



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

M E M O R A N D U M

TO: Gordon Hughes, Fire Department
Mike Brady, Police Department
Donna Gaukler, Parks & Recreation Department
Jane Kelly, Neighborhood Coordinator
Ellen Buchanan, Missoula Redevelopment Agency
Jim Nugent, City Attorney
Jon Harvala / Ben Schmidt, City-County Health Department
Travis Ross, Missoula Valley Water Quality District
Corey Aldridge / Jeff Logan / Vince Caristo, Missoula Urban Transportation District

CC: Bryan von Lossberg, City Council Ward 1
Heidi West, City Council Ward 1
Marshall Canyon Neighborhood Council

FROM: Jenny Baker, Development Services

DATE: November 2, 2016

RE: **Clark Fork Terrace #1 and #2 Subdivisions Phasing Plan Amendment**

Development Services has received a request from Robert Brugh of Neighborhoods by Design, LLC to amend the phasing plan for the Clark Fork Terrace #1 & #2 Subdivisions, located east of Deer Creek Road and south of I-90.

Clark Fork Terrace #1 Subdivision received preliminary plat approval from the Missoula City Council on September 28, 2009, subject to thirty-six (36) conditions of approval. Clark Fork Terrace #2 Subdivision received preliminary plat approval from the Missoula City Council on November 26, 2007, subject to thirty-six (36) conditions of approval. On September 24, 2012, City Council approved a combined phasing plan amendment for both Clark Fork Terrace #1 and #2 Subdivisions. Clark Fork Terrace #1 includes Phase 1 through Phase 3 with the following final plat submittal deadlines: Phase 1, December 31, 2016; Phase 2, December 31, 2017; Phase 3, December 31, 2018. Clark Fork Terrace #2 Subdivision is the fourth and final phase, with a final plat submittal deadline of December 31, 2019.

At this time the applicant is requesting to amend the phasing plan to extend the final plat submittal deadlines for each phase by three years, as follows:

Clark Fork Terrace #1:	Phase 1 -- December 31, 2019;
	Phase 2 -- December 31, 2020;
	Phase 3 -- December 31, 2021;
Clark Fork Terrace #2:	Phase 4 -- December 31, 2022

As part of the 2012 Phasing Plan Amendment, conditions of approval were updated to reflect the correct phasing and deadlines. With the current request, the only additional changes to the conditions of approval is to replace references to Office of Planning and Grants or OPG with Development Services, and to replace Zoning Compliance Permit with Building Permit in Condition of Approval #29 for Clark Fork Terrace #2 Subdivision.

Please review the request letter and proposed phasing plan dated October 14, 2016, and send any comments to jbaker@ci.missoula.mt.us. **Comments are requested by Monday, October 14, 2016.**

If you do not have any comments or concerns, please let us know that as well.

Attachments:

- A. Applicant request letter dated October 26, 2016
- B. Proposed phasing plan dated October 14, 2016
- C. Amended conditions of approval dated September 19, 2016

NEIGHBORHOODS BY DESIGN, LLC.

25685 NINE MILE ROAD
HUSON , MONTANA 59846
406- 626-4687
CEL 406-240-7368
E-MAIL rgb@montana.com
www.mtnbd.com

R.G.BRUGH

October 26, 2016

RE: Clark Fork Terraces 1 & 2

Dear Mary,

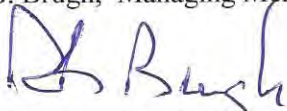
This letter is intended to request an Phase Plan Extension for the above referenced subdivisions and address the criterion in Section 4-070.2 B 1-5

1. Circumstances governing the timing of final plat review have changed beyond the control of the subdivider. List all such circumstances, and state how the new deadline can be met; *The effects on the Real Estate sector of the economy since the Great Recession and the March 9, 2009 stock market low has resulted in the slowest recovery in the Post World War II era. The resulting market condition is not sufficiently to bring new product on in untested market sectors of the Missoula economy. Existing subdivisions are depleting inventory at a rate sufficiently to estimate that within eighteen (18) to thirty six (36) months these two subdivisions will provide product needed to meet the needs of the then expanding market place..*
2. The findings of fact regarding the primary review criteria will still be valid if the extension is granted; *Correct*
3. Planning and provision for public facilities and services in the area of the subdivision will not be disrupted by the extension of the deadline. *Correct*
4. No significant changes in the area of the subdivision have occurred or are expected to occur within the extension period for final plat review that would change the evaluation of the proposal. *Correct*
5. *The preliminary plat is not in conflict with recently changed subdivision Article 4. Review and Approval Procedures listed in 3-010.1-A-K as adopted by the City Council that would be undermined by the further time extension. Correct*

It is my hope that the City of Missoula Council will look favorably on this request. Attached is check number 6987 in the amount of \$262.00 for a phasing plan extension, per you communication of October 12, 2016.

Respectfully,

Robert G. Brugh, Managing Member



cc: Allen McCormick, Garlington, Lohn & Robinson PLLP



MISSOULA OFFICE OF PLANNING & GRANTS

435 Ryman
MISSOULA MT 59802-4292



PHONE: (406) 258-4657

October 11, 2012

Neighborhoods by Design, LLC
c/o Bob Brugh
25685 Nine Mile Road
Huson, MT 59846

RE: Clark Fork Terrace No. 1 and No. 2: Combined Phasing Plan Amendment

Dear Bob:

At its regularly scheduled meeting of September 24, 2012, the Missoula City Council voted to approve an amended phasing plan for the Clark Fork Terrace No. 1 and Clark Fork Terrace No. 2 Subdivisions.

As part of this action, the City Council took action on the following motion:

1. **THAT** the request to amend the Clark Fork Terrace No. 1 Subdivision (Phases 1-3) and Clark Fork Terrace No. 2 Subdivision (Phase 4) combined Phasing Plan be **APPROVED**, subject to the amended conditions of approval.

The approved phasing plan is subject to the following final plat submittal deadlines:

Clark Fork Terrace No. 1 Subdivision	Phase 1: December 31, 2016
	Phase 2: December 31, 2017
	Phase 3: December 31, 2018
Clark Fork Terrace No. 2 Subdivision	Phase 4: December 31, 2019

The deadline to submit the Phase 1 final plat is December 31, 2016. You must submit the Phase 1 final plat by this date or request a subsequent phasing plan amendment. If you have further questions, please contact me at 258-4794 or email me at tworley@co.missoula.mt.us.

Sincerely,

Tim Worley

Tim Worley
OPG

Att(3)

cc: Alan McCormick, GLR
Mary McCrea, OPG
Denise Alexander, OPG
Casey Wilson, OPG

Kevin Slovarp, City Engineer
Mark Todorovich, City Engineering
Bob Hayes, City Engineering
Doug Harby, City Engineering
Gordy Hughes, City Fire
Jackie Corday, Parks & Recreation
Dave Shaw, Parks & Recreation
Environmental Health Department

Phasing Plan Approved Sept. 24, 2012

NEIGHBORHOODS BY DESIGN LLC

25685 Nine Mile Road
Hudson, MT 59846
(406) 626-4687
Cell 406.240.7368

PHASING PLAN CLARK FORK TERRACE NOS. 1 AND 2 MISSOULA COUNTY, MONTANA

NO.	DESCRIPTION	DATE

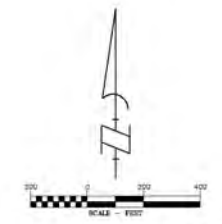
PROJECT: 05-01-01
 FILE NO.: 08003PHASING.rvt
 FILE DATE: 5/28/2010
 AUTHOR: PHASING
 PLANNER: MCM GROUP
 DESIGNER: JCS
 DRAFTER: CD
 APPROVED: --
 DATE: --

JUNE 2012
SHEET 1 OF 1



PHASE	DEADLINE	NO. OF LOTS
1	DECEMBER 31, 2016	11
2	DECEMBER 31, 2017	8
3	DECEMBER 31, 2018	19
4	DECEMBER 31, 2019	38

— PHASE LINE



PRELIMINARY
 PLOTTED: 6/28/2010
 SAVED: 6/28/2010

AMENDED CONDITIONS OF APPROVAL

Clark Fork Terrace No. 1

Modified as Phases 1-3

November 2, 2016

Roads

1. In the event that Drouillard Drive is not completed as part of a loop drive prior to final plat approval of each phase, plans for a temporary emergency vehicle turnaround within an Emergency Vehicle Turnaround Easement shall be reviewed and approved by City Fire prior to final plat approval of each appropriate phase. If required by the City Fire Department and City Engineering, signage shall be placed that acknowledges the turnaround and any related parking restrictions.
2. Final plans for short court paving and common area parking shall be reviewed and approved by City Engineering prior to final plat approval of each appropriate phase. Common area parking requirements may take into account lot frontage and available on-street parking on public streets. Common area parking area maintenance duties shall be included in the subdivision covenants, to be reviewed and approved by **OPG Development Services** prior to Phase 1 final plat approval.
3. Short courts shall be shown within public access easements on the final plat of each phase, to be reviewed and approved by City Engineering prior to final plat approval. Short court parking dimensions, including expanded parking easements if necessary, shall be reviewed and approved by City Engineering prior to final plat approval of each phase, with approved easements being shown on the final plat.
4. All subdivision roadways shall be dedicated as public rights-of-way on the final plat of each phase, in a form to be reviewed and approved by City Engineering prior to final plat approval.
5. Plans for and installation of curb/gutter and paving Charbonneau Drive, Drouillard Drive and Ordway Lane to a 32' width from back-of-curb to back-of-curb shall be reviewed and approved by the City Engineer prior to final plat approval of each phase. The Ordway Lane cul-de-sac easement shall be eliminated on the final plat in the event that the roadway is completed as a loop drive prior to Phase 3 final plat approval. Plans for a temporary emergency vehicle turnaround within an Emergency Vehicle Turnaround Easement shall be reviewed and approved by City Fire and City Engineering prior to final plat approval of each applicable phase. If required by the City Fire Department and City Engineering Division, signage shall be placed that acknowledges the turnaround and any related parking restrictions.
6. Plans for and installation of improvements to Deer Creek Road to a 26' surface width adjacent to the subdivision extending to the boundary of Canyon River Phase II with adequate surfacing and storm drainage facilities shall be reviewed and approved by City Engineering prior to final plat approval of each phase. The final plat shall show a 5' Deer Creek Road right-of-way expansion adjacent to the subdivision, to be reviewed and approved by City Engineering prior to final plat approval of each phase.
7. If an additional utility lot access is necessary, plans for paved access to the Utility Lot, including any required easements shall be reviewed and approved by City Engineering prior to final plat approval of the appropriate phase.

8. Plans for and installation of street lights at road intersections with Deer Creek Road adjacent to the subdivision shall be reviewed and approved by City Engineering prior to Phase 1 and Phase 2 final plat approval.
9. A road signage plan in conformance with the Manual on Uniform Traffic Control Devices, including provisions for temporary signage during construction, permanent signage including stop signs where appropriate, and cost of installation to be the responsibility of the subdivider, shall be reviewed and approved by City Engineering prior to final plat approval of each phase. General plans for visible address signs shall be reviewed and approved by the City Fire Department and City Engineering and included in the covenants prior to Phase 1 final plat approval.
10. The developer shall present evidence of petitioning the subdivision into the Missoula Urban Transportation District prior to Phase 1 final plat approval.

Driveways

11. Plans for and installation of the shared driveway on Lot 31, terminating on Lot 32, shall be reviewed and approved by City Fire and City Engineering prior to building permit approval.
12. The covenants shall be amended to include a shared driveway maintenance agreement for the driveway serving Lots 31 and 32, to be reviewed and approved by OPG-Development Services prior to Phase 3 final plat approval. Maintenance duties shall include, but not be limited to snow removal, general maintenance and repair. The approved language for this agreement shall not be amended or deleted without prior approval of the governing body.
13. Driveways in excess of 150' in length shall be approved by Missoula City Fire and City Engineering prior to building permit approval. A turn around for fire apparatus must be incorporated at the terminus of the driveway. The driveway must provide 20' of unobstructed horizontal clearance and 13'6" unobstructed vertical clearance the length of the drive. This language shall be included in the development covenants prior to Phase 1 final plat approval, and shall not be deleted or amended without governing body approval.

Non-motorized Facilities

14. Plans for and installation of 5' sidewalks with 7' boulevards on both sides of Charbonneau Drive, Drouillard Drive and Ordway Lane shall be reviewed and approved by the City Engineer prior to final plat approval of each phase. Plans for and installation of 5' walkways as depicted on both sides of the five linear common areas per the plat dated 8/15/2008 shall be reviewed and approved by City Engineering prior to final plat approval of each phase.
15. Plans for and installation of an 8' wide meandering asphalt walkway along the eastern side of Deer Creek Road from Drouillard Drive to the farthest northern property boundary, in a location to provide a connection to Phase II of Canyon River, shall be reviewed and approved by City Engineering prior to final plat approval of each phase.
16. A provision for maintenance of the meandering trail adjacent to Deer Creek Road, and the sidewalks adjacent to the common areas connecting Ordway Lane and Deer Creek Road shall be included in the subdivision covenants to be reviewed and approved by City Engineering and OPG-Development Services prior to Phase 1 final plat approval. The approved maintenance provisions shall not be amended or

deleted without prior approval of the governing body.

17. Plans for and installation of street-tree plantings shall be reviewed and approved by City Parks and Recreation prior to final plat approval of each phase.

Miscellaneous

18. Cluster mailboxes or other central mail facility shall be installed in this subdivision in locations subject to review and approval by City Engineering prior to Phase 1 final plat approval.
19. The covenants shall notify potential owners of lots that they are classified as irrigated and may continue to be assessed for irrigation water delivery though the water may not be deliverable, subject to OPG-Development Services approval, prior to Phase 1 final plat approval.

Utilities

20. Plans for road construction across the Yellowstone Pipeline shall comply with Yellowstone Pipeline Company (YPL) Encroachment Guidelines and shall be reviewed and approved by YPL prior to final plat approval of each appropriate phase. If required by YPL a signed and executed Encroachment Agreement shall be returned to the utility, and appropriate development provisions shall be included on the final plat of each appropriate phase and in the subdivision covenants, prior to Phase 1 final plat approval.
21. The following note shall be shown on the final plat of each appropriate phase, and be contained in the Development Covenants prior to Phase 1 final plat approval, in reference to the 10" high-pressure petroleum line: "Approximate location of 10" high- pressure petroleum line. Prior to any construction near the line, the developer or lot owner(s) shall locate the 10" high-pressure petroleum line and contact the utility company for its exact location. See covenants for any applicable rules and guidelines concerning the petroleum line."
22. The subdivider shall amend the plat to include an appropriate utility easement for the 10" high-pressure petroleum line easement, to be reviewed and approved by YPL prior to final plat approval of each appropriate phase.
23. Proposed road and utility plans for the subdivision shall be reviewed and approved by BPA prior to final plat approval of the appropriate phase.
24. Lots adjacent to BPA overhead power lines shall submit a Land Use Agreement to BPA, to be reviewed and approved by BPA prior to building permit approval.
25. The following note shall be included on the final plat of each appropriate phase and in the Development Covenants, to be reviewed and approved by OPG-Development Services prior to Phase 1 final plat approval:
"The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751- 7821."

Fire/Emergency Response

26. A fire hydrant plan shall be reviewed and approved by the City Fire Department and City Engineering prior to building permit approval. Fire hydrants shall be installed prior to combustible construction as required by the City Fire Department

and City Engineering approved hydrant plan.

Parks and Open Space

27. The area dedicated as park adjacent to Deer Creek Road on the preliminary plat shall be shown as common area on the final plat, to be reviewed and approved by City Engineering and City Parks and Recreation prior to final plat approval of each phase. The total amount of common area should reflect the required 5' expansion of the Deer Creek Road right-of-way. The meandering pathway shall be contained within a public non-motorized access easement on the final plat, to be reviewed and approved by OPG-Development Services prior to final plat approval of each phase.
28. A plan for Homeowner's Association maintenance of the required common areas adjacent to Deer Creek Road, including at minimum the meandering asphalt path, trees, grass and any landscaping shall be reviewed and approved by City Parks and Recreation and OPG-Development Services prior to final plat approval of each phase.

Revegetation Plan

30. A Revegetation Plan for disturbed sites shall be submitted to and approved by the Missoula County Weed Board prior to Phase 1 final plat approval.

Covenants

31. Article 7.10 shall be revised to include fence construction specifications according to the Missoula Municipal Code, to be reviewed and approved by City Engineering prior to Phase 1 final plat approval. The approved language shall not be amended or deleted without prior approval of the governing body.
32. Article 7.19 shall be revised to include appropriate site distance specifications according to the Missoula Municipal Code, to be reviewed and approved by City Engineering prior to Phase 1 final plat approval. The approved language shall not be amended or deleted without prior approval of the governing body.
33. Article 7.39 shall be amended, prior to Phase 1 final plat approval, to read "The Owner of each lot and the Association are responsible for maintaining their property in compliance with (continue section) ..."
34. Article 10 ("Amendment") shall be amended, prior to Phase 1 final plat approval, to include Common Area Parking, Trail Maintenance, Irrigation, BPA high voltage transmission line right-of-way and High-Pressure Petroleum Line development provisions (if applicable) as sections of the covenants that may not be amended without Governing Body approval.
35. The Phase 3 final plat shall include a 20' wide Conditional Public Non-Motorized Access Easement (NMAE) along the southern border of the subdivision. This easement shall be activated with the Phase 3 final plat. The activated easement shall automatically terminate and no longer encumber the property in the event an alternative trail easement is acquired by the developer, the city or any other entity south of the subdivision on the south side of the Burlington Northern Railroad tracks within five years of preliminary plat approval. In order to trigger the automatic termination, this trail easement shall, at a minimum, provide for public access, be 20' wide, and run the same length, and shall be in a location acceptable to the City Parks and Recreation Department. City Parks and Recreation Department shall be entitled to verify these minimum requirements, and, upon verification, the City and the Developer shall record any necessary documentation

at the Clerk and Recorder's Office to give notice of the termination of the easement. Language referring to the terms and scope of the Conditional Public NMAE shall be included on the face of the plat and in the covenants, to be reviewed and approved by Parks and Recreation prior to Phase 3 final plat approval. Within five years of preliminary plat approval a final judicial determination of the status of the corresponding easement on the southern border of Clark Fork Terrace #2 shall control and modify (extinguish, validate or modify) the terms of this easement.

36. The developer shall dedicate a 20' wide Public Non-Motorized Access Easement (NMAE) across portions of Tracts 2 and 3, COS No. 5850 from a point on the north property boundary of said tract adjacent to I-90 to a point 300 feet southeasterly and parallel to the Clark Fork River, and continuing southwesterly to a point on the right-of-way for Droulliard Drive across from the utility lot shown on the preliminary plat for Clark Fork Terrace No. 1 as depicted on the Easement Exhibit dated September 24, 2009. Said easement shall be reviewed and approved by City Engineering and Parks and Recreation prior to Phase 1 final plat approval to ensure the easement is located outside of riparian areas, provides adequate turning radius for appropriate non-motorized facilities and is sited away from utility structures (though it may cross under or over utility lines). The easement shall be shown in the approved location on the Phase 1 and Phase 4 final plat and/or an appropriate recording reference and exhibit. The easement location shall include signage in at least two locations indicating the trail is closed to the public until such time as a trail is completed within the easement. The terms and scope of the easement shall be included on the plat and be reviewed and approved by Parks and Recreation and the City Attorney's Office prior to Phase 1 final plat approval. Maintenance within the easement shall be limited to weed control and be the responsibility of the Homeowner's Association until such time as a trail is constructed within the easement by City Parks and Recreation. The covenants shall be amended to include this information, to be reviewed and approved by Parks and Recreation and ~~OPG-~~ Development Services prior to Phase 1 final plat approval. In the event Droulliard Drive has not been constructed or the final plat for the Clark Fork Terrace No. 2 Subdivision has not been filed prior to the final plat for Clark Fork Terrace No. 1, this easement shall be extended in a southwesterly direction to connect with a public right-of-way established by the final plat for Clark Fork Terrace No. 1.

AMENDED CONDITIONS OF APPROVAL
CLARK FORK TERRACE NO. 2
Modified as Phase 4
November 2, 2016

Roads

1. Plans for installing curb/gutter and paving Drouillard Drive and Ordway Lane to a 32' width from back-of-curb to back-of-curb shall be reviewed and approved by the City Engineer prior to Phase 4 final plat approval.
2. The RSID waiver shall be amended to include Drouillard Drive, Ordway Lane and Deer Creek Road subject to review and approval of OPG Development Services prior to Phase 4 final plat approval.
3. **Condition deleted by City Council September 24, 2012. Refer to Condition of Approval #6, Clark Fork Terrace Phases 1-3 for applicability.**
4. The developer shall waive the right to protest future improvements to the Speedway Avenue/Highway 200 intersection, with language on the plat to be reviewed and approved by City Engineering prior to Phase 4 final plat approval.
5. If an additional utility lot access is necessary, plans for paved road access to the Utility Lot adjacent to residential Lot 1, including any required easements shall be reviewed and approved by City Engineering prior to Phase 4 final plat approval.
6. A plan for street lights at road intersections within the subdivision shall be reviewed and approved by City Engineering prior to Phase 4 final plat approval.
7. A road signage plan in conformance with the Manual on Uniform Traffic Control Devices, including provisions for temporary signage during construction, permanent signage including stop signs where appropriate, and cost of installation to be the responsibility of the subdivider, shall be reviewed and approved by City Engineering prior to Phase 4 final plat approval.
8. The developer shall present evidence of petitioning the subdivision into the Missoula Urban Transportation District prior to Phase 4 final plat approval.

Driveways

9. A final plan for access and grading of Lot 11 shall be reviewed and approved by City Engineering prior to building permit approval.
10. Driveway plans for Lot 31 shall be reviewed and approved by City Fire and City Engineering prior to building permit approval.

Non-motorized Facilities

11. Plans for installation of 5' sidewalks with 7' boulevards on both sides of Drouillard Drive and Ordway Lane shall be reviewed and approved by the City Engineer prior to Phase 4 final plat approval.
12. The Phase 4 final plat shall include a 20' wide Conditional Public Non-Motorized Access Easement (NMAE) along the southern border of the subdivision. This easement shall be activated in the event that no alternative acceptable trail easement is acquired south of the subdivision. The easement may be terminated if an acceptable trail easement is acquired. Language referring to the terms and scope of the Conditional Public NMAE shall be included on the face of the plat and in the covenants, to be reviewed and approved by Parks and Recreation prior to Phase 4 final plat approval.
13. A provision for maintenance of all trails shall be included in the subdivision covenants to be reviewed and approved by City Engineering prior to Phase 4

final plat approval.

14. Condition deleted by City Council September 24, 2012. Refer to Condition of Approval #15, Clark Fork Terrace Phases 1-3 for applicability.

15. Condition deleted by Court Order.

16. Plans for installation of street-tree plantings shall be reviewed and approved by City Parks and Recreation prior to Phase 4 final plat approval.

17. Condition deleted by Court Order.

Miscellaneous

18. Cluster mailboxes or other central mail facility shall be installed in this subdivision in a location subject to review and approval by City Engineering prior to Phase 4 final plat approval.

19. The building envelopes shown on the plat and explained in the legend shall reference a section of the covenants detailing building envelope intent and purpose, subject to review and approval by OPG-Development Services prior to Phase 4 final plat approval.

Utilities

20. The final plat shall include a public sewer easement extending from Ordway Lane south in the vicinity of Lot 32 and 33 in a location to be reviewed and approved by City Engineering prior to Phase 4 final plat approval.

21. Plans for road construction across the Yellowstone Pipeline shall comply with Yellowstone Pipeline Company (YPL) Encroachment Guidelines and shall be reviewed and approved by YPL prior to Phase 4 final plat approval. If required by YPL a signed and executed Encroachment Agreement shall be returned to the utility, and appropriate development provisions shall be included on the final plat and in the subdivision covenants.

22. The following note shall be shown on the Phase 4 final plat and reference the 10" high-pressure petroleum line: "Approximate location of 10" high-pressure petroleum line. Prior to any construction near the line, the developer or lot owner(s) shall locate the 10" high-pressure petroleum line and contact the utility company for its exact location. See covenants for any applicable rules and guidelines concerning the petroleum line."

23. Plans for an appropriate utility easement for the 10" high-pressure petroleum line easement shall be reviewed and approved by YPL prior to Phase 4 final plat approval.

24. Proposed road and utility plans for the subdivision shall be reviewed and approved by BPA prior to Phase 4 final plat approval.

25. Lots adjacent to BPA overhead power lines shall submit a Land Use Agreement to BPA, to be reviewed and approved by BPA prior to building permit approval.

26. The following note shall be included on the Phase 4 final plat, to be reviewed and approved by OPG-Development Services prior to final plat approval:

"The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line right-of-way. BPA does not allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7821."

Fire/Emergency Response

27. A fire hydrant plan shall be reviewed and approved by the City Fire Department and City Engineering prior to building permit approval. Fire hydrants shall be installed prior to combustible construction as required by the City Fire Department and City Engineering approved hydrant plan.

Grading, Drainage, Erosion Control and Floodplain

28. Prior to Phase 4 final plat approval the developer shall provide sufficient evidence to the ~~Office of Planning and Grants-Development Services~~ demonstrating that lowest floors, including basements, mechanical equipment, and ductwork will be 2' above the base flood elevation on all lots OR pre-construction elevation certificates shall be submitted at the time of Zoning Compliance Permit documenting the lowest floor and utility elevations with post-construction elevation certificates submitted upon building completion.

29. Prior to Phase 4 final plat approval, the developer shall provide sufficient evidence to the ~~Office of Planning and Grants-Development Services~~ demonstrating that lowest floors, including basements and all mechanical equipment, will be 2' above the base flood elevation on all lots OR language shall be included in the Covenants prior to final plat approval and a note shall be placed on the final plat that states the following: "The lowest floor elevation, including basements, mechanical equipment, and ductwork shall be a minimum of 2' above base flood elevation. Pre-construction elevation certificates shall be required at the time of ~~Zoning-Compliance-Building~~ Permit submittal documenting the lowest floor and utility elevations, with post-construction elevation certificates submitted upon building completion."

30. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to and approved by City Engineering prior to Phase 4 final plat approval. Separate SWPPPs shall be required of Lots 16 and 33 prior to building permit approval for each lot. Final plans for grading, drainage and erosion control shall be reviewed and approved by City Engineering prior to Phase 4 final plat approval.

Common Areas/Areas of Riparian Resource

31. Plans for improvements of all common area, including trails, shall be reviewed and approved by Parks and Recreation and the City Engineer prior to Phase 4 final plat approval.

32. The Area of Riparian Resource adjacent to the Clark Fork River shall be indicated on the plat as an "Area of Riparian Resource/No-Improvement Zone – see covenants for more information," and the Area of Riparian Resource shall be expanded west of Lot 30 to the property boundary along I-90, to be reviewed and approved by City Parks and Recreation prior to Phase 4 final plat approval. The Riparian Resource Management Plan shall be amended to reflect this expansion and be recorded with the subdivision covenants, to be reviewed and approved by ~~OPG-Development Services~~ prior to Phase 4 final plat approval.

Revegetation Plan

33. A Revegetation Plan for disturbed sites shall be submitted to and approved by the Missoula County Weed Board prior to Phase 4 final plat approval.

Covenants

34. Article XI ("Amendment") shall be amended to include the Riparian Resource Management Plan/Riparian Areas, Conditional Public Non-Motorized Access

Easement, Trail Maintenance, and High-Pressure Petroleum Line development provisions (if applicable) as sections of the covenants that may not be amended without Governing Body approval.

Planning Board—New Conditions

35. A 60-foot public access easement shall be dedicated between the west end of Ordway Lane to Deer Creek Road. The approximated location shall be shown on the Clark Fork Terrace No. 2 (Clark Fork Terrace Phase 4) final plat.
36. Improvements within the Ordway Lane Public Access Easement, subject to the City Public Works Director or Public Works Department, shall be affected within 4 years or as required by Clark Fork Terrace No. 1 Subdivision, whichever comes first.