



MEMO No. 1

TO: City Council
DATE: September 9, 2020
FROM: Cassie Tripard, Development Services
RE: **3770 and 3720 Mullan Road Annexation**

After the staff report for the 3770 and 3720 Mullan Road annexation request was issued on August 13th, 2020, the applicant proposed modifications to the conditions. The representative, Jason Rice, requested that the conditions of approval requiring installation of right-of-way improvements be modified to include the option for the developer to provide a cost estimate, improvements agreement, and financial security in lieu of installation of the improvements. The ability to guarantee improvements with an improvements agreement would potentially give the applicant one (1) additional year to install improvements. An improvements agreement would also give the applicant the ability to begin building before constructing right-of-way improvements which prevents damage to the new infrastructure. Staff recommended that right-of-way for Mullan Road and Clark Fork Lane still be dedicated within sixty (60) days of approval. Staff determined this was a reasonable request and amended conditions #1, #2, and #3.

While reviewing the conditions to accommodate the applicant's request, City Engineering proposed an amendment to condition #4 regarding an access easement to Tract 1 of Halling Farms. City Engineering recommended the access easement be filed within sixty (60) days of annexation approval. Condition #4 was amended to accommodate City Engineering's recommendation.

At the Land Use and Planning Committee meeting on August 19th, 2020, Mr. Rice requested that the developer be given ninety (90) days after annexation approval to dedicate right-of-way for Mullan Road and Clark Fork Lane. Mr. Rice also requested that the developer be provided ninety (90) days to file the access easement from Clark Fork Lane to Tract 1 of Halling Farms. Both the Land Use and Planning Committee and staff determined this was a reasonable request that would not jeopardize the dedication of right-of-way or the filing of the access easement. Conditions #1, #2, #3, and #4 were amended again.

The following are revised conditions of annexation for City Council consideration:

Road Improvements

1. The applicant shall dedicate 25 feet of right-of-way measured from the southern property boundary of the two tracts of land, Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 shown on Exhibit A, within sixty (60) ninety (90) days of approval of the annexation and shall construct half street improvements meeting minor arterial standards for Mullan Road adjacent to the subject property, subject to review and approval of City Engineering. The applicant shall construct half street improvements meeting minor arterial standards for Mullan Road adjacent to the subject property, subject to review and approval of City Engineering, prior to the first building permit on either lot with frontage on Mullan Road or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements on the north side of Mullan Road shall include: curb and gutter, drainage facilities, 5-foot wide bike lane, 10-foot wide landscaped boulevard. 6-foot wide sidewalk, patch back to existing paving and pedestrian crossings at Clark Fork Lane and Mullan Road.
2. The applicant shall dedicate 67 feet of right-of-way on the southern portion of Clark Fork Lane within sixty (60) ninety (90) days of approval of the annexation, and install improvements on the west side of Clark Fork Lane adjacent to the subject property, subject to review and approval of the City Engineer. The applicant shall install improvements on the west side of Clark Fork Lane adjacent to the subject property, subject to review and approval of City Engineering, prior to the first building

permit on the subject property or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements on the west side of Clark Fork Lane shall include: curb and gutter, 7-foot boulevard, 5-foot sidewalk, and 6-foot bike lane on the west side of Clark Fork Lane.

3. The applicant shall dedicate 61 feet of right-of-way on the northern portion of Clark Fork Lane within sixty (60) ninety (90) days of approval of the annexation, and install full street improvements for this portion of Clark Fork Lane, subject to review and approval of the City Engineer. The applicant shall install full street improvements for the northern portion of Clark Fork Lane, subject to review and approval of City Engineering, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements shall include: 35 feet back-of-curb to back-of-curb roadway, curb and gutter, drainage facilities, 11-foot travel lanes, 6-foot bike lanes, 7-foot boulevards and 5-foot sidewalks.
4. The applicant shall provide an access easement filed with the County Clerk and Recorder from Clark Fork Lane across the tract of land described in Book 128 of Micro Records at Page 461 for the use and benefit of Tract 1 of Halling Farms, subject to review and approval of City Engineering, prior to building permit approval on parcels south of Clark Fork Lane. within sixty (60) ninety (90) days of approval of the annexation.

Fire and Utilities

5. The applicant shall install a fire hydrant per the City Fire approved hydrant plan, subject to review and approval of City Fire, prior to combustible construction.
6. The applicant shall extend a 12-inch water main within the Mullan Road right-of-way from the existing main in Clark Fork Lane to serve Tract 1 of Halling Farms, subject to review and approval by City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Alternatively, the applicant could connect fire and domestic services to the water main in the adjacent property to the west if an easement is obtained and filed with the County Clerk and Recorder, subject to review and approval of City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Additional public utility infrastructure for water and sewer may be required at the time of building permit approval as determined by City Public Works and City Engineer.

Boulevard Landscaping

7. The applicant shall prepare a boulevard landscaping and maintenance plan for Clark Fork Lane and the portion of Mullan Road adjacent to the subject property, subject to review and approval of City Parks and Recreation, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The boulevard landscaping shall be installed and maintained per the approved boulevard landscaping and maintenance plan prior to certificate of occupancy for each building permit.

Transit

8. The applicant shall petition into the Missoula Urban Transportation District prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner, subject to review and approval by Development Services.

If City Council would like to adopt the conditions of approval as amended above, the motion for approval would be revised as follows:

Adopt a resolution to annex and incorporate within the boundaries of the City of Missoula two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M., and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report, subject to the recommended conditions of approval as amended in Memo No. 1.