

EXECUTIVE SUMMARY

CASE PLANNER: Tim Worley, CAPS

**REVIEWED AND
APPROVED BY:** Tim Worley

PUBLIC HEARING DATES: PB: October 6, 2020
BCC: November 5, 2020

60-DAY LIMIT: November 9, 2020

AGENDA ITEM: **McCauley Meadows Subdivision**

**APPLICANT/
FEE OWNER:** Tai Tam, LLC
11754 Windermere Drive
Missoula, MT 59804

REPRESENTATIVE: Professional Consultants, Inc.

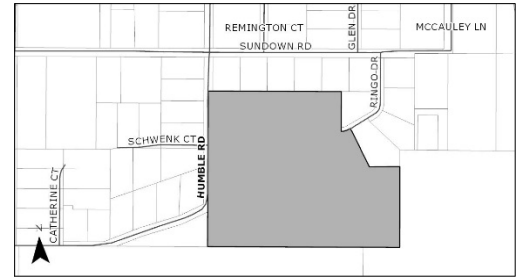
LOCATION: In the Target Range neighborhood, between Humble Road and Ringo Drive.

LEGAL DESCRIPTION: Tract A of Certificate of Survey No. 6038 located in the SW ¼ of the NE ¼ of S 35, T 13N, R 20W, P.M.M. Missoula County, MT, excepting therefrom Lot 11A of Rangitsch Addition No. 4 Lot 11A, a platted subdivision in Missoula County, MT.

LEGAL NOTICE: Adjacent property owners were notified by certified mail on September 11, 2020. A legal ad appeared in the *Missoulian* on September 13 and September 20, 2020.

ZONING DESIGNATION: Target Range – West End Rural Zoning District

GROWTH POLICY: The Target Range Plan (2010), and the Missoula Area Land Use Element (2019), both amendments to the Missoula County Growth Policy (2016). The land use designation is Residential, 1 unit per acre (Target Range) and Rural Residential and Small Agriculture, with an intensity range from 1 unit per acre to 2 units per acre (Land Use Element).



	SURROUNDING ZONING	SURROUNDING LAND USES
North:	Target Range – West End Rural Zoning District	Residential
South:	C-RR1, Miner’s PV	Conservation Open Space
East:	C-RR1, Miner’s PV	Residential & Conservation Open Space
West:	Target Range – West End Rural Zoning District	Residential

<u>PROPOSAL</u>	<u>STAFF RECOMMENDATION</u>
McCauley Meadows major subdivision.	Denial of the subdivision.

MISSOULA CONSOLIDATED PLANNING BOARD
October 6, 2020
MISSOULA BOARD OF COUNTY COMMISSIONERS
November 5, 2020

MCCAULEY MEADOWS SUBDIVISION

I. INTRODUCTION

This is a proposal by Tai Tam, LLC, represented by Professional Consultants, Inc., for a 14-lot residential subdivision proposal on 28.3 acres of land located in the Target Range neighborhood, adjacent to and along the north slope of McCauley Butte.

Land uses on the property are guided by the *Target Range Plan (2010)* and the *Missoula Area Land Use Element (2019)*, both as amendments to the *Growth Policy (2016)*. The land use designation is residential, one dwelling unit per acre; the Missoula Area Land Use Element classifies this location as Rural Residential and Small Agriculture, with residential development intensities ranging from 1 to 2 dwelling units per acre. The proposal's residential density is 1 dwelling unit per 2.02 acres.

The subdivision is located within the Target Range – West End Rural Zoning District with a minimum lot size of 1 acre and the restriction of one dwelling per property. Lots range in size from about 1 to 3 acres.

Ringo Drive is proposed to be extended through the subdivision to serve 9 subdivision lots. Ponderosa Lane is proposed to serve 5 lots, primarily on the toeslope of McCauley Butte. Pedestrian facilities are planned along both roads.

A total of 3.5 acres of Common Area is proposed. This was expanded with amendment of the original subdivision application, and is restricted to agricultural uses. A Missoula Irrigation District ditch bisects the subdivision and runs parallel to the toe of the McCauley Butte slope. Water from the irrigation ditch will be made available to specific subdivision lots in addition to the common area.

The land within the flat portions of the subdivision has been used for irrigated hay production and grazing. Soil surveys and analyses confirm soils classified as Prime Farmland if Irrigated are located in the flat portions of the subdivision. Individual wells are proposed for a majority of the subdivision lots, with wells being located on adjacent lots in some cases.

The subdivision is located within the Missoula Rural Fire District and two cisterns with dry hydrants are proposed for water supply for firefighting purposes.

II. SUBDIVISION FINDINGS OF FACT AND CONCLUSIONS OF LAW

A) ZONING AND COMPREHENSIVE PLAN COMPLIANCE

Findings of Fact:

1. The applicant proposes 14 lots on 28.3 acres, with a 3.5 acre Common Area. Lots range in size from 1.0 acre to 3.01 acres. Residential density is roughly 1 home per 2 acres. *Preliminary Plat*
2. The property is zoned Target Range – West End Rural Zoning District, with a minimum lot size of one acre and one single-family residential dwelling unit per lot. *Zoning Regulations Section 6.12*
3. The intent of the zoning is to “promote public health, safety and general welfare of the citizens and to recognize its citizens’ desire to maintain the area’s rural and low density pattern of development” with the purpose set out to retain the area’s unique rural character. *Zoning Regulations Section 6.12*
4. The land within the zoning district can be identified as a “transition zone between the open space of McCauley Butte and the Bitterroot River, and the more densely developed areas of Target Range to the north and east of the district”. *Zoning Regulations Section 6.12*
5. Nine of the fourteen lots are between 1.0 and 1.5 acres. They are primarily located on lands with gentler slopes. The remaining five lots range in size from 2.64 to 3.01 acres, and are characterized by comparatively steeper slopes. *Preliminary Plat*
6. The covenants state that land use within the subdivision shall be consistent with the Target Range - West End Rural Zoning District. *Covenants*
7. The Missoula County Zoning Regulations require density reductions on hillside properties within the Urban Services Area. The number of units permitted by zoning is multiplied by 0.70 on slopes from 10.01-20%, and by 0.50 on slopes exceeding 20%. *Zoning Regulations Section 3.06*
8. The number of units permitted by zoning in the proposed subdivision are 13 on slopes up to 10% (no density reduction), one on slopes from 10.01 to 20%, and 6 on slopes exceeding 20%. Density may be used within a particular slope category, or in a lesser slope category. *Preliminary Plat; Zoning Regulations Section 3.06*
9. The preliminary plat shows up to 8 units being built within slopes up to 10%. Up to two units could be constructed on slopes from 10%-20%, and four units on slopes exceeding 20%. *Preliminary Plat; Zoning Regulations Section 3.06*
10. Potential homesite locations indicate that hillside densities will not be exceeded for each slope category. Density from the 20%+ slope category could be transferred to address density needs in the 10%-20% slope category. In some cases, homesites may include more than one slope category. *Preliminary Plat; Zoning Regulations Section 3.06*
11. The subdivision is subject to the *Missoula County Growth Policy* (2016). The applicable Growth Policy amendments are the *Missoula Area Land Use Element* (2019) and the *Target Range Neighborhood Plan* (2010).
12. The Missoula Area Land Use Element (2019) designates the property as Rural Residential and Small Agriculture. Intensity of development under this land use designation is between 1 dwelling per acre and 2 dwellings per acre. *Land Use Element, 2019*
13. Land uses under the designation include residential, natural areas, agriculture, and grazing. *Land Use Element, 2019*
14. The designation is characterized by a uniform pattern having one principal residential building per lot. Agricultural uses and buildings can be the primary use of the property, or secondary to a principal residential building. *Land Use Element, 2019*

15. Development is designed to protect important resources such as agricultural lands, sensitive natural landscapes and waterways, fish and wildlife habitat and movement corridors, and avoid hazards such as floodplains and wildfire. Conservation design sets aside a major portion of a site for preservation, clustering development on the remaining portion. *Land Use Element, 2019*
16. Approximately 15.3 acres of the property encompassing the flat area north of McCauley Butte and a small portion at the toe of the slope is located within the Target Range Plan area. The plan identifies this property as residential with a maximum density of one dwelling unit per acre. *Property Information System*
17. The *Target Range Neighborhood Plan* states the need “to preserve open space within the neighborhood, not just on the periphery, and agricultural use is a good open-space option” and warns that “low-density development that fences off smaller lots, for example, one-acre parcels with bluegrass lawns, also threatens the loss of soil available for agricultural uses.” The proposed subdivision is located within the Target Range neighborhood and proposes to create 14 lots classified as “large lots” in the Subdivision Regulations. Density is approximately one home per two acres. *Preliminary Plat; Subdivision Regulations Section 2.2.96.D*
18. The *Target Range Plan* identifies a long-term agricultural goal to “preserve substantial acreage of private and public agricultural open space and agricultural soils in Target Range. Adequate parcel size is an important consideration for commercial viability.”
19. The importance of preserving natural vegetation, identified on the slopes of McCauley Butte, and agricultural land as areas of critical importance for wildlife in the Missoula Valley is described in the *Target Range Neighborhood Plan*.
20. Many objectives, goals and recommendations of the *Target Range Neighborhood Plan* promote rural low density residential development with a focus on resource protection, which mirrors the intent of the Target Range – West End Rural Zoning District. *Zoning Regulations Section 6.12*
21. Land on the slopes of McCauley Butte within this subdivision totals approximately 13 acres. *Property Information System*
22. McCauley Butte is identified as being within an Open Space Cornerstone in the Missoula Urban Area Open Space Plan. Cornerstones broadly represent areas with high open space value. Each cornerstone contains a unique combination of resources and open space values that make lands in that cornerstone a priority for protection. *Open Space Plan, 2019*
23. The subdivision is proposed on land currently and historically used for hay production or grazing with one single family residential dwelling unit and accessory structures. To the north are single-family homes on property generally described as one acre lots. *Project Summary, Page 2; Preliminary Plat; Property Information System*
24. The proposal identifies a Common Area lot of 3.5 acres for growing crops. *Project Summary, Page 1*
25. The *Growth Policy* includes the guiding principle concerning agriculture: “A healthy agriculture sector is essential to the well-being of our community due to benefits such as food security, open space, wildlife habitat, economic activity, health promotion, and quality of life.”

26. Goal #7 from the *Growth Policy* is to “Sustain and promote the land- and resource-based industries of agriculture, timber, restoration, and recreation that are part of the local economy and heritage.”
27. The *Target Range Plan* acknowledges the water resources in the area and prioritizes protecting and improving the quality of the Missoula aquifer, surface water, and groundwater.
28. The *Target Range Plan* encourages improvements to non-motorized transportation infrastructure as a way to mitigate motorized traffic associated with future development. The subdivision proposes sidewalk along one side of all subdivision roadways. *Preliminary Plat*
29. Goal #8 from the *Growth Policy* is to “Proactively plan and provide for the logical growth of communities while protecting rural character and sustaining county resources by guiding development to areas most suited for it.”
30. Two objectives of the *Growth Policy* Goal #8 are (8.1) to protect and enhance the rural character that exists in much of the County, maintaining a clear distinction between urban and rural areas and (8.3) Guide new subdivisions and development to areas that have the least impact on natural resources and are most suited for development.
31. A wide variety of housing and transportation choices is necessary to serve all communities and all of the population per the Growth Policy.
32. A Growth Policy objective encourages facilitating the development of a variety of housing types including housing that is affordable to all segments of the population.
33. The *Target Range Plan* identifies this location as one that is lowest for suitability of residential development based on the Prime Farmland if Irrigated soil type, large acreage, current and historical agricultural operation, and the lack of access to municipal water and sewer. *Target Range Plan, Map 13*
34. The governing body’s decision to approve, conditionally approve, or deny a proposed subdivision shall be based on review criteria that include Adopted Plans. These include the growth policy, transportation plans, capital improvement plans, pre-disaster mitigation plans or community wildfire protection plans. Because plans are not regulatory, no variance for non-conformance with a plan shall be required, nor can denial or a condition of approval be based solely on plan conformance. *Missoula County Subdivision Regulations Sections 5.9.2 and 5.9.2.4*

Conclusions of Law:

1. The proposal is not in substantial compliance with the Growth Policy, including the amending plan’s recommendations for development and preservation of agricultural resources and natural areas of McCauley Butte.
2. Due to state law, no land use proposal shall be conditioned or denied based solely upon the lack of compliance with the Growth Policy. The recommendation for subdivision denial is not based solely upon failure to comply with the Growth Policy or its amendments.

B) PRIMARY CRITERIA COMPLIANCE

EFFECTS ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

(This section jointly addresses two review criteria under MCA 76-3-608. The two criteria have been combined due to the interrelationship of impacts of agriculture and agricultural water user facilities.)

Findings of Fact:

Agriculture

1. Missoula County Subdivision Regulations Section 3.1.4, Agricultural Lands, has a purpose and intent described as balancing the interest, needs and patterns of development and agricultural preservation between landowners and the community's collective interests.
2. The *Target Range Plan*, adopted with community feedback and input, establishes a goal of preserving agricultural resources and land, taking into consideration the fact that adequate acreage is an important aspect of commercial agricultural viability.
3. The combination of soil types and availability of irrigation water result in the designation of 75% of Target Range soils as prime agricultural soils. Much of the area with prime farmland soils is already developed for residential uses and is no longer available in any practical way for agricultural production. *Target Range Plan*
4. The *Target Range Plan* confirms that the majority of the neighborhood is made up of deep, dark-colored loams and silt loams ideal for agriculture. The neighborhood includes one of the largest areas of "prime, if irrigated" agricultural soils in Missoula County. *Target Range Plan*
5. The northern 10 acres of the property has historically been used for irrigated hay production and grazing. *Project Summary*
6. The site is home to soils mapped to be Prime Farmland if Irrigated ("prime soils") consisting of Grantsdale Loam in the area generally north of McCauley Butte. *NRCS Soils Data*
7. The soils on the steeper slopes of McCauley Butte are mapped as Bigarm gravelly loam which are not considered to be agricultural soils due to steep slopes (30%-60%). *NRCS Soils Data*
8. A soils assessment was completed on the property in 2010 which examined soils in 13 locations on the property. Soils below the grade of the ditch were confirmed as Grantsdale Loam and Desmet Loam, with a smaller area of Moiese Gravelly Loam in the northeastern portion of the property. Grantsdale and Desmet soils are prime farmland if irrigated, while Moiese soils are considered farmland of local importance. *NRCS Web Soil Survey; Subdivision Application, Page 9*
9. The proposed subdivision dedicates 3.5 acres for agricultural use on the Common Area lot. An existing barn will remain on the property for agricultural use and a concrete lined irrigation ditch bisects the Common Area lot. *Subdivision Application, Page 7; Preliminary Plat*
10. The Common Area expanded from 2.5 acres to 3.5 acres (gross) as part of an amended application. Lots on either side of the common area were reduced in size as a result. Net common area acreage is listed at 2.66 acres. *Preliminary Plat*
11. The Community Food and Agriculture Coalition (CFAC) commented on the expanded common area following amendment of the application. They noted that a number of lots remain on prime soils. The size of the expanded common area is effectively reduced by one acre, equivalent to the upland portion of the lot not classified as prime farmland. CFAC described the agricultural impact mitigations as inadequate, recommending subdivision denial. *CFAC, 8/10/20; Preliminary Plat*
12. The area south of the irrigation ditch on the Common Area lot is mapped entirely as slopes greater than 10%. Aerial imagery does not suggest that this area is currently or historically been used for agriculture. *Preliminary Plat; Property Information System*

13. The applicant proposes that the Common Area lot be restricted solely for agricultural pursuits. This restriction is identified in the covenants. *Covenants*
14. The covenants state that the Homeowner's Association will hold title to the Common Area lot. The association will have the ability lease the common area, but uses are restricted to agriculture. *Covenants*
15. The Community Food and Agriculture Coalition (CFAC) commented that the property includes one of the largest undeveloped acreages within the irrigation district. They noted that different types of agriculture are possible on the flatter, northern portion of the lot with prime soils. *CFAC, 6/15/20*
16. Adjacent land with soils mapped as agricultural land have primarily been developed with single-family residential use. *Property Information System; NRCS Web Soil Survey*
17. Missoula County Subdivision Regulations Section 3.1.4.2.B requires offsite impacts to agriculture to be mitigated, including runoff impacts. Notification to subdivision lot owners is required, including information about adjacent agricultural operations and impacts such as domestic animals, trespass, and traffic.
18. The covenants include language notifying the residents of adjacent agricultural activity within the subdivision and address family pet controls. *Covenants; Subdivision Regulations Section 3.1.4.2.A and 3.1.4.2.B*

Agricultural Water User Facilities

19. The *Growth Policy* cites availability of irrigation water as a factor that may be considered when evaluating a proposed subdivision's potential impact on agricultural water user facilities.
20. The Missoula Irrigation District ditch bisects the property. The ditch is cement lined and located within a proposed 20' irrigation easement. *Preliminary Plat*
21. Surface water from the irrigation ditch is proposed to be used for irrigation of the Common Area and irrigation purposes on Lots 6-9 and 12. *Irrigation Improvements Plan*
22. Use of the ditch is identified in the covenants as subject to the review and approval by the Missoula Irrigation District. *Covenants; Irrigation Improvements Plan*
23. A note has been placed on the preliminary plat to notify property owners that that lands within the subdivision are classified as irrigated land and may be assessed for irrigation water delivery even though the water might not be deliverable to that particular lot. *Preliminary Plat; Subdivision Regulations Section 3.1.5.3.A*
24. The applicant proposes that each lot owner utilizing water from the irrigation ditch will provide their own facilities for the delivery of that water. *Irrigation Improvements Plan*
25. Lot 9 has been reduced in size with expansion of the Common Area as part of the amended application. Since the ditch no longer travels through or adjacent to the property, an irrigation ditch easement would be needed across an adjacent lot for the use and benefit of Lot 9. *Preliminary Plat*

Subdivision Design and Agriculture

26. Subdivision Regulations Section 3.1.4.2.A requires that potentially significant adverse impacts to agriculture and agricultural water facilities be mitigated.
27. The applicable *Growth Policy* amendment, the *Target Range Plan*, designates the agricultural lands within this property as residential, one dwelling per acre. The *Target Range Plan* recognizes this site as the lowest suitability for development.

28. The 3.5 acres of Common Area, intended for agricultural uses is encumbered by elements that reduce its usable size, including slopes that have not been historically farmed. *Preliminary Plat; Property Information System*
29. The proposal for 14 lots on 28.3 acres is a density of about 1 home per 2 acres. Significant subdivision redesign to minimize adverse impacts to agriculture could occur while allowing for comparable density.

Conclusions of Law:

1. The proposed development will preclude future agricultural use on the developed portion of property and encumbered portions of the Common Area.
2. There will be a significant loss of over 10 acres of existing high quality agricultural soils as a result of this subdivision.
3. Restricting 3.5 acres, of which roughly 2.5 acres is considered usable farmland for agricultural use does not reasonably mitigate the subdivision's potential adverse impacts to agriculture.
4. Subdivision design reduces and constrains the existing agricultural resource to the area designated as Common Area.
5. The subdivision provides the necessary notices to property owners regarding irrigation water and implications for living adjacent to agricultural operations.
6. Redesign of the subdivision to further preserve additional agricultural land could facilitate mitigation. The efforts to mitigate agricultural impacts to increase the preservation of additional agricultural acreage would be a fundamental redesign of the subdivision, requiring review as a new subdivision.

EFFECTS ON LOCAL SERVICES

Roads

Findings of Fact:

1. The subdivision is in the Rural Area due to the absence of a community or municipal water system. *Subdivision Regulations Section 3.4.2.2*
2. Humble Road and Ringo Drive are offsite, County-maintained roads providing access to the property. These roads are 24' wide within 54' - 60' rights-of-way. *Property Information System; Subdivision Application, Page 17*
3. Humble Road and Ringo Drive provide access to other lots within the area. Offsite roads that are not uniquely attributable to the subdivision are required to meet basic emergency access standards, including a 20' width, and adequate vertical and horizontal clearance. *Subdivision Regulations Section 3.4.7.5.C*
4. The applicant proposes to access the subdivision by the extension of Ringo Drive, a 24' wide paved road proposed to serve 9 of the 14 subdivision lots. *Preliminary Plat; Project Summary*
5. Rural Area subdivisions of 6-39 lots are required to have a minimum 24' wide roadway. *Missoula County Subdivision Regulations Table 3.4.7*
6. Ringo Drive is a County maintained roadway. The application indicates that Missoula County will provide maintenance for the roadway through the subdivision. *Subdivision Application, Page 17*
7. Missoula County Public Works would allow the extension of Ringo Drive as a County Maintained Road, with the condition that a Public Maintenance Agreement is approved by the Missoula County Commissioners. *Public Works, 4/27/20*
8. Ringo Drive, based on the width proposed, will be a no parking roadway with public access. Appropriate action would need to be considered by the Board of County

Commissioners to designate the portion of roadway as no parking. *Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.7.4 and Table 3.4.7*

9. The temporary cul-de-sac easement at the current terminus of Ringo Drive, which was established with the Rangitsch Addition #4 Subdivision, will be abandoned. *Preliminary Plat*
10. Ponderosa Lane is proposed as a new onsite road paved at 20' wide within a 60' private access public utility easement. The road will provide access to five lots and the Common Area. *Preliminary Plat*
11. The road will overlay the driveway to the existing home on the property and continue up the slope at approximately a 9.96% grade before splitting into two separate segments to provide shared driveway access to each of the lots on the slope of McCauley Butte. *Preliminary Plat; Ponderosa Lane Plan & Profile*
12. The road is proposed to terminate at a T-type turnaround with driveways extending to the east and west. Each of the driveways will need to provide adequate turnaround areas for fire protection purposes. *Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.6.4 and 3.5.7.3*
13. Ponderosa Lane, based on the width proposed, will be a no parking roadway. Given the private access designation, the applicant would need to provide appropriate documentation of a means to restrict parking and enforcement of such. The means of enforcement are different from a public road, which can be made "no parking" through a resolution of the County Commissioners. *Preliminary Plat; Missoula County Subdivision Regulations Table 3.4.7 and Section 3.4.7.4*
14. Missoula County Public Works comments that each new or improved crossing of the irrigation ditch will require approval from the Missoula Irrigation District. *Public Works, 4/27/20*
15. A grading and drainage report has been provided which classifies the property into five drainage basins to account for stormwater drainage and runoff from the increase in impervious surfaces from development. *Grading and Drainage Report*
16. Retention ponds are proposed on Lots 10 and 12. A drainage easement crosses Lots 6 and 7 for the benefit of Lot 12, eventually connecting with the retention pond. The pond is also within a drainage easement. *Grading and Drainage Report*
17. A retention pond is planned below the elevation of the irrigation ditch and Ponderosa Lane on Lot 10. It appears this will address Ponderosa Lane drainage. The pond is within a drainage easement. *Grading and Drainage Report*

Conclusions of Law:

1. Subdivision Roadways meet the requirements in the Missoula County Subdivision Regulations.

Pedestrian Access

Findings of Fact:

1. A sidewalk is located along Schwenk Court, across Humble Road from the subdivision. *Property Information System*
2. Rural major subdivisions are required to construct 8' wide sidewalks along one side of onsite roads, or 5' wide sidewalks along both sides. *Missoula County Subdivision Regulations Table 3.4.9.4.*
3. The proposed 60' wide access easement for Ringo Drive will accommodate the proposed 8' wide cement sidewalk and 7' wide boulevard along one side of the onsite portions of the roads. *Subdivision Regulations Table 3.4.7; Preliminary Plat*

4. The sidewalk along Ponderosa Lane would serve 5 lots and the Common Area. The applicant proposes an 8' wide sidewalk along one side of Ponderosa Lane. *Preliminary Plat*
5. Boulevard landscaping, including grass and shade trees, are required where the boulevard is not approved as part of a stormwater management plan. *Subdivision Regulations Section 3.4.9.4.D.1*
6. Stormwater management plans indicate that drainage will be retained onsite with calculations based on the availability of roadside swales to accommodate drainage. Boulevard trees are not proposed with the subdivision. *Typical Section; Grading and Drainage Report*

Conclusions of Law:

1. The subdivision meets the requirements for pedestrian access.

Water System

Findings of Fact:

1. Municipal or public water systems are not available within 500' of the subdivision. *Subdivision Application, Page 21*
2. An individual well is proposed to serve each of the 14 lots and the Common Area. The Utility Plan included in the applicant's packet shows the location of proposed wells.
3. Lot 6 is planned to access a well on Lot 8, and Lot 11 will access a well on Lot 10. Adequate easements allowing access to the wells have not been depicted on the preliminary plat. The easements would be required on a final plat. *Utility Plan; Preliminary Plat*
4. Based on DNRC Beneficial Groundwater Use Permit regulations, the entire development shall not use more than 10 acre feet of water per year. *DNRC, 4/1/20*
5. The application includes water usage estimations. An estimated 15,000 square feet of landscaped area will be irrigated via wells for Lots 1-5. Roughly 6000 square feet of landscaped area will be irrigated on Lots 10, 11, 13 and 14. *Irrigation Improvements Plan*
6. Lots 6-9 and 12 will benefit from ditch irrigation for landscaped areas. This reduces the square footage to be irrigated by wells to 1400 square feet (from a total of 15,000) for these lots. The ditch has the ability to provide a minimum of 28.3 acre feet per year to the subdivision. *Water and Sanitation Report; Irrigation Improvements Plan.*
7. Common Area irrigation will depend upon surface irrigation, and not a well. *Irrigation Improvements Plan*
8. Total well usage throughout the subdivision is estimated at 9.99 acre-feet, including all domestic use, plus lawns and gardens. *Irrigation Improvements Plan*
9. A mechanism to restrict lot owners to particular square footages of irrigated lawn and garden has not been identified. *Covenants; Water and Sanitation Report; Irrigation Improvements Plan*
10. Easements are required for the 100-foot well isolation zones that extend onto neighboring lots. The easements would be required on a final plat or conditions of approval sheet. *Subdivision Regulations, 3.6.2.4*
11. Use of the ditch is identified in the covenants as subject to the review and approval by the Missoula Irrigation District. No information from the Missoula Irrigation District

has been provided to acknowledge the proposed use of water. *Covenants; Irrigation Improvements Plan*

12. Restrictions to prohibit property owners from utilizing well water on Lots 6-9, Lot 12, and the Common Area for lawn and garden irrigation purposes have not been identified. *Irrigation Improvements Plan*

Conclusions of Law:

1. Water for domestic purposes will be provided to the residential lots and Common Area and to select lots for lawn and garden irrigation within the subdivision by individual wells. Restrictions on use would be considered necessary to maintain compliance with DNRC regulations.
2. Access to the surface water in the irrigation ditch has not been acknowledged or confirmed by the Missoula Irrigation District and would be essential for lawn and garden irrigation on the remaining lots to comply with the calculations of groundwater use provided to DNRC.
3. State and local agencies will further review water resource issues.

Sewer System

Findings of Fact:

1. Municipal or public sewer systems are not available within 500' of the subdivision. *Subdivision Application, Page 22*
2. Individual septic systems are planned for the subdivision. *Water and Sanitation Report*
3. Regulation 1 of the Health Code requires the use of a community wastewater system unless the requirements of Section 20(A)(8) are shown to be met and dry laid collection is proposed. In accordance with that section, the sanitation review application must provide justification from the City of Missoula Engineer explaining why dry laid sewer is preferable to a community wastewater system to serve the development. *City-County Health Department, 4/16/20*
4. The City Engineer commented that the proposed subdivision contains 5 or more lots of less than 2 acres per lot, which requires a multi-user or community wastewater treatment and disposal system. *City Engineering, 1/31/20*
5. Regulation 1 of the Health Code allows for a properly designed, installed and inspected dry laid gravity main to be used in place of a multi-user or community system. *City Engineering, 1/31/20*
6. The City Engineer concluded that in this instance a dry laid system is preferable to a community system. It would be less expensive for future homeowners connecting to public sewer when it is available. *City Engineering, 1/31/20*
7. The City Engineer finds applicable portions of Regulation 1 to be generally satisfied. The conclusion section speaks to the complications for feasibility for a multi-user system on this particular site. Local community expressed interest of not having a multi-user drain field located on McCauley Butte lend toward support the dry laid system over the multi-user system. These 'site characteristics' make a 'feasible' multi-user system less desirable to the community. *City Engineering, 1/31/20*
8. The Missoula Valley Water Quality District supports the revision eliminating the community drainfield on the butte. Impacts to groundwater will be further addressed through non-degradation analysis completed during Sanitation in Subdivision Review. *Water Quality District, 4/17/20*

Conclusions of Law:

1. State and local agencies will review sanitation issues.

Solid Waste

Findings of Fact:

1. Republic Services provides waste disposal service to the project area. *Subdivision Application, Page 20*

Conclusions of Law:

1. Solid waste disposal will be available to the subdivision.

Parks and Recreation

Findings of Fact:

1. Residential major subdivisions are required to dedicate or set aside land for parks, open space, conservation easement or common area. *Subdivision Regulations Section 3.10.2*
2. The required park land dedication per Subdivision Regulations Section 3.10.4 for the lots proposed in this subdivision is .761 acre and the applicant proposes a 3.5 acre Common Area Lot to satisfy park land dedication. *Subdivision Application, Page 23; PTOL, 5/12/20*
3. The subdivision regulations allow for land to be dedicated as park for the preservation of natural environment, including agricultural uses. *Subdivision Regulations Section 3.10.1.1*
4. The agricultural function of the Common Area Lot is encumbered by easement areas, and has slopes greater than 10%. A barn will be contained within this area. The preliminary plat shows 2.66 net acres. *Preliminary Plat; Slope Analysis*
5. The application states that the Common Area Lot will be set aside and reserved for agriculture. *Subdivision Application, Page 24*
6. Subdivision Regulations Section 3.10.2 requires that the Common Area be held by the property owner's association, a land conservation entity or the governing body. The proposal is for the Common Area to be held by the property owner's association. *Covenants*
7. The covenants for the subdivision indicate that the Common Area will be held by the homeowner's association with the ability for the association to lease to another person or entity. The Common Area must be used for agriculture, and maintained by the association. *Covenants*

Conclusions of Law:

1. The proposed Common Area meets parkland acreage dedication requirements in Subdivision Regulations Section 3.10.
2. The proposal satisfies the Park Design Standards in preserving an agricultural amenity.

Schools

Findings of Fact:

1. The application states that approximately 8 children from this subdivision would attend the Target Ranch School for grades K-8 and Big Sky High School for grades 9-12. *Subdivision Application, Page 22*
2. The school districts in question did not comment on the subdivision.

Conclusions of Law:

1. No adverse impacts to schools requiring mitigation have been identified.

Fire Department

Findings of Fact:

1. The Missoula Rural Fire District will serve the proposed subdivision. The nearest station is located approximately 2.7 miles from the property. *Subdivision Application, Page 22*
2. Wildfire hazard areas are defined as being located within the Wildland Urban Interface and ranking as a moderate or higher risk of wildfire based on the Fire Hazard Assessment. Assessment scores are classified as Moderate Hazard, High Hazard, or Extreme Hazard. *Subdivision Regulations Section 3.1.3.3 and Appendix C*
3. The applicant completed the Fire Hazard Assessment for the subdivision and received a score of 47 points, indicating a moderate risk of wildfire. *Fire Hazard Assessment*
4. Aerial photography including images from 1955, 1964, 1972, 2011, 2013 and 2020 indicates a substantial increase in woody vegetation on McCauley Butte within the property. *Property Information System*
5. Water supply for fire protection is required to be provided by a system that provides minimum fire flow per NFPA 1142 standards. *Subdivision Regulations Section 3.5.3*
6. In the Fire Suppression Plan, the applicant proposes two 5,000 gallon cisterns with dry hydrants for fire suppression. *Fire Suppression Plan*
7. One cistern is proposed between in the northeast corner of the Common Area and one at the hammerhead turnaround at the top of Ponderosa Lane. *Fire Suppression Plan; Preliminary Plat*
8. The covenants specify that maintenance for the fire suppression facilities would occur on an annual basis with responsibility delegated to the Association. *Covenants; Fire Suppression Plan*
9. The Missoula Rural Fire District reviewed fire protection within the subdivision, in addition to the maintenance provision in the covenants. The district found fire suppression to be acceptable. *MRFD, 3/10/20*
10. The subdivision is within the Wildland Urban Interface (WUI), with a map designating the area as WUI Intermix. Homes would be located in areas of manicured lawns, ornamental shrubs and lighter fuels, as well as grassland interspersed with Ponderosa pine trees, deciduous trees, and shrubs along the irrigation ditch. *CWPP, 2018; Preliminary Plat*
11. Major subdivisions in the WUI shall have more than one access route providing ingress and egress. *Preliminary Plat; Missoula County Subdivision Regulations Sections 3.5.8 and 3.5.8.1.*
12. The subdivision includes two different access roads: Ringo Drive and Ponderosa Lane. The Ponderosa Lane hillside area offers one means of egress due to topography. *Preliminary Plat*
13. Subdivision Regulations Section 3.5.7 requires driveways longer than 150' to be a minimum width of 16' or 12' in cases of clear line of sight with an unobstructed horizontal clearance of 20' and vertical clearance of 13.5'. Turnarounds designed to comply with the Missoula County Public Works Manual would be required for any driveway longer than 150'.

14. No community or municipal water system with the required minimum fire flow is provided to this subdivision and an RSID/SID waiver statement would be required on the plat requiring property owners to participate in the RSID/SID if a community or municipal water system is available. This would be a condition of approval.

Subdivision Regulations Section 3.5.11

Conclusions of Law:

1. Fire suppression plans have been designed for the subdivision and final review and approval would be required by the Missoula Rural Fire District.
2. Access to the lots and new home construction within the subdivision would be reviewed for at time of zoning compliance permit submittal if the subdivision were approved.

Sheriff's Department

Findings of Fact:

1. The subdivision is located within the jurisdiction of the Missoula County Sheriff's Department, located about 6.1 miles from the property. *Subdivision Application, Page 22*

Conclusions of Law:

1. Missoula County law enforcement services will be available to the subdivision in a manner consistent with its distance from services and ease of access.

EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT

(This section jointly addresses three review criteria under MCA 76-3-608. The three have been combined due to the interrelationship of impacts to the natural environment, wildlife, and wildlife habitat.)

Findings of Fact:

1. The property is generally flat to the north of the irrigation ditch bisecting the subdivision. Area south of the irrigation ditch rises at slopes mapped in excess of 20%, from an elevation of approximately 3137' at the ditch to the subdivision high point at approximately 3390' at the southeast corner of the property. *Preliminary Plat*
2. Areas of wetland or riparian resources have not been identified on the property. *Subdivision Application, Page 12 – 13*
3. The subdivision is not located adjacent to public lands. Property south and southeast of the subdivision has been placed in conservation easement. Public access to the conservation lands has not been granted. The contiguous area in conservation easement is estimated at approximately 278 acres. *Property Information System*
4. The area in conservation easement follows the north boundary of the Bitterroot River corridor, an area with valuable riparian resources and avian habitat. *Property Information System; FVAS, 4/29/20*
5. Vegetation on the property can be classified based on the two distinct topographic profiles of the subdivision. The vegetation on the flat area of the property consists of hay and grasses for grazing. The vegetation on the slopes of McCauley Butte consists of native grasses, shrubs and conifer trees. *Subdivision Application, Page 13; Property Information System*
6. The vegetation in the flat areas is largely disturbed from its native state resulting from the historical and current agricultural use. The slopes of McCauley Butte can be

considered largely undisturbed with the exception of the residential dwelling that currently exists. *Existing Conditions; Subdivision Application, Page 13*

7. McCauley Butte includes a large conservation easement, is within an open space cornerstone, and is also within the Clark Fork River – Grass Valley Important Bird Area. *Property Information System; Open Space Plan, 2019; Audubon, 2020*
8. Cornerstones broadly represent areas with high open space value. Cornerstones may contain both developed and undeveloped land. Land with high open space value may also exist outside of cornerstones. Each cornerstone contains a unique combination of resources and open space values that make lands in that cornerstone a priority for protection. *Open Space Plan, 2019*
9. The Clark Fork River – Grass Valley IBA encompasses about 35 km of river corridor and adjacent uplands between Missoula and Huson. The site supports a high diversity of birds, including species of conservation priority. *Audubon, 2020*
10. The Clark Fork River-Grass Valley IBA is classified as having continental significance based on species of conservation concern that utilize the available habitat. *Audubon, 2020*
11. Five Valleys Audubon Society provided an update from their previous McCauley Meadows Subdivision review. They confirmed an updated understanding of migration patterns upon studying birds at the Line Ranch in southeast Missoula. *FVAS, 4/29/20*
12. Five Valleys Audubon confirmed that 6000 individual birds representing 30 bird species were recorded at the Line Ranch site. An estimated 1300 individual birds representing 21 species likely used the area as stopover habitat. Calls indicated birds descending from migration altitude, using the area as stopover habitat. *FVAS, 4/29/20*
13. McCauley Butte lies along the Bitterroot River and Missoula Valley migration corridor. Five Valleys Audubon notes that the butte contains stopover habitat for migrating birds. *FVAS, 4/29/20*
14. Evidence that the butte functions as stopover habitat includes migratory bird use on the adjacent Knife River ponds. During the past four years, 210 bird species have been observed by birders. Many birds observed are those that would likely use stopover habitat on McCauley Butte. *FVAS, 4/29/20*
15. Migrating birds have the opportunity to “stopover” on the butte, including the area within the subdivision. Habitat includes overstory trees. Grasslands, conifer edges, and open space can all play a part. *FVAS, 4/29/20*
16. Five Valleys Audubon commented that homes and related development on the slope of McCauley Butte would obviously eliminate wildlife habitat, shifting avian use away from the area. They noted that homes on Lots 12, 13 and 14 would be sited on the areas with gentler slopes on those lots, leaving steeper areas preserved as No Build Zones above. Lots 10 and 11 do not offer that opportunity, as buildable areas on those lots are near the southern lot boundaries. *FVAS, 4/29/20*
17. Missoula County Subdivision Regulations Section 3.7.11 requires a revegetation plan for disturbed sites. Section 3.7.12.3 requires the replanting of disturbed areas no later than the first growing season after the ground disturbance to prevent erosion and weed invasion and notification to future owners.
18. A revegetation plan for the subdivision has been provided to account for subdivision related disturbance following development. *Revegetation Plan*

19. Weeds have been identified on the property along Humble Road. A weed management plan would be necessary to identify conditions, recommend abatement methods and ensure ongoing management of noxious weeds by the developer, association and homeowners at the appropriate times. *Subdivision Application, Page 13*
20. Wildlife species using the area have been identified as white-tail deer, skunks, squirrels, racoons and a variety of native birds. *Subdivision Application, Page 15*
21. The applicant indicates that there are no known historic, paleontological, archaeological, or culture sites or structures located within or near the subdivision. *Subdivision Application, Page 11*

Subdivision Design and the Environment

22. Five lots are proposed on steeper, lesser disturbed portions of the property. This requires construction of a new access road, and disturbance consistent with home construction in a steeper environment.
23. The proposal for 14 lots on 28.3 acres is a density of about 1 home per 2 acres. Significant subdivision redesign to minimize adverse impacts to the natural environment, wildlife, and wildlife habitat could occur while allowing for comparable density.

Conclusions of Law:

1. Impacts to the natural environment, specifically the native vegetation and habitat on the slopes of McCauley Butte, will be significant and lasting with the proposed disturbance related to subdivision improvements. Mitigation of the impacts to the natural environment and native vegetation would require significant changes to subdivision design and development restrictions that would require re-review.

EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The subdivision does not contain any FEMA Floodplain. *Property Information System*
2. The Missoula Rural Fire District serves the property. The Missoula County Sheriff's Department provides law enforcement services. *Subdivision Application, Page 22*
3. Individual wells, an irrigation ditch and a community wastewater treatment facility system will serve the lots. *Water and Sanitation Report*
4. The Missoula Irrigation District ditch runs through the property. The ditch is controlled and contained within a cement channel. *Property Information System*.
5. Significant areas of slopes greater than 25% have been mapped along the slopes of McCauley Butte within the subdivision. These slopes have been shown on the preliminary plat as no-build zones. *Preliminary Plat; Slope Analysis*
6. Subdivision related infrastructure is proposed to be installed in these areas. The no-build restriction would be required on the final plat and apply to permanent structures. A condition would require the areas to be identified in bearings and distances on the plat if the subdivision were to be approved. *Subdivision Regulations Section 3.1.2.3.B*.
7. The adjacent subdivision to the east, Rangitsch Addition No. 4, establishes a no-build/no-excavation zone located just south of the irrigation ditch on the slopes of McCauley Butte. *Property Information System*

Radon

8. The covenants contain a section on radon that confirms Missoula County as having high radon potential. In accordance with recommendations from the City-County Health Department, all new construction is recommended to incorporate radon resistant construction features, rather than passive radon mitigation systems.

Covenants; City-County Health Department, 4/20/20

Air Quality

9. The subject property is in the Air Stagnation Zone. *Property Information System*

Conclusions of Law:

1. No adverse impacts to public health and safety could be confirmed.

C. COMPLIANCE

This subdivision complies with:

1. Survey Requirements

Findings of Fact:

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with Part 4 of §76-3, M.C.A.

Conclusions of Law:

1. This proposal meets the survey requirements.

2. Subdivision Regulations

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision regulations provided for in Part 5 of §76-3, M.C.A.

Conclusions of Law:

1. The developer has submitted a plat which does not comply with the requirements of the local subdivision regulations regarding mitigation of adverse impacts.

3. Review Procedure and Notice of Appeal Process

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Chapter 5 of the Missoula County Subdivision Regulations.
2. The original application was amended on July 17, 2020, and declared sufficient for governing body review on August 13, 2020.
3. Local government timelines, including governing body review, have been suspended as of March 12, 2020, by a directive issued on March 24, 2020.
4. In addition to posting two signs on the subject property at the public access roads notifying viewers of the public hearing schedule, a legal ad was published in the Missoulian on September 13, 2020 and September 20, 2020 and notice of the public hearings was sent by certified mail to the notice recipients on September 11, 2020 per Missoula County Subdivision Regulations Section 5.7.11.
5. A decision of the governing body denying or approving a proposed subdivision may be appealed to the District Court within thirty calendar days from the date of the written decision. The application shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider, a contiguous landowner, an owner of land within Missoula County who can establish a likelihood of material injury to property or its material value, or the Missoula County Board of County Commissioners. In order to file an appeal, the plaintiff must be aggrieved by the

decision, demonstrating that a specific personal and legal interest, as opposed to a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusions of Law:

1. This subdivision plat proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 5.

D. PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements within the subdivision that are combined within public and private access easements. *Preliminary Plat*
2. A utility easement crosses the eastern side of the common area and continues southward to Ponderosa Lane. An additional utility easement is located along the eastern boundary of Lot 8, and continues along the common boundary between Lots 7 and 8. A utility easement is shown along the western subdivision boundary. *Preliminary Plat*
3. An irrigation easement has been provided which follows the entire length of the Missoula Irrigation District ditch. *Preliminary Plat*
4. The proposed subdivision will be served by Northwestern Energy, and Spectrum or wireless telephone providers. Other service providers are typical of the Missoula urban area. *Subdivision Application, Page 20*

Conclusions of Law:

1. The proposal meets requirements for utility easements.
2. Utility services will be available to this subdivision.

E. PROVISION OF LEGAL AND PHYSICAL ACCESS

Findings of Fact:

1. Physical and legal access will be provided to the subdivision directly from Ringo Drive and Ponderosa Lane. *Preliminary Plat*
2. Lot 7 is proposed to be served by a driveway within a 24' wide private access and public utility easement. *Preliminary Plat*

Conclusions of Law:

1. The proposal meets physical and legal access requirements.

V. RECOMMENDED MOTION

That the McCauley Meadows Subdivision be **denied** based on the findings of fact in the staff report.

REFERENCES CITED

The following materials are referenced throughout this document. For ease of reading, short versions of the citations (shown in bold) are used in-text, and full citations are included here.

Plans, Regulations and Resources

Audubon, 2020: *Synopsis of Clark Fork River – Grass Valley Important Bird Area, 2020.*

<https://www.audubon.org/important-bird-areas/clark-fork-river-grass-valley>

Community Wildfire Protection Plan, 2018 (CWPP): *Adopted by the Board of County Commissioners of Missoula County, May 24, 2018*

<https://www.missoulacounty.us/government/public-safety/office-of-emergencymanagement/community-wildfire-protection-plan>

Growth Policy: *Missoula County Growth Policy, Shaping Our Place, Charting Our Future, June 2016*

<https://www.missoulacounty.us/government/community-development/community-planning-services/plans/2016-growth-policy>

Missoula Area Land Use Element: *Missoula Area Land Use Element, an Amendment to the 2016 Missoula County Growth Policy, June 2019.*

<https://www.missoulacounty.us/home/showdocument?id=47140>

NFPA: *National Fire Protection Association Code*

<http://www.nfpa.org/codes-and-standards/document-information-pages>

NRCS Web Soil Survey: *Natural Resource and Conservation Service Web Soil Survey*

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

<https://www.missoulacounty.us/Home/ShowDocument?id=28138>

Open Space Plan: *As part of the Parks, Recreation, Open Space and Trails (PROST) Plan, September, 2019.*

<https://missoulacounty.sharepoint.com/CommDev/CAPS/PksTrlsOL/Public/Form/s/AllItems.aspx?id=%2FCommDev%2FCAPS%2FPksTrlsOL%2FPublic%2FOpen%20Lands%2FMissoula%20Urban%20Area%20Open%20Space%20Plan%202019%2F2019%20Missoula%2DUrban%2DArea%2DOpen%2DSpace%2DPlan%2Epdf&parent=%2FCommDev%2FCAPS%2FPksTrlsOL%2FPublic%2FOpen%20Lands%2FMissoula%20Urban%20Area%20Open%20Space%20Plan%202019>

Property Information System: *Missoula County Property Information System:*

<http://gis.missoulacounty.us/propertyinformation/#>

Subdivision Regulations: *Missoula County Subdivision Regulations. Adopted by the Board of County Commissioners of Missoula County and amended June 6, 2019*

<https://www.missoulacounty.us/government/community-development/community-planning-services/regulations/subdivision-regulations-november-4-2016>

Target Range Plan: *Target Range Neighborhood Plan, Rural by Design*, January 2010

<https://www.missoulacounty.us/Home/ShowDocument?id=28126>

Zoning Regulations: *Missoula County Zoning Regulations. Adopted by the Board of County Commissioners on April 11, 2017.*

<https://www.missoulacounty.us/home/showdocument?id=25491>

Elements of the McCauley Meadows Subdivision application packet received on September 14, 2020

Covenants: *Declaration of Covenants, Section 10*

Existing Conditions: *Existing Conditions Map, Section 1*
Fire Hazard Assessment: *Fire Hazard Assessment, Section 11*
Fire Suppression Plan: *Fire Suppression Plan, Section 11*
Irrigation Improvements Plan: *Missoula Irrigation District Information, Section 9*
Grading and Drainage Report: *Grading and Drainage Report, Section 7*
NRCS Soils Data: *USDA – NRCS Soils Data, Section 8*
Ponderosa Lane Plan & Profile: *Road Construction Plan, Section 1*
Preliminary Plat: *Preliminary Plat of McCauley Meadows, Section 1*
Project Summary: *Project Summary, Section 2*
Revegetation Plan: *Noxious Weed Management Plan, Section 12*
Slope Analysis: *Slope Category Map, Section 1*
Subdivision Application: *Subdivision Application, Section 3*
Typical Section: *Road Construction Plans, Section 1*
Utility Plan: *Utility Plan, Section 1*
Water and Sanitation Report: *Water and Sanitation Report, Section 6*

Agency Comment Letters and Other Cited References (hard copy documents are included in Section B of the application packet)

CFAC, 6/15/20: *Community Food and Agriculture Coalition, dated June 15, 2020*

CFAC, 8/10/20: *Community Food and Agriculture Coalition, dated August 10, 2020*

City-County Health Department, 4/16/20: *Missoula City-County Health Department, dated April 16, 2020.*

City-County Health Department (Air Division), 4/16/20: *Missoula City-County Health Department, dated April 20, 2020.*

City Engineering, 1/31/20: *City of Missoula Engineering, dated January 31, 2020*

DNRC, 4/1/20: *Department of Natural Resources and Conservation, dated April 1, 2020.*

PTOL, 5/12/20: *County Parks, Trails, and Open Lands, dated May 12, 2020*

FVAS, 4/29/20: *Five Valleys Audubon Society, dated April 29, 2020*

MRFD, 3/10/20: *Missoula Rural Fire District, dated March 10, 2020*

Public Works, 4/27/20: *Public Works, dated April 27, 2020*

Water Quality District, 4/17/20: *Missoula Valley Water Quality District, dated April 17, 2020*

VI. ATTACHMENTS

A. Project History Form

B. Public comment received prior to Planning Board

ATTACHMENT A PROJECT HISTORY FORM

Project: McCauley Meadows Subdivision

Applicant: Tai Tam, LLC

Representative: Professional Consultants, Inc.

	<u>Dates</u>		
<u>Scoping/Pre-application Meeting</u>	Pre-Application: 6/19/2019		
<u>Element</u>	<u>Submitted</u> 2/21/2020 4/6/2020	<u>Certified?</u> 2/28/2020 (N) 4/13/2020 (Y)	
<u>Sufficiency</u>	<u>Submitted</u> 4/13/2020 *7/23/2020	<u>Certified?</u> 5/4/2020 (N) 8/13/2020 (Y)	
<u>Submitted</u>	<u>Received</u> 9/14/2020	<u>Accepted</u> 9/14/2020	<u>60-Day Deadline</u> 11/9/2020
<u>Extension Granted</u>	N/A		
<u>Planning Board</u>	10/6/2020		
<u>BCC</u>	11/5/2020		
<u>Public Notice</u>	<u>APOs Sent</u> 9/11/2020	<u>Newspaper</u> 9/13/2020 9/20/2020	<u>Posted</u> 9/11/2020
<u>Plat Approval Expiration Date</u>	N/A		

*Followed amendment of the application

ATTACHMENT B

From: Josh & Emily Colson <joshuaemilycolson@gmail.com>

Sent: Friday, August 14, 2020 12:33 PM

To: caps <caps@missoulacounty.us>

Subject: McCauley Meadows Subdivision Inquiry

Greetings,

My name is Joshua Colson and I am the Business Manager for the Target Range Sewer & Water District. I would like to apologize for having to utilize my private email account for this email but my official account is still being worked out. My reason for inquiry is to find out where things currently stand on the McCauley Meadows subdivision plan? I reviewed most of the documents posted to the project summary and am interested if Tai Tam LLC. or the Keck family are planning any further community engagement concerning the development and what is the next real mile stone in the project progression? Any information you could provide would be greatly appreciated.

Respectfully,

Joshua Colson
Business Manager
Target Range Sewer & Water District

From: William Jacobson <wmtjacobson@yahoo.com>

Date: September 13, 2020 at 11:06:56 AM MDT

To: caps <caps@missoulacounty.us>

Subject: McCauley Meadows Subdivision

Question: Will Ringo Dr. go all the way through to Humble?

Bill Jacobson

wmtjacobson@yahoo.com

From: [Laurie Hire](#)
To: [Tim Worley](#)
Cc: [Bailey Minnich](#)
Subject: FW: McCauley Meadows
Date: Tuesday, September 15, 2020 2:51:05 PM

From: paulcyd@bresnan.net <paulcyd@bresnan.net>
Sent: Tuesday, September 15, 2020 2:47 PM
To: caps <caps@missoulacounty.us>
Subject: McCauley Meadows

We have lived in Target Range 34 years. We were attracted to the area by its rural nature, the schools, and the larger lot size and the Butte!! The area has seen gradual infill with increasing traffic. The traffic is going to increase dramatically. We live at the corner of Glen Drive and Sundown Road. The placement of Sundown Road put our driveway and the driveway across the street from us too close to the intersection by 15 feet. We already receive all the traffic south of Sundown which should use Humble but does not. With the size of the proposed subdivision it will send more than 50 possible cars to this intersection multiple times a day. All the construction vehicles and equipment utilize Glen Drive. The road surface is already in poor condition with no plans by the county to repave. The McCauley Butte is a recognized landmark in our area and Missoula in general. Building 5 homes high on the steepest part of the Butte will be an eyesore and destroy the viewshed that originally attracted people to the area. Most of the Butte is in conservation easement and 5 homes that high is overkill. Also the wildlife we all enjoy will be greatly affected. Fourteen extra wells will impact the water table. There is no need to cram as many houses as possible into a scenic area to satisfy a multinational corporation to the detriment of the existing homeowners. Please protect our rural by design way of life. Thanks, Paul and Cyd Ferguson

From: [Brett Kulina](#)
To: [Tim Worley](#)
Subject: McCauley Meadows subdivision
Date: Tuesday, September 15, 2020 12:28:17 PM

Hello Tim,

In regards to the McCauley Meadows Subdivision on Humble Rd, could you please update me about the project's status?

I was a vocal critic of the proposed subdivision when it was last reviewed by your office and rejected by the county commissioners. I had not heard of any recent developments, that is until I noticed the sign that went up this weekend?

Any information you can offer would be greatly appreciated.

Thank you,

Brett Kulina
4850 Humble Rd

From: [Brett Kulina](#)
To: [Tim Worley](#)
Subject: Re: McCauley Meadows subdivision
Date: Wednesday, September 16, 2020 11:13:31 AM

Tim,

Please send me information and links to attend both the planning board meeting and the county commissioners meeting.

Thank you,

Brett Kulina
4850 Humble Rd

On Tue, Sep 15, 2020 at 12:35 PM Tim Worley <tworley@missoulacounty.us> wrote:

Hi Brett,

This subdivision is scheduled for a Planning Board public hearing on October 6th. The County Commissioner hearing is scheduled for November 5th. We can send you information on these remote meetings if you are interested. The submittal is available on the Web:

<https://www.missoulacounty.us/Home/ShowDocument?id=28809>

Thanks,

Tim

From: Brett Kulina <brettkulina@gmail.com>
Sent: Tuesday, September 15, 2020 12:26 PM
To: Tim Worley <tworley@missoulacounty.us>
Subject: McCauley Meadows subdivision

Hello Tim,

In regards to the McCauley Meadows Subdivision on Humble Rd, could you please update me about the project's status?

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Thank you,

Brett Kulina
4850 Humble Rd

From: [Brett Kulina](#)
To: [Tim Worley](#)
Subject: Re: McCauley Meadows subdivision
Date: Wednesday, September 16, 2020 11:30:09 AM

Tim,

In reviewing the information that is available online, I am finding the amended subdivision application, but I am not finding any of the negative public comments that were part of the original review.

There were plenty of original comments about not allowing development on the steep slopes of McCauley Butte, and the county commissioners (at the time) said they supported protecting McCauley Butte as open space, yet I don't see any mention of this in the amended application. It appears that some groups (CFAC) and some neighbors (Hirshenburger) were given the opportunity to revise their public comments based on the amendments to the application, but all of the voices that oppose developing the slopes of McCauley Butte have been left out of the new application.

Throughout all of the original public meetings, the planning board meetings, and the county commissioners meetings there was a very loud and clear voice that opposed any development on the steep slopes of the Butte, yet the amended application does nothing to address those concerns nor does the amended application even document that those voices existed. Am I missing something? When the original application went before the county commissioners, PCI and the property owners were told that their proposal was not acceptable. Yet the project moves forward without addressing the most significant concerns of the opposition. What's going on?

Thank you for your time,

Brett Kulina
4850 Humble Rd

On Wed, Sep 16, 2020 at 11:09 AM Brett Kulina <brettkulina@gmail.com> wrote:

Tim,

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Subject: McCauley Meadows subdivision

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Brett Kulina
4850 Humble Rd

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From: [Brett Kulina](#)
To: [Bailey Minnich](#); [Tim Worley](#); [caps](#)
Subject: public comment for McCauley Meadows subdivision review
Date: Monday, September 21, 2020 9:26:34 PM

TO: Missoula County Planning Board
Tim Worley - CAPS
RE: Public Comment for the proposed McCauley Meadows Subdivision
FR: Brett Kulina 4850 Humble Road, Missoula, MT 59804

To The Planning Board,

I am writing to let you know that I DO NOT support this subdivision as presented and strongly feel that Tai Tam, LLC's application does not honestly address the significant negative impacts of this proposed development. The problematic portions of the developer's plans were clearly identified to the owners when their previous subdivision application was unanimously denied by both the planning board and the county commissioners.

Although many citizens, neighbors, planning board members, and county commissioners spoke about the importance of not developing the hillsides of McCauley Butte, Tai Tam, LLC is proposing yet another plan that has homesites and development on these steep slopes. In fact, the developer's application does not even mention that McCauley Butte is one of the cornerstones of Missoula's protected Open Space, and that the adjacent lands are forever protected by Conservation Easements with Five Valley's Land Trust.

I am a neighbor of the proposed development and am one of the original grantors of the conservation easements that prohibit any development on McCauley Butte and the adjacent frontage on the Bitterroot River. In 2007, we donated conservation easements on 257 acres of land, that encompass about 90% of McCauley Butte, and we have always hoped that the few remaining acres of hillside might also be saved from development. Our hope and vision for this unique Missoula landmark, to remain free from houses and development, are shared by hundreds of neighbors and community members who support open space and enjoy the natural and unmarred hillsides of McCauley Butte. This development plan disregards the decades of hard work by neighbors and community organizations that helped to permanently protect a one-of-kind Missoula landmark.

Although the developers amended their previously-denied subdivision application, they did not even address the most significant grievance that was raised by the planning board and county commissioners, namely, the protection of the steep hillsides of McCauley Butte. Likewise, they did not address the issue of the proposed common area, which is to be set aside for agricultural use. As presented, there is no legally binding document that codifies a permanent agricultural use, but only neighborhood covenants that could easily be amended later on down the road to allow for another use.

The developers also failed to include "no-build" zones on the five lots that are on the steep slopes of McCauley Butte, which will force future lot owners to request the needed variances to build houses on slopes that are greater than 25%. These lots are steep, rocky, and prone to fire danger and erosion, and will significantly detract from the adjacent open space that adds value to all of the surrounding neighborhoods and properties.

I strongly urge you to review the history of denied subdivision applications for this property, because it speaks to the importance of this special piece of land. Please listen to the words of past planning board members and former county commissioners who understood the importance of limiting irresponsible development and the beneficial impacts of protecting special places for all future generations.

I also urge you to visit the property with a topographical map and see for your selves that the steep hillsides of the upper 5 lots are just not suited for homesites. There is plenty of flat ground below that is perfectly suited for development, and I have always supported plans that limit buildings to these portions of the property, but as presented McCauley Meadows is an irresponsible plan that will forever scar a cherished Missoula landmark.

Thank you for your time and I look forward to attending the Planning Board meeting on October 6, 2020.

Sincerely,

Brett Kulina
4850 Humble Road
Missoula, MT 59804

From: [Stuart Goldberg](#)
To: [Tim Worley](#); [Dale McCormick](#)
Subject: McCauley Meadows comment
Date: Tuesday, September 22, 2020 12:25:35 PM
Attachments: [McCauley Meadows Subdivision comments.pdf](#)

I am not sure how all of the past comments about this proposal have been eliminated from the packet, so I am attaching my comments from the previous proposal, as my opposition to the development of McCauley Butte has not changed. The developers have tried to mitigate neighborhood concerns about through-roads and farmland and I appreciate that they have abandoned the idea of a massive shared septic system at the highest elevations. None of this impacts how inappropriate it is to build on the slopes of McCauley Butte. The negative impacts to viewsheds, wildlife and weeds will occur immediately and will be irreversible. Protection of McCauley Butte is a community value and this proposal ignores and disregards this established sentiment.

Stuart Goldberg

October 5, 2018

To: Members of the Missoula Consolidated Planning Board and the Board of County Commissioners

From: Stuart Goldberg, Northern Lights Development No.1, LLC

Re: McCauley Meadows Subdivision proposal

I am writing to express my profound opposition to the proposed McCauley Meadows Subdivision. The proposal is fraught with bad decisions and deserves to be denied on a number of levels. It will have a tremendously negative impact on the neighborhood and rejects so many of the values embraced by those in Target Range. As the donor of conservation easements on 257 acres of adjacent lands, cornerstones of Missoula's open space plan, I am saddened by the brutal impact this proposal would have on our conservation efforts.

As a planned variation, the proposal fails to preserve the most significant natural feature on the property, namely the slopes of McCauley Butte. The developer acknowledges that the hillside lots are on ground designated in the 2010 Target Range Plan as Parks and Open space, a designation consistent with the adjacent ground on McCauley Butte that called for open space in the Fort Missoula Plans of 1973 and 1993. Together, these plans show a commitment made by several constituencies over a long period of time to keeping this land from being developed. The developer's suggestion that 3-5 acres per lot is good enough to satisfy these plans' calls for open space is insulting. It is simply not open space if there are "only" 3 additional homesites built, and it is ridiculous to claim throughout the application that creating hillside lots in open space is okay because they are a minimum of three acres in size.

Contrary to the developer's statement, the proposed Ponderosa Lane and the hillside lots will have a substantial negative impact on all neighboring properties by destroying open space and placing homes so that they will look like they are on top of the butte. The hillside homesites would be built on steep slopes above areas of 25%, where the ridge of the butte begins to flatten, meaning they are almost on the top of the ridge. From below they will all look like they've been built on top of the ridge. Proposed homesites would be almost 100 vertical feet above the existing house. Between excavation, structures, and outbuildings, the impacts will be severe. In the developer's request for a variance on Ponderosa Lane he acknowledges that the hill is too steep to meet proper design standards. Comments like "The upper hillside lots preserve the natural features of the hillside by improving an existing driveway and restricting two-thirds of those lots as no-build areas" are ridiculous.

The location of these hillside homesites on top of the butte is as inappropriate as the idea of locating a massive septic system at the top of those same slopes. DEQ's original denial of the slopes waiver speaks volumes to the inappropriateness of the design despite PCI's

promises to personally monitor the site. Engineers hired by the developer to prove that this system will work will, of course, say it will work. Has an engineer who is not being paid by the developer had a chance to comment? One thing is for certain: if the septic fails and compromises the 17 wells below or the irrigation ditch, the developer and his money will be long gone. DEQ's initial denial of the septic system slopes waiver was based on the multiple threats this design creates. They point out potential impacts to downgrade wells, the irrigation ditch, and the fact that effluent might not flow in predictable fashion because of variability in the soil. The developer's assurance that everything will be built perfectly and monitored perpetually doesn't pass the smell test. Disturbing so much ground on the butte also means long-term (perpetual?) weed management will be required with no certainty that such efforts will be maintained.

The developer would have us believe that all of this hillside development is worth it because of the protection of agricultural soils. In fact, I am deeply concerned that this proposal seeks to exploit the planning process by pitting multiple community goals against one another. I am a supporter of the protection of agricultural soils and of CFAC, and we should not be fooled by the developer. This proposal is highly unlikely to result in a "working farm." In their agency comment, CFAC asked for closer to 5 acres for the plot to be viable, and GCH has shown no interest in a community garden in this part of town. With no deed restrictions on the common area and nobody signed up to farm it, the developer is really out on a limb when the plot is described as a "working farm." If the septic fails or leaches effluent that impacts the irrigation ditch, this land will never be farmed, although by cutting roads and building houses on the steep upper slopes of the butte the impacts to open space on the butte will be immediate and permanent.

This proposed development should be denied. The proposal's impacts on open space and adjacent conservation ground are profound and unmitigated, the land set aside for agriculture is inadequate, and the location of the proposed drainfield is irresponsible.

I appreciate very much the opportunity to comment on this proposal. As a stay-at-home dad currently living in Big Sky, I will be unable to attend the public hearings as scheduled. Please know that I am available to discuss these comments or any other relevant issues anytime by either phone or email.

Thank you very much,

A handwritten signature in black ink, appearing to read "Stuart Goldberg". The signature is fluid and cursive, with the first name "Stuart" being more prominent than the last name "Goldberg".

Stuart Goldberg
Northern Lights Development
406-250-7146
stuart925@gmail.com

From: [Martin Judnich](#)
To: [Tim Worley](#); [Dale McCormick](#)
Subject: McCauley Meadows subdivision proposal
Date: Tuesday, September 22, 2020 2:38:09 PM

Hello,

As a homeowner in the target range area, this subdivision proposal has some concerns for the area I'd like to see addressed.

This subdivision will create significant traffic and families for the area between the subdivision and the Target Range School that many of the children in the area walk and bike to for school. With the increase in vehicle traffic for these housing lots I think it would be wise to require some type of bike lane and/or sidewalk access between Humble Road and the East side of the subdivision. Currently Humble Road has no bike lane, nor sidewalk, just pavement that rolls off into dirt and gravel. It appears the majority of the houses will be accessed via Humble Road, so I would like to request the County require the subdivision to have some type of dedicated bike and walking access for this land that allows for our children to more easily move from Humble Road toward the School district.

Those of us that have lived in this area have enjoyed this agricultural area with horses and cattle and less congestion than this subdivision will result in. It would be nice if the County required a significant community/park area for children to play in and enjoy instead of utilizing all the area just for housing units.

Thank you for your attention on this project!

Marty Judnich

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Marty
(406) 721-3354

From: Jim Roach <jimbobmt@gmail.com>

Sent: Wednesday, September 23, 2020 11:34 PM

To: caps <caps@missoulacounty.us>

Subject: McCauley Meadows Subdivision

Regarding the Proposed McCauley Meadows Subdivision

My name is Jim Roach. My wife Donna and I have lived at 4720 Humble Rd since 1992. We walk, ride bikes, and drive on Humble Rd regularly. We feel the proposed subdivision will certainly have significant impacts to the neighborhood and surrounding areas.

McCauley's Butte is an open space landmark to the entire Target Range and Orchard Homes neighborhoods. Its proximity to the Bitterroot River, Blue Mountain, and the less densely developed surrounding neighborhoods makes it a natural haven and byway for lots of wildlife including ospreys, hawks, owls, eagles, songbirds, turkeys, coyotes, foxes, many deer, and lots of other critters. The foresight, hard work, and sacrifice of the development company that put the major portion of the Butte under conservation easement after purchasing it from the descendants of John and Frieda Klapwyk, who worked cattle on the property, has protected the open and natural qualities of this landscape. Unfortunately, the portion of the Butte that is considered for this development is not protected and the planned upper reaches (lots 10 – 14) of the development will affect all those important qualities that are protected on the rest of the Butte.

How will wildlife that currently use that slope (whose trails can be clearly seen) be affected by the building of 5 homes and their attendant infrastructure on their habitat and their patterns of movement?

These new houses that are to be built on slopes that seem too steep (>25%) will be a visible eyesore to the entire Target Range/Orchard Homes neighborhoods, glowering over any other homes in the area. Will measures be put into effect to limit the height and style of houses built on the upper reaches to minimize the disruption of the viewshed? (Who wants Count Dracula's castle on the mount!) How do septic drainfields installed in shallow, gravelly soils on a steep slope work? I have heard fears expressed of individuals requesting variances on building sites after purchase and how those individual requests will be addressed in light of a lack of local consensus.

We have concerns regarding the possible effect of this new neighborhood with its many individual septic fields funneling towards our water well a quarter mile to the west. Apparently, there will be no regular monitoring of ground water. Another concern...we irrigate a 1.7 acre pasture on our property with water rights to the ditch. Will the availability and quality of water in the ditch be impacted by new pressures placed on it? What about the additional load of fertilizers and herbicides from all those new lawns? Already, sometimes in the spring the area smells like a chemical plant.

We have concerns as well regarding the access road Ponderosa Lane where it meets Humble Road a short distance from where the latter makes a 90 degree turn to the north. This corner is already tricky when oncoming traffic meets close to the turn, particularly when bikes or pedestrians or dogs and fawns are also present. The pressure of new local traffic entering the main road so close increases the risk of accidents and injury.

You may have noticed that we (Donna and Jim Roach) are not particularly thrilled with this development. In the 28 years we've been fortunate enough to live here, the property on the flat has been used for agricultural purposes, from growing hay to grazing horses, cattle, and I think I remember sheep being on there. The slope has always been open space for wildlife and natural ecosystems. We realize there is a great deal more money to be made from developing the property, thereby removing it forever from the Missoula valley bank of agricultural lands. And we know there is a housing crisis in the larger Missoula community. But we feel some areas are too iconic, too locally valuable to be sacrificed to the never-ending encroachment of human development. We would at least like to see some continuation of the protections already in place for the rest of McCauley's Butte. Let's not have a Mansion Heights on the Butte.

We appreciate your consideration of our concerns and look forward to being involved in this ongoing process. Thank you.

From: Corb Morgan <corbmorgan@gmail.com>
Sent: Friday, September 25, 2020 6:55 AM
To: caps <caps@missoulacounty.us>
Subject: FROM: Donald Corb Morgan TO: Tim Worley, Senior Planner, CAPS RE: McCauley Meadows Subdivision

Good morning Tim.. In reviewing the Summary regarding the McCauley Meadows Subdivision I am pleased to see a more reasonable plan for the subdivision as the previous plans seemed to require an unwelcome zoning variance in Target Range. As well - I see that the septic design for the development seems more tenable.

One thing that will make life harder for us personally is that the southernmost entrance to the development on Humble Road comes right out at our property. (3101 Humble - Lot 4 - the house on the corner) We have an adult special needs son and life will now be more dangerous for him when he rides his bike / walks the dog , etc. due to the increase in traffic flow right at our home.....Not sure what can be done about this change. One of the reasons we chose to live in Target Range on a dead end road was the reduced traffic and subsequent safety for our son.

Also - I am wondering...since crews will be placing electrical utilities underground for the project:Is it possible that incorporated into that effort that the existing above ground electrical utilities for Humble Road could be moved underground?

Finally - I am wondering where the dry-laid sewer along Humble Road terminates?

Thank you. Corb Morgan