

## EXECUTIVE SUMMARY

**CASE PLANNER:** Dave DeGrandpre  
**PUBLIC MEETINGS** LUP: Dec. 2, 2020 (Info Item)  
CC: Dec. 7, 2020 (Public Hearing)  
**30-DAY DEADLINE:** Dec. 10, 2020  
**APPLICANT & FEE OWNER:** Gary Schnell  
Mullan Road Partners, LLC  
970 W. Broadway #446  
Jackson, WY 83001  
**AGENT:** Ryan Salisbury  
WGM Group  
1111 E. Broadway  
Missoula, MT 59802



**LOCATION OF REQUEST:** North of Mullan Road, east of Chuck Wagon Drive, and south of the 44 Ranch Subdivision.

**ZONING:** RT5.4 Residential /NC-HL Heron’s Landing Neighborhood Character Overlay.

**GROWTH POLICY:** The *2035 Our Missoula City Growth Policy* recommends a land use designation of “Residential Medium – 3 to 11 dwelling units per acre.”

**RECOMMENDATION:** **Motion** that there are no changed primary criteria impacts or new information that creates new potentially significant adverse impacts for Phase W1 of the Heron’s Landing Subdivision based on the findings of fact and conclusions of law provided in the staff report. Therefore, no new additional conditions of approval are necessary for this phase.

### **SURROUNDING LAND USES**

North: Residential  
South: Residential / Vacant  
East: Residential  
West: Residential

### **SURROUNDING ZONING**

Special District – 44 Ranch  
C-RR1 Residential (County)  
C-RR1 Residential (County)  
C-RR1 Residential (County)

**MISSOULA CITY COUNCIL**  
November 25, 2020  
**Heron's Landing Subdivision Phase W1**

**I. INTRODUCTION**

Development Services has received written notice from Mullan Road Partners, LLC, represented by WGM Group, Inc., of intent to move forward with Phase W1 of the Heron's Landing Subdivision. Phase W1 is located east of Chuck Wagon Drive and legally described as a portion of Tract 1 of Certificate of Survey No. 5963 in the northwest ¼ of Section 13, Township 13 North, Range 20 West, P.M.M., in the City of Missoula.

At its regularly scheduled meeting on September 21, 2020, the Missoula City Council voted to approve the preliminary plat for the Heron's Landing Subdivision in 10 phases, subject to 25 conditions of approval. For phased subdivisions, per Montana Code Annotated 76-3-617(4), the governing body (Missoula City Council) shall determine whether any changed primary criteria impacts or new information exists that create new potentially significant adverse impacts for each phase.

Phase W1 consists of 45 of the 347 total residential lots. This is the first phase requested to move forward with final platting. The applicant requests City Council review and approve findings of no new adverse impacts for Phase W1. No changes are proposed to this phase as approved with the preliminary plat application. There have been no changes in applicable regulations or ordinances since preliminary plat approval that impact this phase.

Attached to this report are the Heron's Landing preliminary approval letter, which includes findings of fact and conditions of approval; the approved preliminary plat, and the approved phasing plan.

**II. SUBDIVISION PRIMARY CRITERIA COMPLIANCE**

**A. EFFECTS ON AGRICULTURE & AGRICULTURE WATER USER FACILITIES**

Findings of Fact:

1. There are no irrigation water user facilities within Phase W1.
2. The findings of fact at the time of preliminary plat approval regarding the effects on agriculture and agriculture water user facilities are unchanged.

Conclusions of Law:

1. The findings of fact at the time of preliminary plat approval regarding the effects on agriculture and agriculture water user facilities are still valid for Phase W1.

**B. EFFECTS ON LOCAL SERVICES**

**Roads, Driveways, Non-motorized Facilities, and Drainage**

Findings of Fact:

1. Phase W1 includes a portion of Chuck Wagon Drive, which is classified as an urban collector roadway. Condition of preliminary approval #9 requires the subdivider to improve Chuck Wagon Drive through the subdivision as phases are developed, including a portion to be improved prior to final platting of Phase W1.
2. Chuck Wagon Drive intersects Mullan Road to the south of the subdivision. This intersection is planned to be improved to reduce wait times and increase traffic safety. The improvements are planned to be made in part through an improvement district which would include Heron's Landing property owners.

3. Phase W1 includes portions of Nesting Lane, Horsetail Lane, Marsh Lane, and Bulrush Way, which are new local residential streets to be built by the subdivider prior to final platting of Phase W1 as per conditions of approval.
4. All of the lots in Phase W1 can be accessed from the local residential streets and new alleys in conformance with City standards.
5. Condition of preliminary approval #12 requires the subdivider to petition the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.
6. Phase W1 improvements also include a five-foot asphalt trail to be extended to the north along Chuck Wagon Drive to the 44 Ranch Subdivision. This trail will be temporary and replaced with a sidewalk when Phase W6 is developed.
7. Condition of preliminary approval #11 requires the subdivider to submit complete grading and drainage plans prior to final plat approval of each phase and a storm water pollution prevention plan meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities must be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.

**Conclusions of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for roads, driveways, and active transportation facilities are still valid for Phase W1.
2. The findings of fact at the time of preliminary plat approval regarding the effects on local services for drainage and storm water facilities are still valid for Phase W1.

**Water and Sewer Systems and Solid Waste**

**Finding of Fact:**

1. Water and sewer systems are planned to be provided by City of Missoula utilities. Solid waste disposal services are planned to be provided by a private hauler. The findings of fact at the time of preliminary plat approval regarding the effects on local services for the provision of public water and sewer and solid waste disposal are still valid for Phase W1.

**Conclusion of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for the provision of public water and sewer and solid waste disposal are still valid for Phase W1.

**Parks and Recreation**

**Findings of Fact:**

1. Section 3-080.3A of the City Subdivision Regulations requires parkland dedication equal to 11% of the net lotted area in subdivisions with residential lots of 0.5 acres or smaller. (All of the residential lots in Phase W1 are smaller than 0.5 acres.) Cash in lieu of parkland may also be used to meet the dedication requirement.
2. The parkland dedication requirement for Phase W1 is 0.6 acres. The parkland to be dedicated in Phase W1, located in the northeast corner of the phase, is 0.76 acres

**Conclusion of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for the provision of parkland are still valid for Phase W1.

## **Schools**

### **Finding of Fact:**

1. Based on agency correspondence during the recent preliminary plat review stage, Missoula public schools are expected to be able to adequately serve future school-age children who reside in Phase W1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for schools are still valid for Phase W1.

### **Conclusion of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for schools are still valid for Phase W1.

## **City Fire and Police**

### **Findings of Fact:**

1. Based on agency correspondence during the recent preliminary plat review stage, City Fire and Police Departments are expected to be able to adequately serve the future residents. The findings of fact at the time of preliminary plat approval regarding the effects on local services for the provision of fire and police services are still valid for Phase W1.

### **Conclusions of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on local services for the provision of fire and police services are still valid for Phase W1.

## **C. EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT**

### **Natural Environment, Wildlife & Wildlife Habitat, and Weed Management**

#### **Finding of Fact:**

1. No conditions are known or suspected to have changed since the preliminary plat application was reviewed. The findings of fact at the time of preliminary plat approval regarding effects on the natural environment, wildlife and wildlife habitat, and noxious weed management are still valid.

#### **Conclusion of Law:**

1. The findings of fact at the time of preliminary plat approval regarding effects on the natural environment, wildlife and wildlife habitat, and noxious weed management are still valid for Phase W1.

## **D. EFFECTS ON PUBLIC HEALTH AND SAFETY**

### **Finding of Fact:**

#### **Hazardous Lands, Wood Stoves, Airport Influence Area**

1. The findings of fact at the time of preliminary plat approval regarding effects on public health and safety related to public health and safety hazards are still valid for Phase W1.

#### **Conclusion of Law:**

1. The findings of fact at the time of preliminary plat approval regarding the effects on public health and safety related to hazards are still valid for Phase W1.

## **E. COMPLIANCE WITH SURVEY REQUIREMENTS**

### **Finding of Fact:**

#### **Compliance with Survey Requirements**

1. The seal of a professional land surveyor or engineer is required on all final plats, which states the subdivision plat complies with Montana Code Annotated Section 76-3 Part 4. Forthcoming review of the final plat will ensure compliance with state subdivision and platting law.

Conclusion of Law:

1. A process is in place to ensure the final plat for Phase W1 complies with the survey requirements of Montana law.

**F. COMPLIANCE WITH SUBDIVISION REGULATIONS AND REVIEW PROCEDURE**

Findings of Fact:

Compliance with Subdivision Regulations and Review Procedure

1. The City of Missoula Subdivision Regulations in effect when the preliminary plat application was reviewed are still in effect today. The preliminary plat was found to comply with those regulations and no changes to the plat or other subdivision elements have been made that would bring Phase W1 out of compliance.
2. Montana Code Annotated Section 76-3-617 provides a review procedure for individual subdivision phases. Phase W1 is being reviewed in accordance with Montana law.

Conclusion of Law:

1. Phase W1 complies with the City of Missoula Subdivision Regulations and is being reviewed in accordance with Montana law.

**G. PROVISION OF EASEMENTS FOR THE INSTALLATION OF PLANNED UTILITIES**

Finding of Fact:

Provision of Easements for Planned Utilities

1. The findings of fact at the time of preliminary plat approval regarding the provision of easements for the installation of planned utilities within and to the subdivision are still valid for Phase W1.

Conclusion of Law:

1. Easements are being provided for planned utilities within and to the lots in Phase W1 in accordance with City standards.

**H. PROVISION OF LEGAL AND PHYSICAL ACCESS TO EACH PARCEL**

Finding of Fact:

Provision of Legal and Physical Access

1. Legal and physical access is to be provided to Phase W1 by Chuck Wagon Drive. Legal and physical access to each lot is to be provided by new dedicated City streets and alleys that are built to City standards, some of which were modified by variance as allowed under the City Subdivision Regulations.

Conclusion of Law:

1. Phase W1 and all 45 of the lots will be provided with legal and physical access meeting approved City design standards for streets and alleys.

**III. RECOMMENDED MOTION**

There are no changed primary criteria impacts or new information that creates new potentially significant adverse impacts for Phase W1 of Heron's Landing Subdivision based on the findings of fact and conclusions of law provided in this staff report. Therefore, no new conditions of approval are necessary.

**IV. EXHIBITS**

Exhibit #1 – Heron’s Landing Preliminary Approval Letter (includes findings of fact and conditions)

Exhibit #2 – Approved Heron’s Landing Preliminary Plat

Exhibit #3 – Approved Heron’s Landing Phasing Plan