

Attachment #1

Planning Board Recommendation Alpine Trails Subdivision

Planning Board Recommendation

On Tuesday, August 15, 2017, with nine members present, one alternate recused, and another alternate absent, the Missoula Consolidated Planning Board voted unanimously to recommend approval of the subdivision. Prior to the vote on the main motion, the Planning Board voted unanimously on all motions pertaining to condition amendments and variance requests.

Planning Board's Recommended Motions

1. **THAT** the request to vary from road widening requirements in **Subdivision Regulations Section 3.4.4** be recommended to the Board of County Commissioners for **approval** based on the findings of fact in the staff report and public testimony.
2. **THAT** the request to vary from trail requirements in **Subdivision Regulations Section 3.4.9.2.B.1** be recommended to the Board of County Commissioners for **conditional approval** based on the findings of fact in the staff report and public testimony, as amended to include the portions of trail recommended by Parks, Trails and Open Lands in the attached exhibit.
3. **THAT** the **Alpine Trails Subdivision** be recommended to the Board of County Commissioners for **approval** based on the findings of fact in the staff report and public testimony, subject to the amended conditions of approval.

Planning Board Discussion

The Board discussed a member's concerns about whether this subdivision would use up all of the water connections within the Seeley Lake Water District. The applicant's representative explained that some residents petitioned to remove lots from the district that were not using the water. This provided more connections than this subdivision proposes to use. It could not be confirmed whether this petitioning process will continue to happen in the future.

Fire protection was discussed in terms of maintenance of the fire hydrants, acknowledgement of the trail as a potential fire break in the event of wildfire, the inclusion of a forestry stewardship committee and plan in the Covenants, explanation of the 100' wide defensible space around streets and hydrants, tree and vegetation thinning, access to the hydrants, and roofing materials. These aspects inform the Fire Hazard Assessment result of moderate risk despite the active wildfire nearby. Conditions #19, 24, 25, and 27 are recommended to additionally address fire protection.

The Board discussed broader ideas, including potential impacts on planning in this community due to the Seeley Lake sewer bond failing to pass in December of 2016 and the need to maintain water quality in order to maintain the lakes, natural amenities, and industries that derive from them in the Seeley Lake area.

The majority of the Planning Board's discussion focused on the trail variance requested for the Alpine Trails Subdivision. The request is to vary from the requirement in Section 3.4.9.2.B.1 of the Subdivision Regulations to install a trail on at least one side of all roads internal to the subdivision. Based on a July 17, 2017 meeting between Public Works, Facilities Management, Parks, Trails and Open Lands, and CAPS, and analysis of the site characteristics, staff recommended denial of the variance and recommended two conditions of approval, #17 and #18. Condition #17 would require a 5' wide trail along one side of all roads. Condition #18 would require the portion connecting adjacent parkland to be placed within a public easement.

At the meeting, the applicant's representative expressed a preference for approval of the variance, adding that alternatively, they would prefer conditional approval of the variance so as to provide only two segments of trail along internal roads, one from S.O.S. Road to the intersection of Cedar Lane and Seclusion Point, and another from the trail connection on Lot 14 to the trail connection on Lot 25. This concept was recommended by County Parks, Trails and Open Lands on December 22, 2016 during the second of three rounds of agency comment. An exhibit of that concept is included with this summary (Attachment A).

The Board discussed this concept, the different purposes of a recreation trail and a transportation trail, and whether the surface type would be a continuation of the recreation natural surface trail (grass) or a type compliant with the standard in Section 3.4.9.5, requiring "concrete or an asphalt surface or a comparable surface material that is durable, maintainable, and usable in year round weather conditions." It was determined that a compliant surface type would be required. Additional discussion of whether standards from the Americans with Disabilities Act (ADA) should be applied at this site due to the private roads and topography included information that ADA permits reasonable and substantial accommodations given the topographic constraints along the road, the Subdivision Regulations requirement for trail compliance with ADA standards in Section 3.4.9.3.B, and clarification that the recreation trail would not be required to comply.

Motions to make the following amendments to condition of approval #17 and strike condition of approval #18 were unanimously approved.

Planning Board's Recommended Amendment to Conditions of Subdivision Approval
(All conditions of approval are included for context. See Conditions #17 and #18 on page 4 for amendments.)

Plat

1. The legal description shall be amended to include the portion of Tract B included in the subdivision, subject to review and approval by County Public Works prior to final plat approval. (*Subdivision Regulations Section Table 7.5*)
2. Each road shall be within an appropriately labeled access easement, subject to review and approval by the County Surveyors, County Attorney, and CAPS prior to final plat approval. (*Subdivision Regulations Section 3.4.3 and Table 7.5; ARM 24.183.1107*)
3. Trails shall be within appropriately labeled as non-motorized access easements, subject to review and approval by the County Surveyors and CAPS prior to final plat approval. (*Subdivision Regulations Section 3.4.9 and Table 7.5; ARM 24.183.1107*)

4. Areas identified as having slopes greater than 25% shall be depicted in bearings and distances, and shall be designated as No Build Zones on the final plat, subject to County Surveyors and CAPS review and approval prior to final plat approval. *(Subdivision Regulations Section 3.1.3.4.B.1)*
5. The following statement shall be shown on the face of the plat, subject to CAPS review and approval prior to final plat approval:

“Acceptance of a deed for a lot within this subdivision shall constitute assent of the lot owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities, and may be used in lieu of their signatures on an SID/RSID petition.

(Subdivision Regulations Section 6.3.8.1)
6. The following disclaimer shall be shown on the face of the plat, subject to CAPS review and approval prior to final plat approval:

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.”

(Subdivision Regulations Section 7.7.1)
7. Prior to filing each phase of the subdivision, the subdivider shall provide written notice to the governing body of their intent to do so. A public hearing shall be held to determine whether there are any changes to primary criteria impacts or if new information exists that creates a new potentially significant adverse impact for the phase or phases. Necessary, additional conditions to minimize potentially significant adverse impacts may be imposed with each review. *(House Bill 445 {Chapter 363, Laws 2017})*

Legal Access

8. The subdivider shall provide proof of legal access from Highway 83 across the triangular 1.1 acre parcel owned by Missoula County, subject to review and approval by County Attorney; Parks, Trails and Open Lands; and CAPS prior to Phase II final plat approval. *(Subdivision Regulations Section 3.5.8.2)*
9. A boundary line relocation reflecting the inclusion of an approximate 48’ x 52’ portion of Tract B of Carnes’ Seeley Creek Tracts No. 3 in the tract of record shall be subject to review and approval by CAPS and the appropriate documentation shall be recorded with the Clerk and Recorder prior to final plat approval of Phase II. *(Subdivision Regulations Sections 2.2.100 and 8.6.13)*

Roads

10. A road signage plan in conformance with the MUTCD, including, but not limited to, provisions for temporary signage during construction, permanent signage, and cost of installation to be the responsibility of the subdivider, shall be reviewed and approved by County Public Works prior to final plat approval. *(Subdivision Regulations Section 3.4.7.4)*
11. Address assignments and an address signage plan shall be reviewed and approved by the County Fire Inspector. The address signage plan shall be included in the development covenants prior to final plat, subject to review and approval by County Public Works, the County Fire Inspector, and CAPS. *(Subdivision Regulations Appendix E)*

12. An approach permit by the Montana Department of Transportation for the approach off Highway 83 by Alpine Trail shall be reviewed and approved by MDT prior to final plat approval of Phase II. (*Subdivision Regulations Section 3.5.8.3*)
13. Plans for and installation of the grading and drainage for internal roads shall be reviewed and approved by County Public Works prior to final plat approval. (*Subdivision Regulations Section 3.7*)
14. The road extending north off the western portion of Alpine Trail shall be 18' wide and shall comply with the subdivision regulations standards for rural roads, subject to review and approval by County Public Works and CAPS prior to final plat approval of Phase II. (*Subdivision Regulations Section 3.7.2*)
15. A 30' wide public right-of-way expansion of the entire portion of Cedar Lane adjacent to the subdivision shall be established north of the existing right-of-way for Cedar Lane, subject to review and approval by County Public Works and CAPS prior to final plat approval of Phase I. (*Subdivision Regulations Table 3.4.7*)
16. Plans for and installation of temporary turn-arounds to be located where roads are planned to extend into future phases shall be reviewed and approved by the County Fire Inspector, County Public Works, and CAPS prior to final plat approval. (*Subdivision Regulations Section 3.5.7.3*)

Non-Motorized Facilities

17. Plans for and installation of a 5' wide paved trail in accordance with the Subdivision Regulations along the sections of road as approved in the variance internal to the subdivision shall be reviewed and approved by County Public Works and CAPS prior to final plat approval. (*Subdivision Regulations Section 3.4.9.2.B.1*)
- ~~18. Plans for the 5' wide paved trail shall include public non-motorized access easements along the three portions of trail that 1) enters the subdivision from Cedar Lane, 2) extends along Seclusion Point, 3) and continues west along Wilderness Ridge and Alpine Trail, subject to review and approval by County Public Works and CAPS prior to final plat approval. The trail may be included within an appropriate private access easement for all other areas within the subdivision. (*Subdivision Regulations Section 3.4.9.3.A*)~~

Fire Prevention

19. All structures shall be required to be built with Class A Fire Rated roofing materials, subject to review and approval by the County Fire Inspector and CAPS prior to issuing a zoning compliance or land use permit. (*Subdivision Regulations Section 3.1.3.2*)

Weeds

20. A Revegetation Plan for the subdivision shall be signed and approved by the Missoula County Weed District prior to final plat approval. (*Subdivision Regulations Section 3.7.11*)
21. A Weed Management Plan shall be recorded with the Covenants or as a Development Agreement, subject to review and approval by the Missoula County Weed District and CAPS prior to final plat approval. The developer shall be identified as the responsible party for implementation and execution until such time that each lot has been conveyed to a new owner. The plan shall include, at a minimum, a current site analysis, and identify weed management goals and action items. (*Subdivision Regulations Section 3.12.3*)

Covenants

22. The second to last sentence of Section 7.g shall be amended as follows, subject to review and approval by CAPS prior to final plat approval:

“All trash receptacles shall be kept in secure animal-resistant containers or indoors only, except when being transported to the Refuse District. ~~other than on garbage collection days.~~”

(Subdivision Regulations Section 7.6.6)

23. Section 7.x.iii shall be amended as follows, subject to review and approval by CAPS prior to final plat approval:

“Garbage should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, it is best not to ~~load the vehicle used to transport the garbage until time of transport; set garbage cans out until the morning of garbage pickup; bring cans back indoors upon return. by the end of the day.~~”

(Subdivision Regulations Section 7.6.6)

24. Section 12 of the Covenants shall be amended to include the following language, subject to review and approval by CAPS prior to final plat approval:

“All roofing material shall be Class A Fire Rated.”

(Subdivision Regulations Section 7.6.10.1)

25. A Building Permit section shall be added that includes the following language, subject to review and approval by CAPS prior to final plat approval:

- All Owners agree that no building permits shall be issued for any property not in compliance with the covenant provisions included in this section.
- Driveways in excess of 150' in length shall be approved by the county fire inspector prior to building permit approval. A turn around for fire apparatus must be incorporated at the terminus of the driveway. Driveways shall provide 16' of unobstructed horizontal clearance and 13'6" unobstructed vertical clearance the length of the drive. Driveways shall not exceed 10% grade and shall be constructed to support emergency vehicles in all weather conditions.

(Subdivision Regulations Section 7.6.10.1)

26. Section 17 of the Covenants, Amendment, shall be amended to include the following language, subject to review and approval by CAPS prior to final plat approval:

“No covenants or sections thereof relating to Amendment, Building Permit, Radon, Signs, Weed Control, Weed Management Plan, Wildfire Hazard Area Fire Suppression Plan, Defensible Space Maintenance and Wildlife may be changed or deleted without prior written consent of the governing body.”

(Subdivision Regulations Section 7.6.6)

27. A defensible space maintenance agreement that complies with Appendix B of the Subdivision Regulations and Section 3.1.3.5.B.2 *Maintenance Agreement* shall be reviewed and approved by the County Fire Inspector and CAPS prior to final plat approval. The agreement shall distinguish between developer responsibilities and those of a Homeowners' Association or similar organization. Subdivision lot defensible space responsibilities shall also be outlined. *(Subdivision Regulations Section 3.1.3.5.B.1-2 and Appendix B)*

28. A S.O.S. Road maintenance agreement that complies with Appendix B of the Subdivision Regulations and outlines the roles and responsibilities of the landowners shall be reviewed and approved by CAPS prior to final plat approval. (*Subdivision Regulations Table 7.5*)
29. Language shall be included in the Covenants addressing the fact that construction and tree cutting associated with the subdivision is prohibited from occurring on the neighboring United States Forest Service land to the north and shall recommend marking the subdivision boundaries to prevent encroachments. Language shall be subject to CAPS review and approval prior to final plat approval. (*Subdivision Regulations Section 5.9.3.4*)

See the Planning Board Minutes (Attachment #2) for further discussion.

Attachments

A: Trail Concept Recommended for Conditional Approval



OWNER / APPLICANT
KAKWA RIVER PARTNERS, LLC

BASIS OF BEARING / VERTICAL DATUM
AMENDED PLAT OF CARNES' SEELEY CREEK TRACTS, NO. 3 NAVD 88

ZONING
UNZONED

COMPREHENSIVE PLAN
TOWN COMMERCIAL (4 D.U. / AC.)
TOWN RESIDENTIAL (4 D.U. / AC.)

DEVELOPMENT SUMMARY

- TOTAL AREA = 52.89 ACRES
- TOTAL LOTTED AREA = 39.94 ACRES
- COMMON AREA = 12.74 ACRES
- ROAD AREA = 5.08 ACRES

LEGAL DESCRIPTION

TRACT A, CARNES' SEELEY CREEK TRACTS, NO. 3

PHASING PLAN

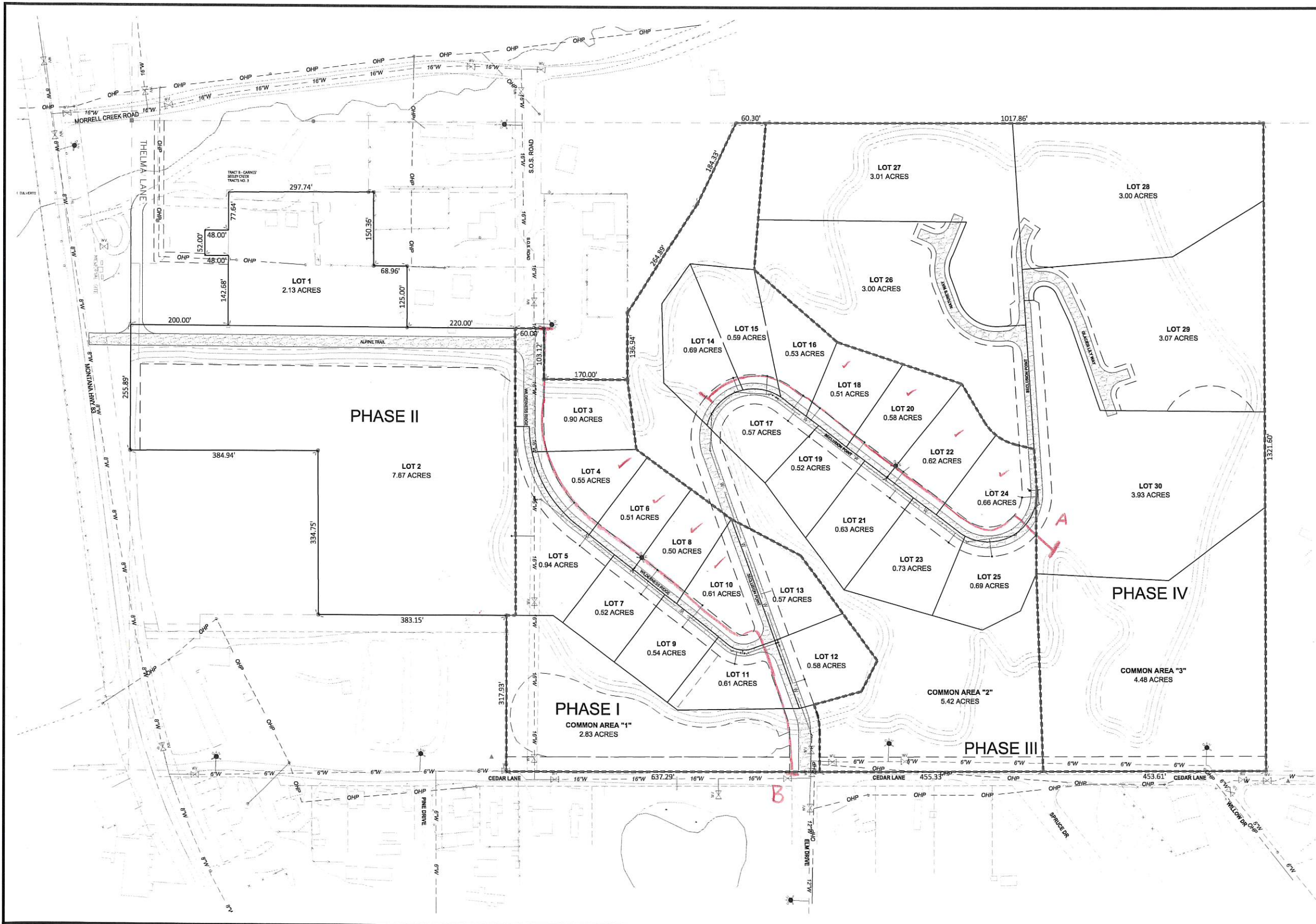
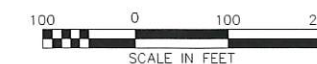
- PHASE I SHALL BE FILED WITHIN TWO YEARS OF PRELIMINARY PLAT APPROVAL. PHASE I PARKLAND REQUIRED = 0.51 ACRES, 2.84 ACRES TO BE PLATTED WITH PHASE I.
- PHASE II SHALL BE FILED WITHIN TWO YEARS OF FILING PHASE I. PHASE II PARKLAND REQUIRED = 0.11 ACRES, 0 ACRES TO BE PLATTED WITH PHASE II; 2.84 ACRES PLATTED IN PHASES I AND II.
- PHASE III SHALL BE FILED WITHIN TWO YEARS OF FILING PHASE II. PARKLAND REQUIRED = 0.55 ACRES REQUIRED; 5.42 ACRES TO BE PLATTED IN PHASE III; 8.26 ACRES PLATTED IN PHASES I - III.
- PHASE IV SHALL BE FILED WITHIN FOUR YEARS OF FILING PHASE III. PARKLAND REQUIRED = 0.48 ACRES; 4.48 ACRES PLATTED IN PHASE IV; TOTAL PARKLAND DEDICATION IN PHASES I-IV IS 12.74 ACRES.
- TRACT B IS EXEMPT FROM SANITATION REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER THE PROVISIONS OF MCA 76-4-125(2)(e)(ii).

LEGEND

	WATER VALVE		STORM DRAIN MANHOLE		UTILITY POLE
	WATER METER		CATCH BASIN (SQUARE)		SEWER LINE
	WATER SERVICE		CATCH BASIN (ROUND)		GAS LINE
	FIRE HYDRANT		DRAINAGE SUMP		OVERHEAD POWER
	PUMP STATION		DIRECTION OF DRAINAGE SUMP		WATER LINE
	MONITORING WELL		GAS METER		TIME EGRESS
	PORTABLE WATER WELL		GAS VALVE		DRIVEWAY
	BLOW-OFF ASSEMBLY		LAMP POLE		TREE LINE
	AIR RELEASE VALVE		TREE		OAK TREE
	SEPTIC TANK		TREE		PINE TREE
	STORM SEWER MANHOLE		TREE		SHRUB

SURVEYOR'S CERTIFICATION
THIS PLAT WAS PREPARED UNDER MY SUPERVISION

TOBY DUMONT, MT REG. NO. 126715



Professional Consultants Inc.
3115 RUSSELL ST. PO BOX 1750 MISSOULA, MONTANA 59801
PHONE 406-728-1880 FAX 406-728-0276

PROJECT #	7395-05
DRAWN BY	DM
CHECKED BY	DM
DATE	5-31-13
REVISION	10-31-15 ELEMENT REVIEW REVISIONS
REVISION	1-15-16 2ND ELEMENT REVIEW REVISIONS
REVISION	11-20-16 SUFFICIENCY REVIEW REVISIONS
REVISION	
REVISION	

ALPINE TRAILS SUBDIVISION
PRELIMINARY PLAT
SEC. 35, T.17 N., R.15 W., P.M.M.,
MISSOULA COUNTY, MONTANA