

A N N E X A T I O N A N D I N I T I A L Z O N I N G
R E P O R T

EXECUTIVE SUMMARY

CASE PLANNER: Dave DeGrandpre
Planning Supervisor

REVIEWED AND APPROVED BY: Mary McCrea
Planning Manager

PUBLIC HEARINGS: CC: September 14, 2020

AGENDA ITEM: Annexation and Zoning Upon Annexation to R5.4 Residential for 72.11 acres of land legally described as Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13, Township 13 North, Range 20 West, P.M.M.

APPLICANT & OWNER: Gary Schnell
Mullan Road Partners, LLC
970 W. Broadway, Ste. E
Jackson, WY 83001

REPRESENTATIVE: Ryan Salisbury
WGM Group
1111 E. Broadway
Missoula, MT 59802

LOCATION OF REQUEST: North of Mullan Road, south of the 44 Ranch Subdivision, along both sides of Chuck Wagon Drive and George Elmer Drive.

GROWTH POLICY: The applicable regional plan is the *Our Missoula: City Growth Policy 2035*, which recommends a land use designation of “Residential Medium – 3 to 11 Dwelling Units Per Acre”.

Surrounding Land Uses	Surrounding Zoning
North: Residential	Special District - 44 Ranch
South: Residential / Vacant	C-RR1 Rural Residential (County)
East: Residential	C-RR1 Rural Residential (County)
West: Residential	Special District - 44 Ranch and C-RR1 Rural Residential (County)

**Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13,
Township 13 North, Range 20 West, P.M.M.
Resolution to Annex and Zoning upon Annexation
August 18, 2020**

I. RECOMMENDED MOTIONS

Land Use and Planning – August 19, 2020

1. ADOPT a resolution of intention to annex and incorporate within the boundaries of the City of Missoula certain parcels of land described as Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13, Township 13 North, Range 20 West, P.M.M., and zone the property RT5.4 Residential, subject to the recommended conditions of annexation approval, and set a public hearing for September 14, 2020.

Public Hearing – September 14, 2019

1. ADOPT a resolution to annex and incorporate within the boundaries of the City of Missoula certain parcels of land described as Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13, Township 13 North, Range 20 West, P.M.M., and zone the property RT5.4 Residential, subject to the recommended conditions of annexation approval.

II. RECOMMENDED CONDITIONS

Streets, General

1. All street and non-motorized improvements shall be designed and built in accordance with City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies.
2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase.
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department prior to final plat filing of the first phase.
4. The following statement shall appear on the face of each plat, in the covenants, and on each instrument of conveyance:
“Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities.”
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer.
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation ditches.

Specific Streets

7. George Elmer Drive through the length of the subdivision shall be improved to Urban Collector (with parking) standards as proposed including two 10-foot drive lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within the existing 80-foot wide right-of-way. All improvements to George Elmer Drive shall be constructed prior to final plat approval of the first east phase or phase W2, W3, or W4, whichever is platted first.
8. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector (with parking) standards as proposed including two 10-foot drive lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within the existing 80-foot wide right-of-way. All improvements to Chuck Wagon Drive shall be constructed prior to final plat approval of Phase W1, W5, W6 or W7.
9. Heron's Landing Drive, Nesting Lane, and Audubon Loop shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 60-foot rights-of-way. The subdivider shall provide an additional access and utility easement at least one foot wide along the outer edge of the sidewalks and secondary commuter trail along these streets to allow for maintenance.

Drainage

10. The subdivider shall submit complete grading and drainage plans prior to final plat approval of the first phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.

Transit

11. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

Water System and Sewer System

12. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of the first phase. Construction of all water supply and sewer systems shall be in accordance with City policies.

Solid Waste

13. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of the first phase.

Parkland

14. The subdivider shall meet the parkland dedication requirement as depicted on the Phasing Plan Exhibit and on the Parkland Dedication Exhibit of the application by providing 5.14 acres of dedicated common area to be maintained by the Heron's Landing Homeowners Association.

15. The subdivider shall draft an agreement for review and approval of the Parks and Recreation Department and City Attorney to provide for the dedication of land and/or payment of money prior to final platting of each phase. The agreement shall provide for different circumstances including where more than the required land is dedicated per phase, where an insufficient amount of land is dedicated per phase and cash is also required to make up for the insufficient amount of land, and where refunds may be issued by the City when more land is dedicated than needed to meet the dedication requirement. The agreement shall be submitted, reviewed and approved prior to final plat filing of the first phase. When cash is proposed to be provided instead of land, the amount shall be equal to the fair market value of the amount of land that is statutorily required to be dedicated for that phase. The fair market value shall be determined by a Montana certified general real estate appraiser, hired and paid by the subdivider. Fair market value means the value of the unsubdivided, unimproved land based on the zoning designation that applies to the property at that time. The City reserves the right to require a separate appraisal for each phase.
16. The subdivider shall submit a park and common area landscape and maintenance plan and a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of the first phase.

Covenants, Conditions, and Restrictions

17. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase.

Non-Motorized Transportation Facilities

18. The subdivider shall provide five-foot sidewalks along all street frontages (except for where the Secondary Commuter Trail is to be located) and at the proposed mid-block locations depicted on the circulation plan exhibit. The subdivider shall provide a 10-foot Secondary Commuter Trail in the locations, dimensions, and within the rights-of-way and easements proposed in the preliminary plat phased subdivision submittal and approved by City Council. All sidewalk and trail plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to approval of the first phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase.

Fire Protection

19. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of the first phase. All approved fire protection improvements shall be installed in accordance with the approved plans.

Noxious Weeds

20. The Weed Management and Revegetation Plan for Heron's Landing shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase.

Airport Influence Area

21. Each final plat shall include the following statement:
This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Heron's Landing Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety

risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase.

Easements

22. Each final plat shall show utilities within easements and public rights-of-way for review and approval by the City Engineering Division prior to final plat filing of each phase.

III. PROJECT SUMMARY

Introduction

Development Services received from Ryan Salisbury a request on behalf of property owner Gary Schnell of Mullan Road Partners, LLC for annexation of 72.11 acres into the City of Missoula, and zoning upon annexation of RT5.4 Residential.

Property Information

1. The subject property has no address assigned. It is located north of Mullan Road, south of the 44 Ranch Subdivision, and along both sides of George Elmer Drive and Chuck Wagon Drive.
2. The property is adjacent to City limits to the north. The rights-of-way for George Elmer Drive and Chuck Wagon Drive have already been annexed into the city limits. Other adjacent parcels remain under Missoula County jurisdiction.
3. Upon annexation, the subject property would become part of City Council Ward 2, and the Captain John Mullan Neighborhood Council.
4. The legal description of the property is Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13, Township 13 North, Range 20 West, P.M.M.
5. The subject property is currently vacant and was historically used for agriculture. The only significant improvements are irrigation ditches and appurtenant facilities.
6. Parcels adjacent to the subject property to the north, east, and west are used for residential purposes. Parcels to the south are residential and agricultural.
7. The subject property is within the BUILD grant area and the Mullan Master Plan area. The draft Mullan Master Plan shows this property as planned for residential development.
8. The subject property has frontage on two public rights-of-way: George Elmer Drive and Chuck Wagon Drive, which are functionally classified as collectors.
9. The property falls under floodplain classification Zone X, Area of Minimal Flood Hazard. No natural or human-made hazards are known to exist on or in the vicinity of the property.
10. City water and sewer are available to the property. Any new development will be required to meet all applicable Missoula Municipal Codes and will be required to connect to City water and sewer.

Annexation Request

11. The property owner, Mullan Road Partners, LLC, filed Petition 10005, requesting the annexation of this property.
12. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, and the Air Stagnation Zone.
13. The subject property will be added to the service area for Missoula hospitals and the City Fire and Police Departments.

Annexation Policy

14. The subject property is part of Annexation Area A on the City's Annexation Policy Map. Areas so designated meet the majority of the City's criteria determining priority for annexation.

Growth Policy and Zoning

15. The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of Residential Medium Density – 3 to 11 Dwelling Units Per Acre.
16. Areas designated as Residential Medium Density – 3 to 11 Dwelling Units Per Acre are intended to fit with many already established residential neighborhoods. The corresponding zoning districts are: RT10, R8, R5.4, and RT5.4, all of which are residential zoning districts.
17. The current County zoning that applies to this parcel is C-RR1, a rural residential district with a minimum lot size of one acre.
18. The requested City zoning upon annexation for this parcel is RT5.4 Residential. Staff supports this request, as it aligns with the Growth Policy recommendation for this area.

Statutory Requirements

19. 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.
20. The adjacent public rights-of-way for George Elmer Drive and Chuck Wagon Drive have already been annexed into the City of Missoula.
21. Concurrent with the annexation and initial zoning of this property are applications for re-zoning and preliminary approval of a phased subdivision. The proposed conditions of annexation match the proposed conditions of preliminary plat approval for the phased Heron's Landing Subdivision.
22. The City will meet the statutory requirements for a petition method annexation in regards to MCA 7-2-4601 – 4625 and the MMC 20.85.040(1)(2) by considering the petition, adopting a resolution of intent and scheduling a public hearing regarding the zoning upon annexation, and advertising public notice for at least 15 days prior to the public hearing with the appropriate recommended zoning. The final step for council will be to adopt a resolution to adopt or deny the annexation request.

Zoning Upon Annexation

23. MCA 76-2-203 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(1)(2) outlines the three review criteria taken from MCA 76-2-203 which may be considered for zoning upon annexation. According to the Title 20, "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;
 - 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
 - c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the *Growth Policy*."
24. The proposed RT5.4 Residential zoning is an implementing district of the Growth Policy Future Land Use Map designation of Residential Medium Density – 3 to 11 Dwelling Units Per Acre, meeting the requirements of Criterion 2c.

25. Based on compliance with Criteria 20.85.040(1)(2)(c), staff recommends annexation of the subject property, and zoning upon annexation of the subject property of RT5.4 Residential upon annexation, subject to the recommended conditions of approval.
26. If the City Council does not approve the request to annex the subject property and/or the zoning upon annexation of the subject property to RT5.4 Residential, 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.

IV. ATTACHMENTS

1. Annexation Exhibit A

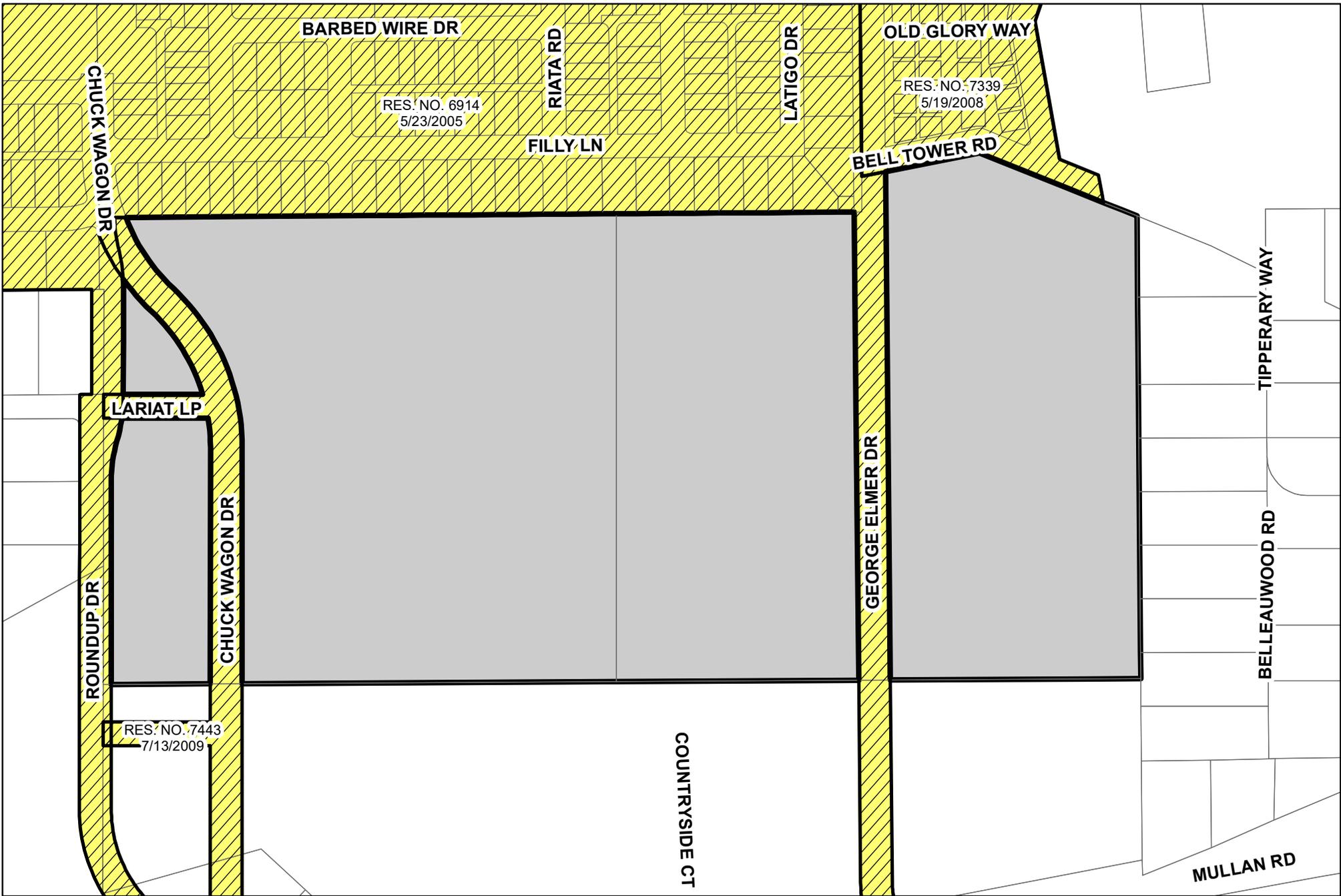


Exhibit A

Tracts 1 & 2 Certificate of Survey 5963

All Located in Sections 12 & 13, T.13 N., R.20 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

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

