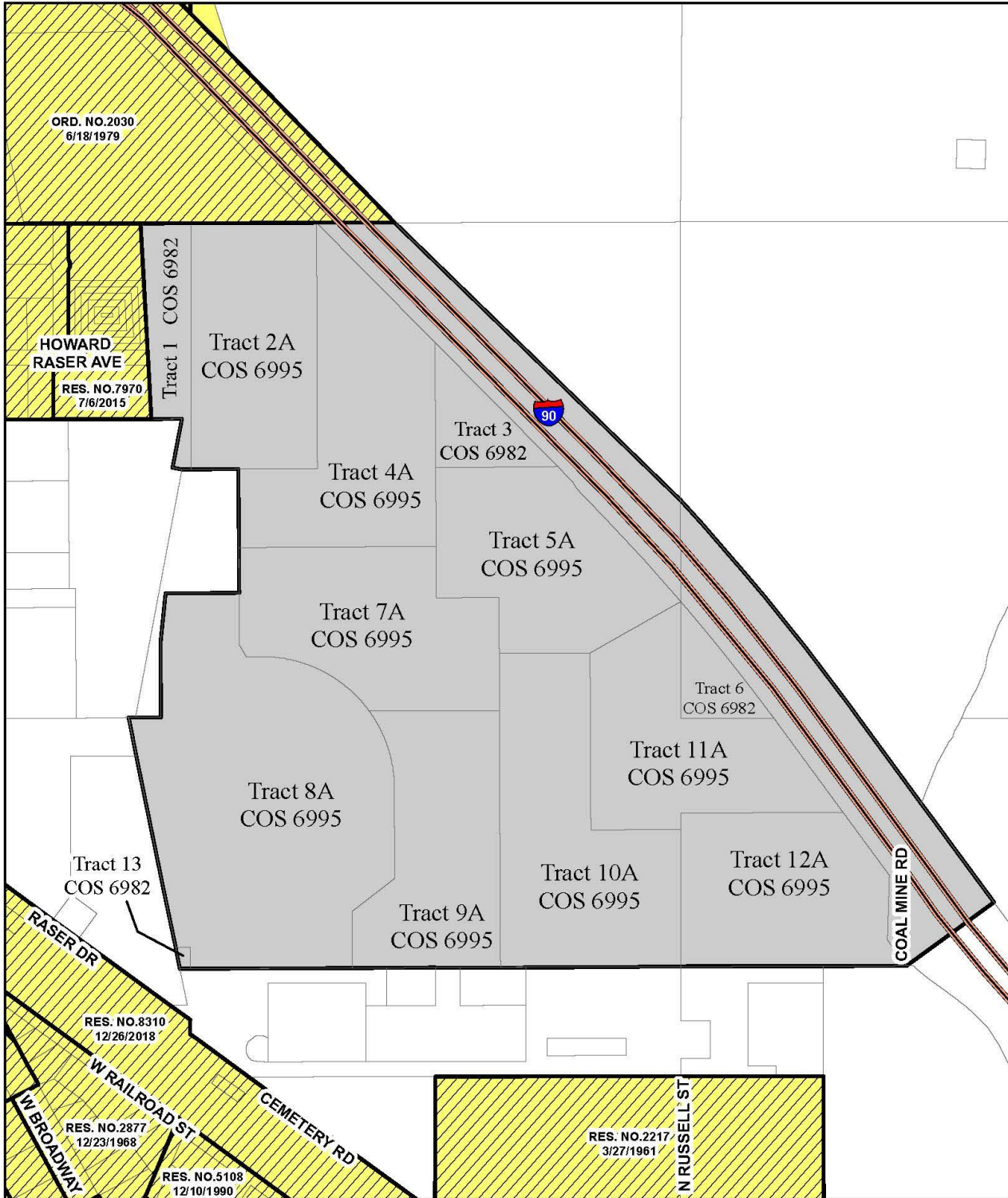
**Phillips 66 / Yellowstone Pipeline**

We wanted you to be aware that Yellowstone Pipe Line has an active 8" products pipeline within the property boundary (solid red line east to west within the blue boundary) and another 8" product pipeline (dotted red line proceeding northerly from our terminal in Missoula) which parallels the west property line of Roseburg Resources Co. Yellowstone Pipe Line is operated by Phillips 66, and I am the Real Estate Services Area Specialist for Montana thus this area lies within my purview.

We want Missoula County and the City of Missoula to be aware that no habitable buildings can be placed within 50' of either pipeline, and no storage buildings or other vegetation is allowed within 25' of the pipeline. We are required by Federal Law (through PHMSA) to keep a clear corridor, so our aerial fliers can view the ground during their regular observation aerial patrols. Whenever someone is working within 25' of either of these pipelines, we must have a representative onsite, and that is precipitated by the 811 One-Call locate request for the area. Of course, the 811 One-Call Locate Request is required by State Law, and failure to contact 811 may result in a formal complaint being filed by Phillips 66 on behalf of Yellowstone Pipe Line Company.

For your reference I've attached the applicable Right-of-Way agreement for this property as well as our Encroachment Guidelines. We want to make sure all participants in this annexation / subdivision process are aware of the active pipelines in this area. **Safety Honor Commitment** is the goal and how we operate 24/7 every day at P66. We are committed to do the right things to keep the public, the environment, and our assets safe at all times. Dee Oakland, 11/22/24

# XIV. EXHIBIT A



## Exhibit "A"

**Tracts 1, 3, 6 & 13 Certificate of Survey 6982**  
**Tracts 2A, 4A, 5A, 7A - 12A Certificate fo Survey 6995**  
**& Adj. ROW**

All Located in Sections 8 & 9, T.13 N., R.19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

- Legend**
- I 90
  - Resolutions
  - Proposed Annexation
  - City Limits



# XV. EXHIBIT B – Public Access and Utility Easements

