

Upper Rattlesnake Neighborhood Council General Meeting Minutes

Date: January 10, 2016

Time: 6:30 p.m.

Location: Messiah Lutheran Church
3718 Rattlesnake Drive
Missoula, MT 59802

Leadership Team Members in Attendance: Doug Grimm, Bev Young, Max Andersen, Bill Ruediger, Robin Carey

Others in Attendance: Jane Kelly, Neighborhood Coordinator, Sue Snetsinger, Mike Haynes, Development Services, Denise Alexander, Permits and Land Use Manager, Lila Cleminshaw, Keep our Kids Safe, Ken Jenkins, Montana Northwest Company, Bryan von Lossberg, City Council, Heidi West, City Council, Sheena Winter, property owner.

There were approximately 61 people in attendance.

- 6:30 Introduction to Neighborhood Councils and Ground Rules – Jane Kelly, Neighborhood Coordinator - Introduced ground rules; 3 minute limit for speakers. 20th anniversary of Neighborhood councils upcoming. Handed out City of Missoula Charter.
- 6:35 Lincoln School, Unitarian Universalist Fellowship Q&A – Sue Snetsinger - Sue is board member of UUF. She spoke about the background of this church nationally as well as in Missoula and about their desire to purchase the Lincoln School for their church; focus on preservation, restoration and renovation (ADA accessible). Addressed activities, parking and where the purchase process is now. City council gave unanimous conditional use approval for use as a church in December; however, adjoining neighbors have filed a lawsuit since use as church doesn't meet neighborhood covenants. Expressed need for a lawyer to represent church in lawsuit. Two of these adjoining neighbors opposing the sale to church were in attendance.
- 6:50 Former Townhome Exemption Project (Woodland Estates) – Mike Haynes, Development Services Director and Denise Alexander, Permits and Land Use Manager - Issue of 12 townhome development at dead end of Woodland. Part of the Cooney property is now on market selling two

lots with the owner retaining right for two new homes; thus 4 homes possible, but still under townhome exemption to subdivision review. Declaration recorded March 2014 for the 12 townhome subdivision and Cooney still has the right to pursue this, so the end result is not known.

Draft available in next week or two for changes in implementation of townhome exemption to subdivision review. City Council committee and Planning Board have opportunities to comment. 4 formal opportunities for comment. Available on Development services website and City Council agenda. The City can't go against this state law, although zoning can be changed. With the townhome exemption you can create much more dense development. Likely to be a conditional use process. Nothing would be applied/changed retroactively.

- 7:00 Woodland Estates – Lila Cleminshaw, Keep Our Kids Safe - Lila explained more about the issues surrounding Woodland Estates as originally proposed by Scott Cooney. 110-120 people came to the block walk on Woodland back in November. Builder backed out and owner decided to propose just a 4 home development. Concerns are safety of kids since it's a walk-to-school route, connective road/trail to other parks; safety for non-motorized users. Concern also about flood plain and flooding. Questions about number of car trips per day and the increase.
- 7:10 Woodland Estates Q&A – Robin Carey - Several questions for Development Services staff about the possible changes in development. Townhome exemption has been mostly used for single family and duplex development; land has to be zoned to use this exemption. Development services staff left packages of information about what has been filed and also the current MLS listing. Denise Alexander had a Nov. 4 presentation about all the townhome exemptions and it's posted online. Jane Kelly will send link to those on list-serve.
- 7:20 Papoose Ranch Subdivision – Ken Jenkins, Montana Northwest Company - Ken is land surveyor, lives on Game Trail; Sheena Winter has 10 acres on east side of Duncan drive, with one acre actually on Duncan, rest is down below. They are going through subdivision review to separate this one acre (one home) from the rest of property.
- 7:30 Leadership Team Elections – Jane Kelly, Neighborhood Coordinator - Doug Grimm, Bev Young, Max Andersen and Bill Ruediger are up for re-

election. Breanne Ender volunteered to join the leadership team. Max Anderson made a motion to elect Doug Grimm, Bev Young, Bill Ruediger and Breanne Ender. Hal Brown seconded. The motion passed unanimously.

7:45 City Council Question and Answer – Bryan von Lossberg and Heidi West – Heidi introduced herself as she is the new Ward 1 rep.

Q: Process of using zoning to rein in townhome development; can subdivision review be simplified since people want to avoid it?

A: Council gave clear direction to Development Services to address townhome exemption (TE); some uses of TE have been OK and some not. There are many approved subdivisions that haven't been built yet (due to recession), but none have been submitted/approved since the TE legislation came through, other than the Papoose Ranch.

Q: What about deer situation and getting a handle on that? Also concern about Rattlesnake Drive and biker/ped safety. Another concern about Rattlesnake Creek itself. Is there a riparian easement along Rattlesnake Creek due to the Sunlight plan? Who would administer the conservation easements along Rattlesnake easements? Bill Ruediger can't find out who would administer.

A: Deer – John Wilkins did some investigation in his committee and it was set aside; it should be reopened with 6 new members on Council and Bryan will bring this up. The City Councilors are not aware who would administer the conservation easements but they'll check into it.

Q: What about that new Verizon cell phone building and its contribution to a strip mall look? What about old Safeway store and what will happen there?

A: There are new, minimal design standards that have been implemented since Verizon, but they wouldn't have made much of a difference in the look. Bryan serves on downtown master plan implementation team and they brought in an outside expert to have a discussion. This expert is coming back to help the process of developing other standards that would be more effective. We do have city ordinances for signage and lighting and those should be revisited.

Heidi says that the old Safeway store lot may become an underground parking lot with a 3 story office building above.

Q: Status on roundabouts and sidewalks around soccer field

A: Two roundabouts – one at Orange Street will happen in 2016 and the Van Buren interchange in 2017. Shane Stack is our local MDT contact person. Also City Council will be revisiting crosswalks and painting of crosswalks.

Comment: There has been citizen initiative to help non-motorized trails in the Upper Rattlesnake and they just want our councilors to know that this affects more than our neighborhood.

Councilors asked us what we think of the new meters.

8:00 Public comment on non-agenda items and Announcements - Tesoro Savage Vancouver Energy Project (Oil Train traffic) – opportunity for public comment until January 22, 2016. Submit online to ts.efsec.wa.gov

Also there's a need for election judges for the elections this fall. Training will be in February.

Respectfully submitted by: Bev Young, Secretary

Jane Kelly, Neighborhood Coordinator	jkelly@ci.missoula.mt.us	552-6081
Denise Alexander, Permits and Land Use Manager	dalexander@ci.missoula.mt.us	552-6630
Mike Haynes, Development Services Director	mhaynes@ci.missoula.mt.us	552-6630
Bryan von Lossberg, City Council Member	bvonlossberg@ci.missoula.mt.us	285-1857
Heidi West, City Council Member	hwest@ci.missoula.mt.us	747-9158
Lynne Stanley, Staff Planner-Office Manager	lynne@mtnwco.com	721-4033
Upper Rattlesnake Leadership Team	upperrattlesnake@missoula-neighborhoods.org	

City of Missoula
435 Ryman St
Missoula, MT 59802-4297



DEVELOPMENT SERVICES: (406) 552-6630

Planning/Zoning Compliance/NA/NA

PERMIT NUMBER:	2012-MSS-ZCP-00052	ISSUE DATE:	PROPERTY OWNER:
PERMIT TYPE:	Zoning Compliance	05/01/2013	COONEY SCOTT G
	NA		PO BOX 7694
	NA		
PERMIT ISSUED BY:	Ana Aronofsky		MISSOULA, MT 59807-7694

ISSUED TO:

PERMIT LOCATION:

PHYSICAL ADDRESS:	LEGAL DESCRIPTION:
2990 WOODLAND AVE	S14, T13 N, R19 W, A TRACT OF LAND IN THE NE4 NE4
LOCATION:	GEOCODE:
	04220014304110000

WORK DESCRIPTION:

Zoning Compliance for 12 new detached houses on one parcel using the subdivision townhome exemption.
The parcel is 7.78 acres and there is one existing detached house.

PERMIT DATA:

Use	Floodplain	
New Use: Single Family Residence	Designation: Zone AE	
Previous Use: ONE DWELLING UNIT		
Applicable		
Title 20: Y	EC-Title 19: N	Legal Nonconforming Lot: N
Riparian: Y	Hillside: N	Legal Nonconforming Use: N
Overlay: N	Landscaping: N	Legal Nonconforming Structure: N
Title 19: N		

Setback Requirements

Setback Distance of 25 feet for Front
Setback Distance of 15 feet for Side
Setback Distance of 25 feet for Rear

Structure

Structure Type: = SF

Building Heights

Vehicle Parking

2 Existing Spaces
24 New Required Spaces

Bike Parking

Spaces

Method = Absolute; Maximum Hght = 30; Measured Hght = ; Maximum Wall = ; Measured Wall =

CONDITIONS:**ENG - REVIEW NOTES****SEE ATTACHMENT IN 'DOCUMENTS' SECTION**

All required City permits have to be approved before any construction takes place. These permits include but are not restricted to building, grading, utilities, paving. Zoning compliance will be reviewed with the Building Permit for every new dwelling unit being built.

The approved Riparian Management Plan shall be incorporated into the Covenants and Restrictions of the Townhome Declaration for the development. The Plan shall be implemented from the start of any new development in the parcel under the responsibility of the owner of the property and passed on to any homeowners association created as result of the development.

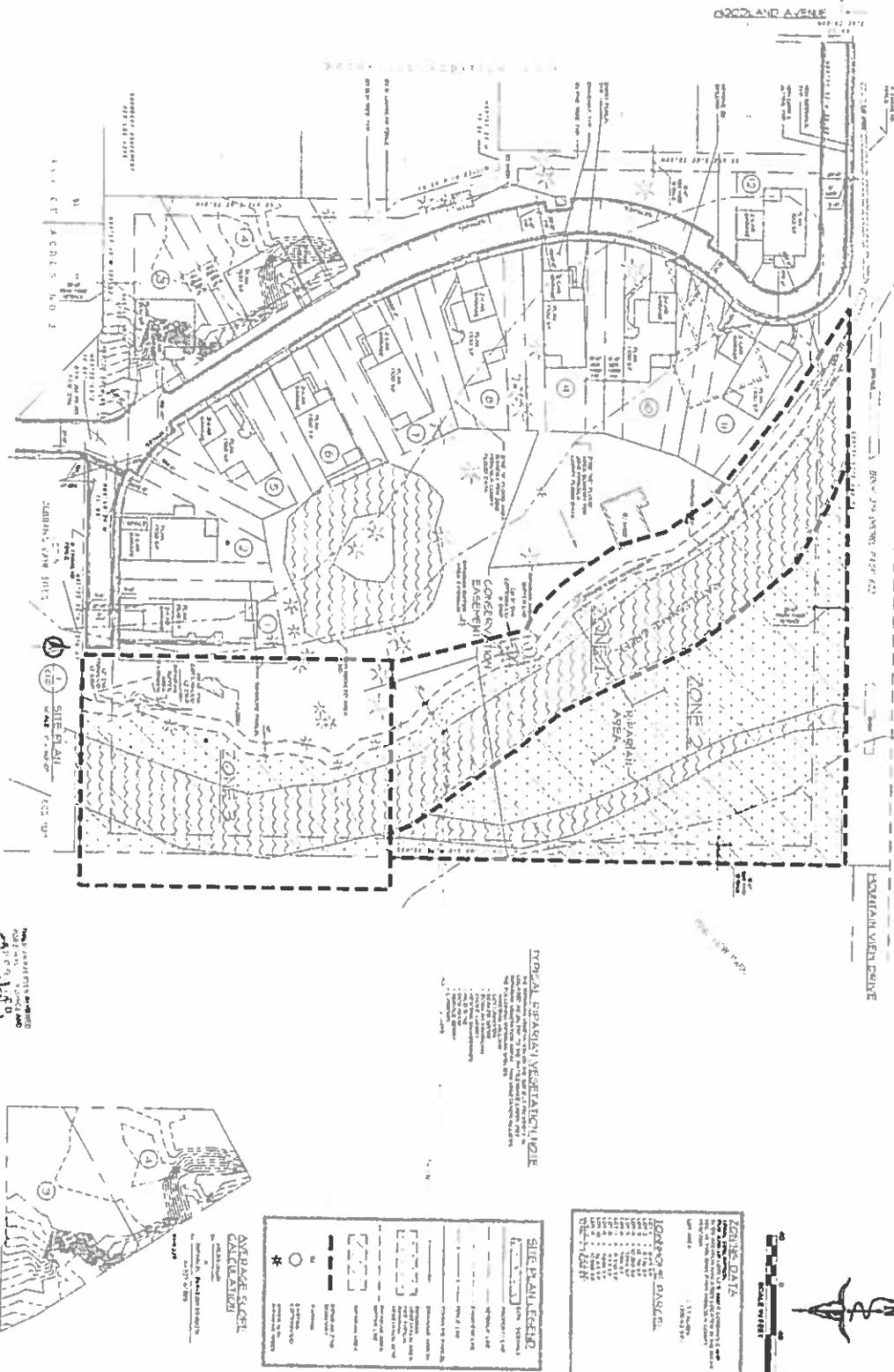
Floodplain permits shall be required for any structures and site improvements located within the AE regulatory floodplain. The floodplain administrator strongly recommends that dwellings within the .2 pct Annual Chance Flood Hazard zone are built 2 ft over the base flood elevation.

COMMENTS:**PERMITTEE ACCEPTS PERMIT****CONDITIONS & ATTESTS TO COMPLY**

Signature

Date

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. THIS PERMIT IS ISSUED ON THE EXPRESS CONDITIONS THAT THE WORK DESCRIBED HEREIN SHALL CONFORM IN ALL RESPECTS TO THE STATEMENTS AND/OR DRAWINGS CERTIFIED OR PRESENTED IN THE APPLICATION FOR SUCH PERMIT, AND THAT ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE STATE STATUTORY PROVISIONS AND THE CITY OF MISSOULA ORDINANCES AS WELL AS APPLICABLE ENGINEERING, HEALTH, FIRE, ZONING, BUILDING, ELECTRICAL, PLUMBING, AND MECHANICAL CODES OF THE STATE OF MONTANA. I/WE AGREE TO ABIDE BY ANY SPECIAL CONDITIONS, REQUIRED, PERMITTED AND/OR GRANTED TO US BY THE CITY OF MISSOULA IN ISSUING THIS PERMIT. SEPARATE PERMITS ARE REQUIRED FOR, BUT NOT LIMITED TO, ELECTRICAL, PLUMBING, MECHANICAL, SIGNS, SEWER, WATER, PAVING, AND RIGHT-OF-WAY. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. UPON FINAL INSPECTION/APPROVAL BY THE CITY OF MISSOULA OF THE PERMITTED WORK HEREIN, NO ADDITIONAL WORK, ALTERATION AND/OR MODIFICATION SHALL OCCUR WITHOUT THE SUBMITTAL, REVIEW AND APPROVAL OF A NEW AND/OR ADDITIONAL PERMIT(S). I/WE DO HEREBY AFFIRM AND AGREE THAT I/WE SHALL OBSERVE ANY AND ALL EXISTING EASEMENTS WHETHER APPARENT OR NOT AND UNDERSTAND THAT IT IS MY/OUR RESPONSIBILITY TO DETERMINE AND KNOW THE LIMITS OF MY/OUR PROPERTY (LOCATION OF PROPERTY LINES) AS WELL AS THE EXTENTS AND LIMITS OF ANY AND ALL EASEMENTS. I/WE ACKNOWLEDGE THE OBLIGATION OF INSPECTIONS FOR THE WORK PERMITTED HEREIN AND HEREBY CONSENT AND GRANT TO THE CITY OF MISSOULA THE RIGHT TO ACCESS AND ENTER THE PROPERTY AND STRUCTURES TO PERFORM SUCH INSPECTIONS AS MAY BE NECESSARY AND/OR REQUIRED. I/WE AGREE THAT I/WE WILL AT ALL TIMES INDEMNIFY AND HOLD HARMLESS THE CITY OF MISSOULA, ITS OFFICERS, AGENTS, AND/OR EMPLOYEES FROM ANY RESPONSIBILITY, DAMAGE, OR LIABILITY ARISING FROM THE EXERCISE OF THE PRIVILEGES GRANTED IN THIS PERMIT.



APRIL 19, 13 WITH RESERVES AND RESTRICTIONS AS STATED ON BACK	12-2032	COONEY RATTLESNAKE TOWNHOMES	DEPOSITIONS OF LOTS 1, 2, 3, AND 9 COONEY'S CAMP SITE ADDITION (AVOCATION) LOCATED IN SECTION 14, T13N, R1W, PM 14 MONTANA COUNTY, MONTANA	REINHOLD DRAFTED RE-REVISED DRAFTED RE-REVISED	DATTS DRAFTED RE-REVISED DRAFTED RE-REVISED	TERRITORIAL LANDWORKS, INC. CIM Engineering - Surveying - Land Use Consulting www.territoriallandworks.com
	1 OF 1	RIPARIAN VEGETATION EXHIBIT	SCOTT COONEY			

ALL FIELDS DETAIL

	MLS #	20157175	Exc Agcy/Exc RTS	Exclusive Right to Sell
Class	LAND		LEVEL	
Type	OFFICE EXCLUSIVE	TERRAIN	OE	
Area	30B-UPPER RATTLESNAKE	MOB ALOW	NO	
Asking Price	\$1,575,000	BRK OWN		
Address	O/E O/E			
geocode				
City	Missoula			
State	MT			
Zip	59802			
Status	ACTIVE			
Sale/Rent	For Sale			
IDX Include	Y			



GENERAL

VOW Include	Yes	VOW Address	Yes
VOW Comment	Yes	VOW AVM	Yes
Search By Map		Number of Acres	7.800
Agent	JESSIE EAGEN - Main: 406-542-1811	Listing Office 1	EAGEN REAL ESTATE -1811
Co-List Agent		Co-List Office	
Selling Broker Comm	2 5/2 5	Variable Comm	Yes
OWN/PH		Listing Date	12/8/2015
Expiration Date		COS #	
LEGAL	S14, T13 N, R19 W, A TRACT OF LAND IN THE NE4 NE4	Tax ID#	1257409
TAX/SID		SID INFO	call LA
Estimated SID payoff		CITY/CO	
ZONING		SCHOOLS	
LAND SQFT	335412	HOA Billing	
HOA Dues Amount		ST/A-Y/N	
CR/M-Y/N		BUS-Y/N	
Original Price	\$1,575,000	Associated Document Count	1
Agent Hit Count	53	Closing Entity	Title Co.
Potential Short Sale	No	Active REO	No
Update Date	12/11/2015	Off Market Date	
Statutory Broker		Broadband Available	
Picture	6	Days On Market	31
Days On MLS	28		

FINANCIAL

Assumable	Due/Sale	
Qualify	Cash to New Loan	
T/Pymt	LEAS RT	
TYP LEAS	BUILD TS	
#DEED AC	#LEAS AC	
TYP PERM	PERM AUM	
RIV BASI	ENV PHS	
OMC	TERMS	Cash, New Loan
Owner May Carry		

SOLD STATUS

How Sold	Contract Date
Closing Date	Sold Price
Selling Agent	Selling Office
S/PTS	SELLER ALLOWANCES \$
Seller Allowances Desc.	Short Sale
REO/Foreclosure	Terms Of Sale
SID Payoff \$	

DIRECTN

ADDENDUM

Call Jessie for further information. Seller will not sell the entire property. He is retaining Lots 2 & 3 for himself. The idea is for this property to be divided into two families with no more than 4 homes total to be built on it, 2 by each owner.

REMARKS

Incredible 7.7 acres of pristine Rattlesnake property with over 1300 feet of creek frontage. Bordered to the north by the Mountain View F east by Pine View Park. This is a one of a kind gated Rattlesnake property only minutes from downtown Missoula. Currently the property is a townhome plat filed with the owner retaining Lots 2 & 3 to build his home and possibly one other. He is willing to sell all other 10 lots to a buyer that has a similar vision as him to preserve the property and not build more than 2 homes on their 10 lots. Seller will not sell the entire property. Seller is retaining Lots 2 & 3 for himself. The existing home will be demolished when construction starts.

ADDITIONAL PICTURES



DISCLAIMER

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