

## Ponderosa Heights Apartments Carport Approval Package

1. "No build zone" covenant PH Subdivision
2. Application for Variance
3. Google Earth Image 2
4. Google Earth Images image 1, 2016 before mitigation of hill /2017 after hill mitigation
5. Grading and Drainage Plan 2016
6. HOA carport variance approval letter 2017 / HOA carport variance approval letter 2019
7. Additional photos:
  - a. looking west –carport to be built over existing parking spaces
  - b. Lot 105 carport – same exact style
  - c. mitigated hill and retaining wall
  - d. mitigated hill and retaining wall- looking east
  - e. mitigated hill and retaining wall- looking west
8. Board of Adjustments letter
9. Plat of Ponderosa Heights Subdivision Phase 2A 2007
10. Revised conditions of approval #21, pg 3
11. Picture -Same carport two lots down –Lot 105
12. Site Plan 1"- 20' 2016 enlarged / Site Plan 1"- 20' original 2016
13. NOTE: Fee \$895 PAID ONLINE 7/13/2020

## Application for a Variance (County)

File # \_\_\_\_\_ Date June 1, 2020

Name: Ponderosa Heights Apartments Ph# 406-544-2035 / 406-360-5918

Address: 7105 Highway 12 W, Lolo, MT 59847

Agent Name: Shane Hart Ph# (406) 544-2035

Legal Description:

Lot #: 107 & 108 Block#: \_\_\_\_\_ Subdivision: Ponderosa Heights Phase 2A

COS#: \_\_\_\_\_ Metes & Bounds Description: (Attach Typed Description)

**Note:** Provide information on the following condition in your letter explaining your proposal.

**A variance from the terms of Resolution 76-113 shall not be granted by the Board of Adjustment unless and until the applicant demonstrates all of the following:**

1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, that are not applicable to other lands in the same zone. Literal interpretation of the provisions of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same zone under the terms of these regulations;
2. That such strict compliance would preclude an effective design solution to the unique circumstance, thus preventing improvement of the livability, operation and efficiency, or appearance of the proposed use or building;
3. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare as outlined in Section 8.07 of Resolution 76-113; and
4. The fact that property may be utilized more profitably will not be an element of consideration before the Board of Adjustment.

**In considering all proposed variances to these regulations, the Board shall, before making any findings in a specified case, first determine:**

1. That the proposed variance will not amount to a change in the use of the property to a use which is not permitted in the zone;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same zone.

Owner Kelly Hart Date 6-1-2020

Owner's Agent [Signature] Date 6-1-2020

<b>Applicant's Responsibility:</b> An application for a Variance must be made to the Zoning Officer by the property owner or a designated agent. The application and all necessary supporting documentation must be received at least 5 weeks prior to the scheduled meeting. The applicant or the agent should be present at the meeting.
<b>Zoning Officer Responsibility:</b> The Zoning Officer will send notice of the hearing to property owners within three hundred (300) feet. Notice will also be published twice in a County-approved local news media and the property will be posted with a hearing notice. The Zoning Officer shall inspect all submitted material for compliance and submit a report to the Board of County Commissioners and the Planning and Zoning Commission (if necessary), and the applicant prior to the meeting.
<b>Board of County Commissioners Responsibility:</b> The Board County Commissioners must take into consideration the Zoning Resolution and public testimony in making the decision to deny or approve the request in whole or in part. The Board may require conditions for approval by which the decision is bound. A quorum must be present to take any action.

**Applicant's Responsibility:**

An application for a Variance must be made to the Zoning Officer by the property owner or a designated agent. The application and all necessary supporting documentation must be received at least five (5) weeks prior to the regular meeting, which is held on the third (3rd) Wednesday of each month. The applicant or the agent must be present at the meeting.

**Zoning Officer Responsibility:**

The Zoning Officer will send notice of the hearing to property owners within three hundred (300) feet. Notice will also be published twice in a County-approved local news media and the property will be posted with a hearing notice. The office shall inspect all submitted material for compliance and submit a report to the Board of Adjustment and the applicant prior to the meeting.

**Board of Adjustment Responsibility:**

The Board of Adjustment must take into consideration the Zoning Resolution and public testimony in making the decision to deny or approve, in whole or in part, and make its decision within thirty-five (35) days of the public hearing. The Board may require conditions for approval by which the decision is bound. A quorum must be present to take any action. Three (3) Board members constitute a quorum.



GOOGLE EARTH IMAGE TWO  
SCALE: N.T.S.

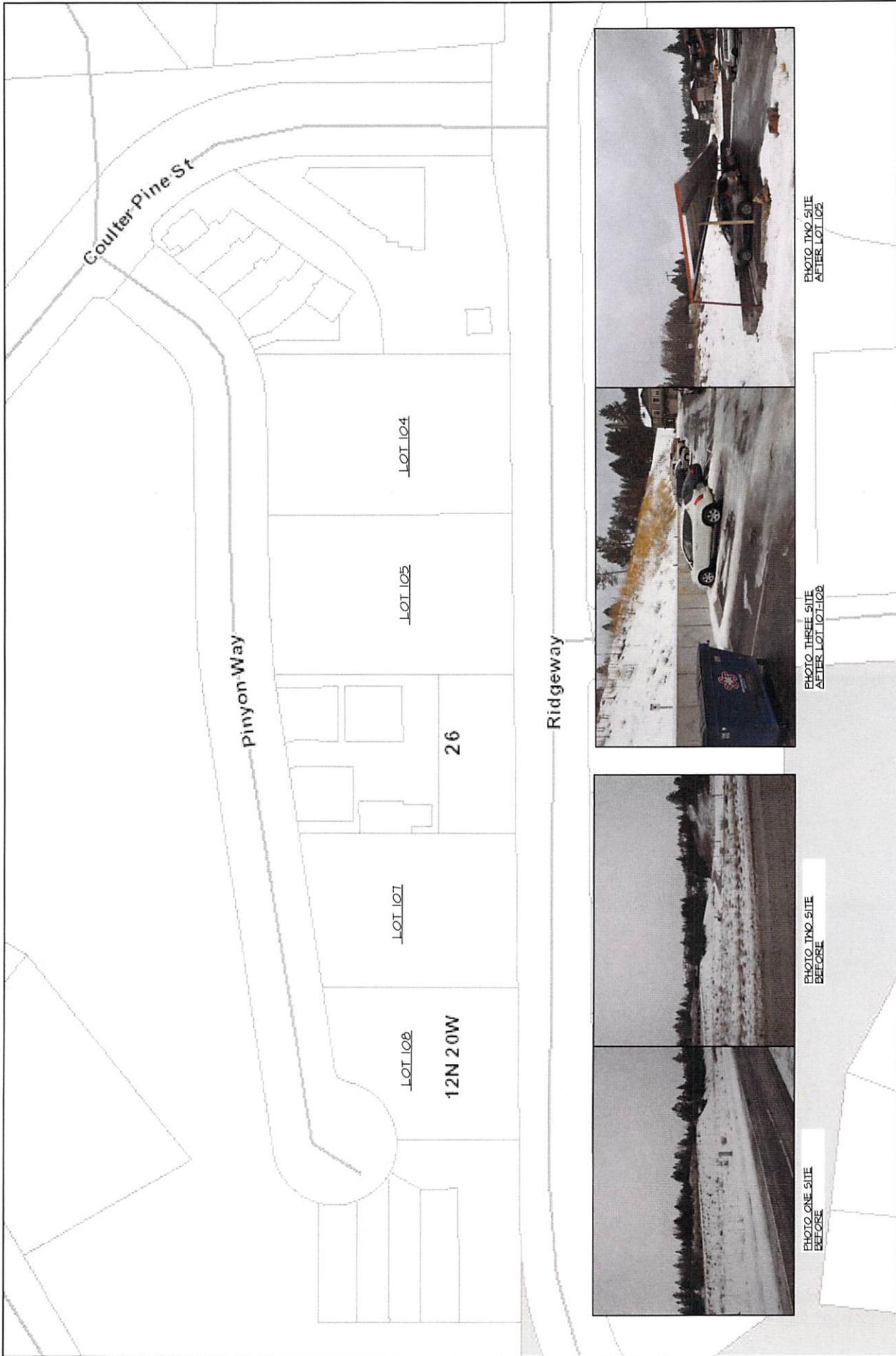


GOOGLE EARTH IMAGE ONE

SCALE: N.T.S.



GOOGLE EARTH IMAGE TWO  
SCALE: N.T.S.



DATE	PER M.C.P.V.	REVISION
10/12/16	PER M.C.P.V.	
10/17/16	PER M.C.P.V.	
10/25/16	PER OWNER	

PROJECT TITLE  
**LLO PEAK APARTMENTS**

SHEET TITLE  
**GRADING & DRAINAGE PLAN**

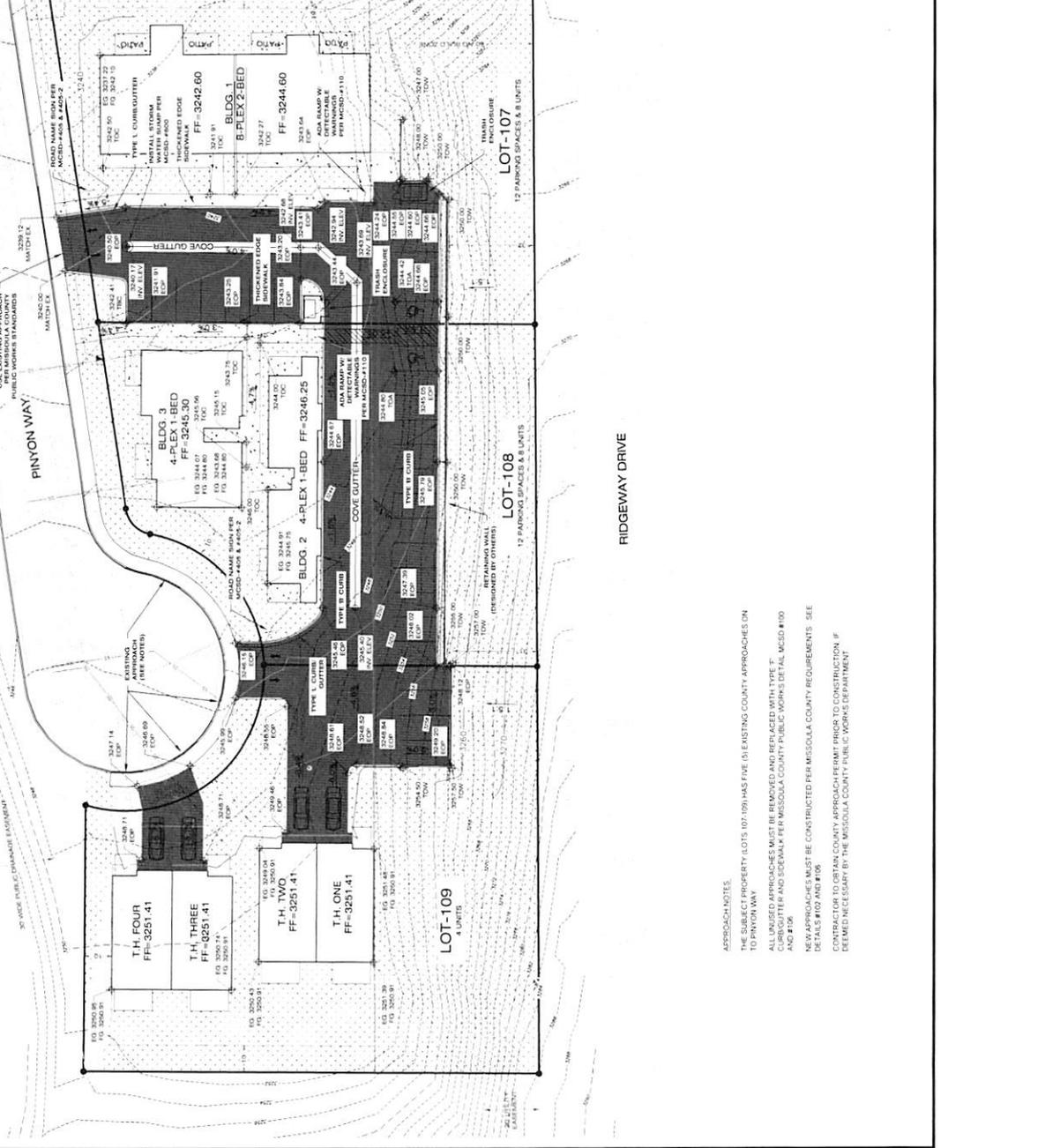
PROJECT LOCATION  
**LOTS 107-109 OF PONDEOSA HEIGHTS LOTO MISSOULA COUNTY**

PROJECT NUMBER	16-196
DESIGNED	TW
DRAWN	KME
DATE	10/06/2016

- LEGEND**
- PROPERTY LINE
  - BUILDING SETBACK
  - EXISTING WATER MAIN
  - EXISTING WATER SERVICE
  - EXISTING SEWER MAIN
  - EXISTING SEWER SERVICE
  - EXISTING TELEPHONE LINE
  - EXISTING FIRE HYDRANT
  - EXISTING WATER VALVE
  - EXISTING WATER METER
  - EXISTING SEWER MANHOLE
  - EXISTING TELEPHONE BOX
  - EXISTING CABLE BOX
  - EXISTING ELECTRIC TRANSFORMER
  - PROPOSED CONCRETE SURFACE
  - EXISTING ASPHALT SURFACE
  - EXISTING GRAVEL SURFACE
  - PROPOSED ASPHALT PARKING LOT
  - GRASS SURFACE
  - PROPOSED 10' CONTOUR
  - PROPOSED 2' CONTOUR
  - EXISTING 10' CONTOUR
  - EXISTING 2' CONTOUR
  - SPOT ELEVATION
  - GROUND ELEVATION AT BUILDING CORNER

TOC TOP OF CONCRETE  
 TOA TOP OF ASPHALT  
 EOP EDGE OF PAVEMENT  
 TBC TOP BACK OF CURB  
 TOW TOP OF WALL  
 FG FINISHED GRADE  
 EG EXISTING GRADE

GENERAL NOTES:  
 THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL SO NOTED.  
 THESE PLANS HAVE BEEN REVIEWED AND PERMITTED FOR CONSTRUCTION.  
 DO NOT SCALE DRAWINGS. CLARIFICATION FOR DIMENSIONS IS REQUIRED.  
 CONTRACTOR SHALL NOTIFY ENGINEER TO OBTAIN RESOLUTION IN WRITING PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.  
 CONTRACTOR SHALL REVIEW GEOTECHNICAL REPORT PRIOR TO CONDUCTING ANY SITE INVESTIGATION. ANY DISCREPANCIES BETWEEN THE REPORT AND FIELD CONDITIONS MAY WARRANT SPECIAL CONSTRUCTION ACTIVITIES.  
 SEE ARCHITECTURAL SITE PLAN FOR DIMENSIONS AND BUILDING SETBACKS FOR SITE IMPROVEMENT INFORMATION NOT SHOWN HEREON.  
 SEE ARCHITECTURAL PLANS FOR ALL PARKING LOT STRIPING, HANDICAP STALL DIMENSIONS AND BUILDING LAYOUT INFORMATION INCLUDING DOOR PENETRATIONS AND FOUNDATION LOCATIONS.  
 SEE ARCH PLAN FOR DOWNSPOUT LOCATIONS, SIZES, & MATERIALS.  
 SEE LANDSCAPE PLANS FOR TREE LOCATIONS, SPECIES, & INSTALLATION DETAILS.  
 CONTRACTOR TO COORDINATE WITH ENGINEER FOR ANY POTENTIAL FIELD DISCREPANCIES WITH INFORMATION SHOWN HEREON.  
 ALL WORK MUST BE IN ACCORDANCE WITH CURRENT MISSOULA COUNTY AND MISSOULA COUNTY PUBLIC WORKS STANDARDS. THESE SPECIFICATIONS ARE INCLUDED IN THE WORK SCOPE BY REFERENCE.



APPROACH NOTES:  
 THE SUBJECT PROPERTY (LOTS 107-109) HAS FIVE (5) EXISTING COUNTY APPROACHES ON PINYON WAY.  
 ALL UNUSED APPROACHES MUST BE REMOVED AND REPLACED WITH TYPE 'F' APPROACHES PER MISSOULA COUNTY PUBLIC WORKS DETAIL UCSD #100 AND #101.  
 NEW APPROACHES MUST BE CONSTRUCTED PER MISSOULA COUNTY REQUIREMENTS. SEE DETAILS #102 AND #106.  
 CONTRACTOR TO OBTAIN COUNTY APPROACH PERMIT PRIOR TO CONSTRUCTION IF DEEMED NECESSARY BY THE MISSOULA COUNTY PUBLIC WORKS DEPARTMENT.

6/20/17

To Whom It May Concern;

A matter has been brought to the attention of the H.O.A. of Ponderosa heights regarding the "no build zone" on lots 107, 108 and 109 phase 2A of Ponderosa Heights. The owner of properties has asked the HOA to be able to build carports within the no build zone. After consideration the HOA can find no reason to deny this request. The HOA believes that the factors that required the no build zone have been mitigated by retaining walls and topographic changes to these lots. Therefore the HOA approves of the carports to be constructed on lots 107, 108 and 109 Ponderosa Heights.

Paul Rossignol

Shane and Kelly Hart (Ponderosa Heights Apts LLC), owners of lots 105, 107-109 partial, (6417/6424/6438 Dylan Drive) are requesting a variance from the Missoula County Planning Office in order to erect carports over existing parking spaces for the benefit of tenants in the apartments already constructed on these lots. The one-time variance is requested because the carports (if approved) would be constructed in a strip of land identified by the County as a "no build" zone.

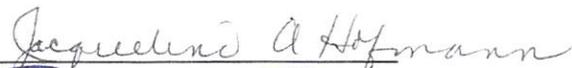
The Ponderosa Heights Homeowner's Association Board of Directors unanimously approved this request May 16, 2019. Because this request requires a variance from the Declaration of Restrictive Covenants of the HOA, approval of the request must also be approved by 2/3 of the 88 HOA property owners. Ballots were distributed to property owners in July 2019 soliciting votes on the question. By July 30, 2019, 61 complete, signed ballots approving the variance were received and verified by the recording secretary. The number of "yes" votes exceeds the 59 votes needed to meet the 2/3 standard.

Ponderosa Heights Homeowner's Association approves the Hart request for a variance to the no-build zone in order to erect carports.

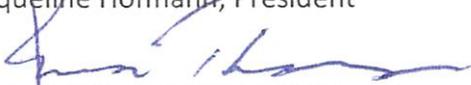
**Board of Directors**  
**Ponderosa Heights Homeowners Association, Inc.**

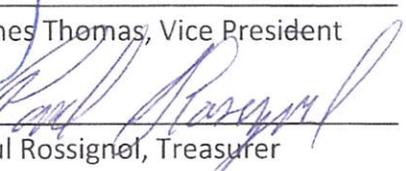
By:

On This Date:

  
\_\_\_\_\_  
Jacqueline Hofmann, President

  
\_\_\_\_\_  
30 Jul 2019

  
\_\_\_\_\_  
James Thomas, Vice President

  
\_\_\_\_\_  
Paul Rossignol, Treasurer





CAUTION  
CLEARANCE  
9 FT 10 IN

Jeep

BRC189







6438

# Ponderosa Heights Apartments LLC

7105 Highway 12 W  
Lolo, MT 59847

July 1, 2020

Matt Heimel and Missoula County Board of Adjustment Members  
127 E. Main Street  
Missoula, MT 59802

**RE:** Ponderosa Heights Apartments LLC – Ponderosa Heights Phase 2A Lots 107-108

Dear Matt Heimel and Board of Adjustment Members,

Please find attached, our request for a one time variance to the Ponderosa Heights Subdivision “No Build Zone” covenants. Our request meets the requirements of the Missoula County Zoning Regulations 8.26.E as well as the Missoula Subdivision Regulations 6.7. The variance would allow carports to be built over 23 existing parking spaces on the above referenced property. The ‘no build zone’ hill of lots 107 and 108 was mitigated back in 2017 in order to create the existing parking lot. The hill was cut back 27 ft and a retaining wall was built.(Google Earth Image with photos) Included within the attached variance request are additional details pertaining to the request and information for your review. Below is a summary of the project and contact information for the property owner.

## **Project**

The property (lot 107 & 108) is currently owned by Ponderosa Heights Apartments LLC and has three multi-family buildings, built in 2017, located on the parcel with the approved required parking. The owner’s are requesting the permission to build a carport over the existing 23 parking spaces (used since 2017) located in a ‘no build zone’. This is for the benefit of tenants living in the apartments already constructed on these lots. The carport would allow coverage for the tenant’s vehicles and would also help with parking lot snow removal in the winter. Carport would be 207 ft x 18 ft. (See Google Earth Image Two).

This request for variance meets all the criteria for review listed in the Variance Application as well as the Missoula County Zoning Regulations 8.26.E

1. Property in question is currently a parking lot and will stay a parking lot (with carport cover).
2. This ‘no build zone’ is the southern 60ft of Lots 106-109 (measured from the edge of the Ridgeway Drive right-of-way). When the apartment project was constructed in 2017, the hillside prompting the ‘no build zone’ was mitigated to make access for parking and apartment construction. The bank on Lot 107 and 108 was cut back 27 ft to allow for the parking lot. That leaves only 33 ft of the hillside ‘no build zone’ remaining. An engineered concrete retaining wall, approved by the county, was built 4-8 feet high along the south side of the parking spaces at the base of the hillside. Grading and drainage plan for the retaining wall and parking lot were approved by Missoula County in 2017. (see attached pictures)
3. The parking lot already meets all county codes. The carport would be tucked out of sight under Ridgeway Drive embankment and behind the 3 building apartment complex. Literal enforcement of the

covenant and code would not take into account the bank mitigation work and retaining wall that was done to remove a portion of the hill from the 'no build zone' to allow parking.

4. The carports would not be injurious or detrimental to anyone. Approval for a variance to the covenants 'no build zone' rule was sought and obtained by over 2/3 of the Ponderosa Heights Property Owners and HOA Board (see letters attached from 2017 and 2019- survey results were sent to the county by the Ponderosa Heights HOA). This includes permission from owners of Lot 109. The HOA also has this variance approval letter posted on their website for all HOA members to see.

The carport is an added benefit for the welfare of the apartment tenants who are Missoula County residents. The use of the property as a tenant parking lot will not be changed. There are no special conditions or circumstances involved in this variance. Lot 105 already has a carport over tenant parking, so it would not be the first carport in the multi-family housing area of Ponderosa Heights subdivision. Ponderosa Heights Apartments LLC has already applied and received approval for another carport on Lot 107 out of the 'no build zone'.

- (i) The location, character and natural features of the property make this location perfect for a parking lot with carport. The ground is already paved and retaining wall is already built.
- (ii) Property is already used as parking lot, but covered parking would be added benefit for tenants (Missoula County residents) and helpful for snow removal in winter.
- (iii) Property is already used as parking lot, but covered parking would be added benefit for tenants (Missoula County residents) and helpful for snow removal in winter.
- (iv) The use conforms to objectives of Missoula County zoning regulations because it already has been approved as a parking lot.
- (v) The current permitted parking lot use and proposed carports meet the current Missoula County Zoning Resolution (MCRZ) Designation for the north Lolo Rural Special Zoning District / Ponderosa Heights Subdivision.
- (vi) The use will not adversely affect nearby properties or their occupants. Permission for a variance to the covenants 'no build zone' rule was sought and obtained by over 2/3 of the Ponderosa Heights Property Owners and HOA Board (see letters attached- survey results were sent to the county by the Ponderosa Heights HOA). This includes permission from owners of Lot 109.
- (vii) Parking spaces are already in place, cars already parked there. It will not add or delete any spaces.
- (viii) No vegetation, no change to topography and drainage plan already approved by county for parking lot in 2017.
- (ix) No need for public utilities or services.
- (x) Public opinion has been neutral or in favor of project. Permission for a variance to the covenants 'no build zone' rule was sought and obtained by over 2/3 of the Ponderosa Heights Property Owners and HOA Board (see letters attached- survey results were sent to the county by the Ponderosa Heights HOA).

**Properties adjacent to the property owners are.**

**North:** Ponderosa Development Inc., P.O. Box 23, Lolo, MT 59847

Geocode:04-2092-27-1-05-40-0000

**East:** (See Google Image One) Albert Zepada, P.O. Box 869, Lolo, MT 59847

Geocode:04-2092-26-3-03-19-5999

**West:** Ponderosa Heights Apartments LLC., 7105 Hwy 12 W, Lolo, MT 59847

Geocode:04-2092-26-3-03-23-0000

**South:** (See Google Image One ) Keith Broere, P.O. Box 1630, Lolo, MT 59847

Geocode:04-2092-27-3-01-04-0000

**Property Owner:** Ponderosa Heights Apartments LLC  
7105 Highway 12 W  
Lolo, MT 59847  
(406) 544-2035 Shane Hart/(406)360-5918 Kelly Hart

We look forward to working with you regarding the variance request. If you have any questions or need any additional information please do not hesitate to contact us directly via email at [khart.mt@gmail.com](mailto:khart.mt@gmail.com) or by phone at (406) 544-2035 or (406)360-5918.

Sincerely,

Shane and Kelly Hart  
Owners, Ponderosa Heights Apartments, LLC

- E. No Build Zones.** There are No Build Zones designated along the southern 60 feet of Lots 106 through 109 and along the southern 25 feet of Lots 103 through 105 measured from the edge of the Ridgeway Drive Right-of-Way as depicted on the phase of the plat. These No Build Zones shall be kept open and free of structures, including buildings, mobile homes, garages, carports. The no build zones do not exclude fences, underground utilities, or improved surfaces for parking and pedestrian traffic. A "No Build Zone" map is attached as Exhibit A.
- F. Living With Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants.

Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie.

Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's website at <http://www.fwp.mt.gov/>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value:

1. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
3. Garbage must be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons and dogs. Do not set garbage cans out until the morning of garbage pickup.

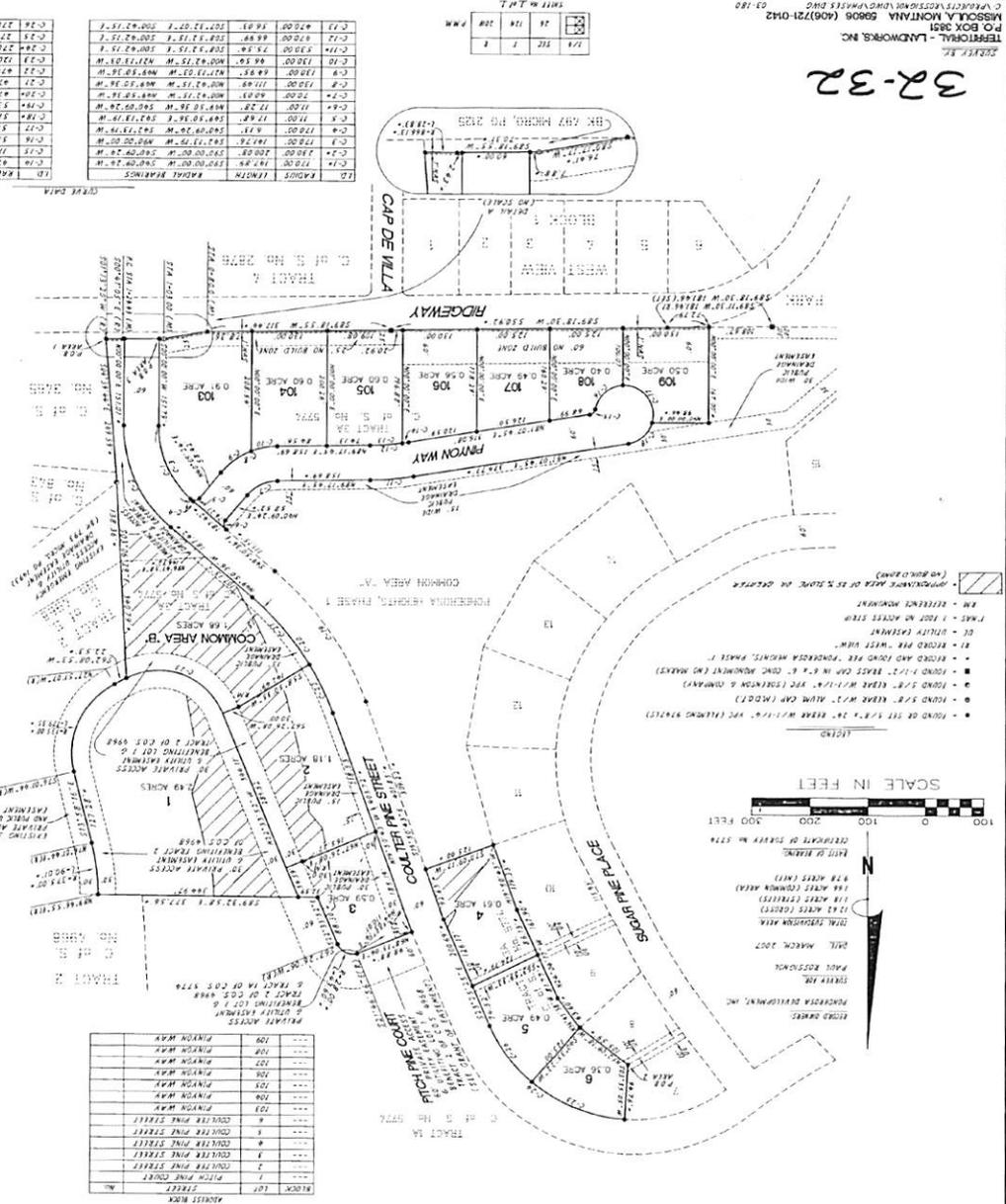


32-32

# PONDEROSA HEIGHTS, PHASE 52A

32-32

A MAJOR SUBDIVISION PLAT LOCATED IN THE W 1/2 OF SECTION 26, T.12N., R.20W., P.M.N., MISSOULA COUNTY, MONTANA.



TERRELL - LANDWORKS, INC.  
 P.O. BOX 3521  
 MISSOULA, MONTANA 59806 (409)721-0142  
 C:\PROJECTS\MISSOULA\DRAWING\MKPLAT.DWG 03.18.07

32-32

ACRES	FEET	INCHES	FRAC
1/4	12	0	0
1/2	24	0	0
3/4	36	0	0
1	48	0	0
1 1/4	60	0	0
1 1/2	72	0	0
1 3/4	84	0	0
2	96	0	0
2 1/4	108	0	0
2 1/2	120	0	0
2 3/4	132	0	0
3	144	0	0
3 1/4	156	0	0
3 1/2	168	0	0
3 3/4	180	0	0
4	192	0	0
4 1/4	204	0	0
4 1/2	216	0	0
4 3/4	228	0	0
5	240	0	0
5 1/4	252	0	0
5 1/2	264	0	0
5 3/4	276	0	0
6	288	0	0
6 1/4	300	0	0
6 1/2	312	0	0
6 3/4	324	0	0
7	336	0	0
7 1/4	348	0	0
7 1/2	360	0	0
7 3/4	372	0	0
8	384	0	0
8 1/4	396	0	0
8 1/2	408	0	0
8 3/4	420	0	0
9	432	0	0
9 1/4	444	0	0
9 1/2	456	0	0
9 3/4	468	0	0
10	480	0	0
10 1/4	492	0	0
10 1/2	504	0	0
10 3/4	516	0	0
11	528	0	0
11 1/4	540	0	0
11 1/2	552	0	0
11 3/4	564	0	0
12	576	0	0
12 1/4	588	0	0
12 1/2	600	0	0
12 3/4	612	0	0
13	624	0	0
13 1/4	636	0	0
13 1/2	648	0	0
13 3/4	660	0	0
14	672	0	0
14 1/4	684	0 </tr	

ACRES	FEET	INCHES	FRAC
1/4	12	0	0
1/2	24	0	0
3/4	36	0	0
1	48	0	0
1 1/4	60	0	0
1 1/2	72	0	0
1 3/4	84	0	0
2	96	0	0
2 1/4	108	0	0
2 1/2	120	0	0
2 3/4	132	0	0
3	144	0	0
3 1/4	156	0	0
3 1/2	168	0	0
3 3/4	180	0	0
4	192	0	0
4 1/4	204	0	0
4 1/2	216	0	0
4 3/4	228	0	0
5	240	0	0
5 1/4	252	0	0
5 1/2	264	0	0
5 3/4	276	0	0
6	288	0	0
6 1/4	300	0	0
6 1/2	312	0	0
6 3/4	324	0	0
7	336	0	0
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8	384	0	0
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12	576	0	0
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14	672	0	0
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15 3/4	756	0	0
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16 3/4	804	0	0
17	816	0	0
17 1/4	828	0	0
17 1/2	840	0	0
17 3/4	852	0	0
18	864	0	0
18 1/4	876	0	0
18 1/2	888	0	0
18 3/4	900	0	0
19	912	0	0
19 1/4	924	0	0
19 1/2	936	0	0
19 3/4	948	0	0
20	960	0	0
20 1/4	972	0	0
20 1/2	984	0	0
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22 1/2	1080	0	0
22 3/4	1092	0	0
23	1104	0	0
23 1/4	1116	0	0
23 1/2	1128	0	0
23 3/4	1140	0	0
24	1152	0	0
24 1/4	1164	0	0
24 1/2	1176	0	0
24 3/4	1188	0	0
25	1200	0	0
25 1/4	1212	0	0
25 1/2	1224	0	0
25 3/4	1236	0	0
26	1248	0	0
26 1/4	1260	0	0
26 1/2	1272	0	0
26 3/4	1284	0	0
27	1296	0	0
27 1/4	1308	0	0
27 1/2	1320	0	0
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28 3/4	1380	0	0
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32 1/2	1560	0	0
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33	1584	0	0
33 1/4	1596	0	0
33 1/2	1608	0	0
33 3/4	1620	0	0
34	1632	0	0
34 1/4	1644	0	0
34 1/2	1656	0	0
34 3/4	1668	0	0
35	1680	0	0
35 1/4	1692	0	0
35 1/2	1704	0	0
35 3/4	1716	0	0
36	1728	0	0
36 1/4	1740	0	0
36 1/2	1752	0	0
36 3/4	1764	0	0
37	1776	0	0
37 1/4	1788	0	0
37 1/2	1800	0	0
37 3/4	1812	0	0
38	1824	0	0
38 1/4	1836	0	0
38 1/2	1848	0	0
38 3/4	1860	0	0
39	1872	0	0
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39 1/2	1896	0	0
39 3/4	1908	0	0
40	1920	0	0
40 1/4	1932	0	0
40 1/2	1944	0	0
40 3/4	1956	0	0
41	1968	0	0
41 1/4	1980	0	0
41 1/2	1992	0	0
41 3/4	2004	0	0
42	2016	0	0
42 1/4	2028	0	0
42 1/2	2040	0	0
42 3/4	2052	0	0
43	2064	0	0
43 1/4	2076	0	0
43 1/2	2088	0	0
43 3/4	2100	0	0
44	2112	0	0
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48 1/2	2328	0	0
48 3/4	2340	0	0
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51 1/4	2460	0	0
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52	2496	0	0
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52 1/2	2520	0	0
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54 3/4	2628	0	0
55	2640	0	0
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55 1/2	2664	0	0
55 3/4	2676	0	0
56	2688	0	0
56 1/4	2700	0	0
56 1/2	2712	0	0
56 3/4	2724	0	0
57			

## ATTACHMENT I

**CONDITIONS OF APPROVAL - REVISED**  
**PONDEROSA HEIGHTS SUBDIVISION**  
**APRIL 3, 2006**

*No sprinklers  
req. see  
email*

**Roads**

1. Bull Pine Street shall be redesigned as a cul-de-sac road meeting all County Road standards for construction, with a maximum length of road as measured from Yellow Pine Street not to exceed 1,600 feet, subject to review and approval by County Public Works and the Missoula Rural Fire District, prior to final plat approval of Phase 1.
2. The One Foot No Access strip on Ridgeway Drive shall extend the entire length of frontage on this subdivision, except for the intersection with Yellow Pine Street, subject to review and approval by County Public Works, prior to final plat approval of Phase 1.
3. A second emergency access road shall be provided from this subdivision; the location, construction specifications and plans for year-round maintenance by a Homeowners Association are subject to review and approval by the Missoula Rural Fire District and County Public Works, prior to final plat approval of Phase 1.
4. The western extension of the Jack Pine Way right-of-way and paved road shall be shortened a minimum of 50 feet. Plans for shortening the western extension of Jack Pine Way and any new lot/driveway configuration shall be reviewed and approved by OPG and County Public Works prior to final plat approval of Phase 1.
5. A signage plan in conformance with the Manual on Uniform Traffic Control Devices, including provisions for temporary signage during construction, permanent signage, and the cost of installation to be responsibility of the subdivider, shall be reviewed and approved by County Public Works prior to final plat approval of Phase 1.
6. The road and utility easement between Lots 91 and 92 shall be designated as a public right-of-way, subject to review and approval by County Public Works, prior to final plat approval of Phase 1.

**Parks**

7. A. Parks A and B shall be relabeled as "Common Area" to be maintained by the Homeowners Association. Park A shall not be used for a drainage retention pond and instead shall be an improved recreation area, including grading, topsoil, seeding and commercial irrigation. The common area shall be dedicated in amounts required by the net lotted area of each phase or with Phase 1.  
  
B. The subdivider shall file a development agreement against portions of Tracts 5, 6 and 9 of COS 2951 and Tract 1 of COS 4968, outside the boundaries of this subdivision in Paul Rossignol's ownership, to allocate a public park on land less than 3% slope, if an when this land north of Ponderosa Heights is subdivided or developed. This park must be visually and physically accessible to the public with appropriate connections to public rights-of way, subject to review and approval by County Parks and OPG. This development agreement shall be subject to review and approval by the Missoula Board of County Commissioners prior to final plat approval of Phase 1.
8. The following statement shall appear on the face of the plat, subject to review and approval by County Parks:

## ATTACHMENT I

"Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID/SID for a future parks maintenance district in Lolo."

### Phasing Plan

9. The phasing plan shall be revised to account for the revisions to the plat resulting from conditions of subdivision approval, subject to review and approval by OPG and County Public Works, prior to final plat approval for Phase 1.

### Subdivision Redesign Plan

10. A plan for revising the subdivision design resulting from the subdivision conditions of approval shall be reviewed and approved by OPG, County Public Works, County Parks and the Missoula Rural Fire District, prior to final plat approval of Phase 1.

### Fire

11. The subdivider shall present evidence of having petitioned into the Missoula Rural Fire District, prior to final plat approval of Phase 1.
12. Prior to final plat approval, the covenants shall be amended to include the requirement that plans for driveways in excess of 150 feet shall be reviewed and approved by the Missoula Rural Fire District. This section of the covenants may not be changed or deleted without governing body approval.
13. Plans for addressing buildings so that address signs are clearly visible from the street shall be reviewed and approved by the Missoula Rural Fire District and included in the covenants, which may not be changed or deleted without governing body approval.
14. Plans for fire sprinklers systems for all lots within the subdivision shall be incorporated into the covenants and shall be reviewed and approved by the Missoula Rural Fire District prior to final plat approval of Phase 1.

### Pedestrian Facilities

15. The subdivider shall install minimum 5 foot wide curbside sidewalk on the east side of Yellow Pine Street from the point of intersection with Ridgeway Drive, to connect to the proposed sidewalk on the east side of Yellow Pine Street, approximately 600 feet north of Ridgeway Drive and just south of proposed Lot 2, subject to review and approval of OPG and County Public Works, prior to final plat approval of the phase in which this section of road is located. The sidewalk on the west side of Yellow Pine Street, north of Pinon Way, shall be continued to the intersection of Yellow Pine Street and Bull Pine Street, subject to review and approval of OPG and County Public Works, prior to final plat approval of the phase in which this section of road is located.
16. The subdivider shall install 5 foot wide curbside sidewalk on the east / south side of Bull Pine Street, also known as Sugar Pine Street, extending approximately 1000' from the intersection with Yellow Pine Street, also known as Coulter Pine Street, to the point where Lot 14 and the Common Area intersect, subject to review and approval by OPG and County Public Works, prior to final plat approval of the phase in which Bull Pine Street, also known as Sugar Pine Street, (or portions thereof) is located.
17. The subdivider shall install 5' wide curbside sidewalk along the south side of Yellow Pine Street, also known as Coulter Pine Street, between Bristle Cone Street and Bill Pine Street, also known as Sugar Pine Street, subject to review and approval by OPG and County Public Works, prior to final plat approval of the phase in which Yellow Pine Street, also known as Coulter Pine Street, (or portions thereof) is located. The subdivider shall also install 5' wide

## ATTACHMENT I

curbside sidewalk along the east side of Limber Pine Street, subject to review and approval by OPG and County Public Works, prior to final plat approval of the phase in which Limber Pine Street (or portions thereof) is located.

18. The subdivider shall construct a minimum 5 foot wide gravel, asphalt or concrete trail within Park Area C, subject to review and approval of OPG and County Parks, prior to final plat approval of the phase in which Park Area C is located.
19. The subdivider shall present evidence of petitioning into the Missoula Urban Transportation District prior to final plat approval of Phase 1.

### **Sewer and Water**

20. The subdivider shall present evidence of petitioning for annexation and acceptance into the Lolo Sewer and Water District RSID 901, subject to review and approval by County Public Works, prior to final plat approval of Phase 1.

### **No Build Zones**

21. The plat shall be revised to show a No Build Zone along the southern 60 feet of Lots 106 through 109 and along the southern 25 feet of Lots 103 through 105 (measured from edge of the Ridgeway Drive right-of-way). All No Build Zones shall be kept open and free of structures, including buildings, mobile homes, garages, carports, etc. The No Build Zones do not exclude fences or underground utilities. A map of all No Build Zones, and the above provisions of the No Build Zones, shall be incorporated into the covenants and may not be changed or deleted without approval of the governing body.

### **Air Quality**

22. The subdivider shall prepare and file a development agreement containing a plan that will mitigate, on a pound for pound basis, the increased fugitive emissions caused by hillside development, subject to review and approval by the City-County Health Department and the County Attorney's Office, prior to final plat approval of Phase 1.

### **Radon**

23. The subdivider shall amend the covenants stating that the EPA has designated Missoula County as having a high radon potential (Zone1) and recommends all new construction incorporate a radon mitigation system. This covenant may not be changed or deleted without governing body approval.

### **Weeds**

24. The subdivider shall prepare a Revegetation Plan for disturbed areas in the subdivision, requiring revegetation with beneficial species of any areas of ground disturbance created by construction on or maintenance of these lots, to be incorporated into the covenants, subject to review and approval by the Missoula County Weed District prior to final plat approval. The Revegetation Plan and the provision requiring compliance with the Montana County Weed Control Act and the Missoula County Noxious Weed Management Plan may not be changed or deleted without governing body approval.

### **Wildlife**

25. The subdivider shall amend the covenants to include the following language regarding Living with Wildlife, prior to final plat approval, and it may not be changed or deleted without governing body approval.

"Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets and properly storing

## ATTACHMENT I

garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

1. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. Gardens and fruit trees can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
3. Garbage must be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. Do not set garbage cans out until the morning of garbage pickup.
4. Do not feed wildlife or offer supplements (such as salt blocks), attractants or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against State law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
5. Bird feeders attract bears. Use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level; b) be at least 4 feet from any support poles or points; and c) be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
6. Pets must be confined to the house, in a fenced yard or in an outdoor kennel area when not under the immediate control of the owner and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current State law, it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
7. Pet food and/or livestock feed must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lions, skunks, raccoons and other wildlife. When feeding pets [and/or livestock], do not leave

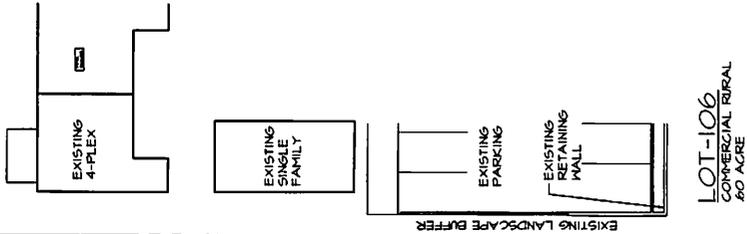
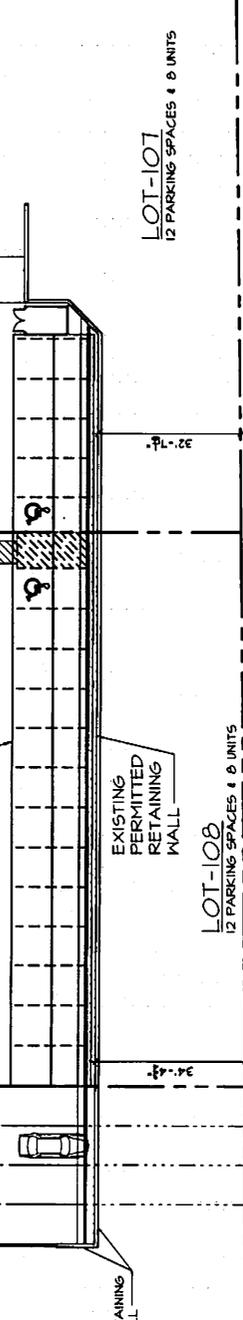
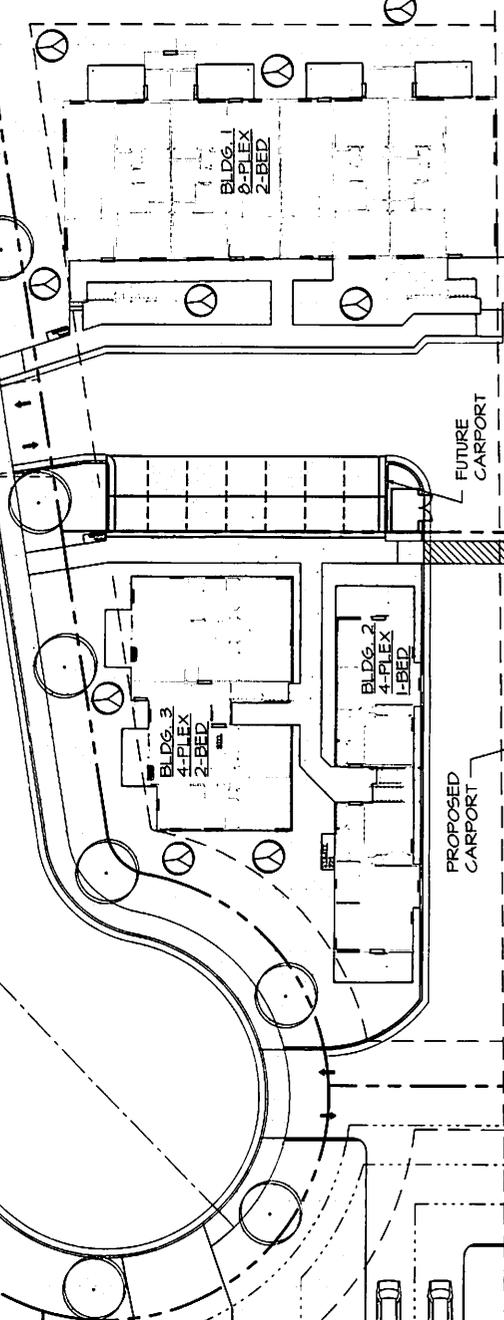
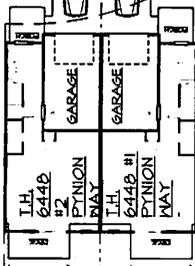
**ATTACHMENT I**

food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.



BYNION WAY

PROPERTY LINE.  
TYP.  
SETBACK LINE.  
TYP.



SITE PLAN  
SCALE: 1" = 20'-0"



**LANDSCAPE MAINTENANCE**

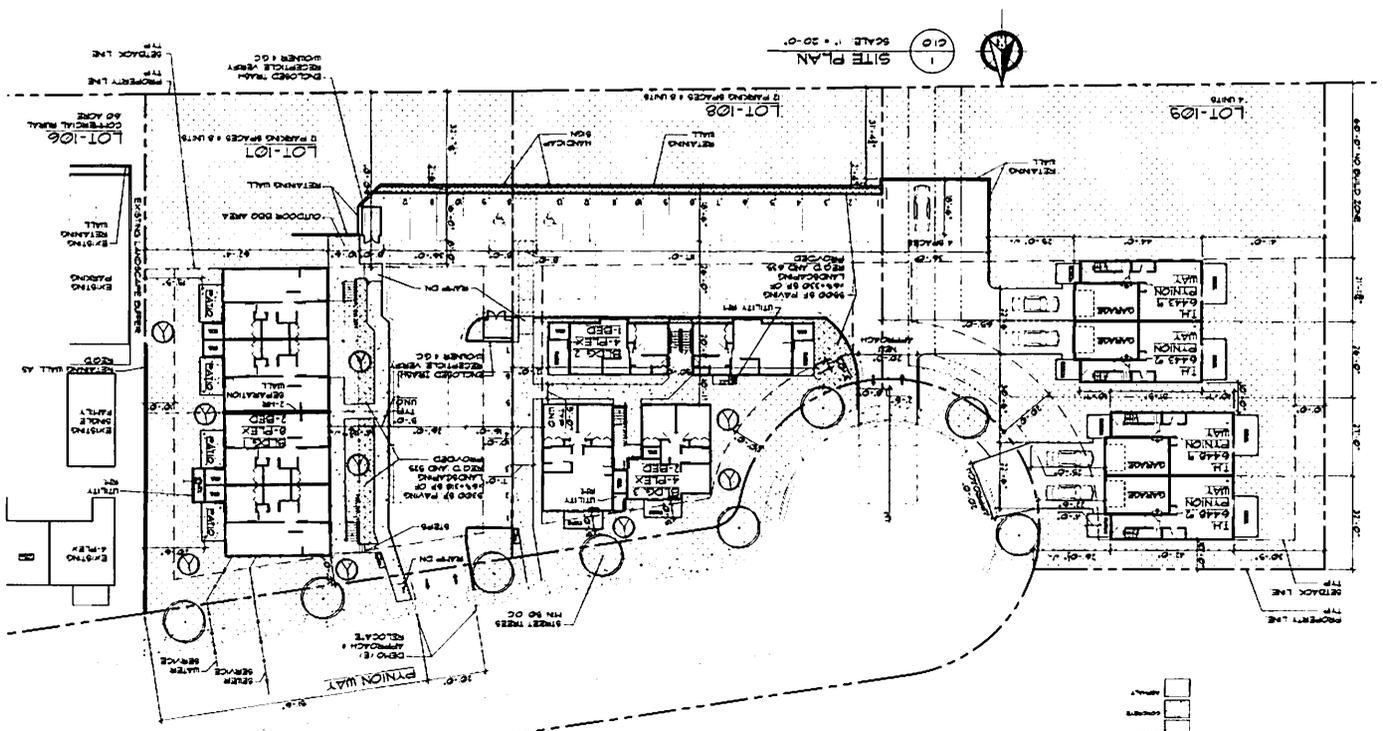
Program proposed landscape plan to maintain landscape features in a state of "as shown or better" condition. The plan includes a list of plants and trees to be maintained, and a schedule of maintenance activities. The plan also includes a list of plants and trees to be removed, and a schedule of removal activities. The plan is intended to provide a guide for the maintenance of the landscape over the life of the project.

Plants and trees shown on this plan are to be maintained in a state of "as shown or better" condition. The plan includes a list of plants and trees to be maintained, and a schedule of maintenance activities. The plan also includes a list of plants and trees to be removed, and a schedule of removal activities. The plan is intended to provide a guide for the maintenance of the landscape over the life of the project.

Plants and trees shown on this plan are to be maintained in a state of "as shown or better" condition. The plan includes a list of plants and trees to be maintained, and a schedule of maintenance activities. The plan also includes a list of plants and trees to be removed, and a schedule of removal activities. The plan is intended to provide a guide for the maintenance of the landscape over the life of the project.

**SITE PLAN LEGEND**

- lawn
- concrete
- asphalt



**SITE PLAN**  
SCALE: 1" = 20'-0"

10  
11  
12

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