



## 406 ENGINEERING

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February 20, 2024

Missoula Community Planning, Development  
Attn: Dave DeGrandpre, AICP  
435 Ryman  
Missoula, MT 59802-4297

RE: Aspire Subdivision, Annexation & Zoning Upon Annexation

Dear Dave:

We are in receipt of your deficiency letter dated October 19, 2023 for the above-mentioned project. Please consider the following responses to each of your comments in the order presented in the letter. Your comments are provided in ***bold italics*** with our response in normal font.

### PROJECT SUMMARY

1. *The fourth sentence in the second paragraph in the project summary says the current zoning designation is C-RR3 while the Missoula County Property Information System and the zoning map and regulations submitted in the application materials indicate the property is zoned Residential (R). Please correct.*

Correction made within the Project Summary.

2. *On page 2, under Offsite Connection Streets, the fourth sentence says Waterside Drive is within a 50-foot wide right-of-way. The Water's Edge Subdivision plats show a Waterside Drive within a 54-foot wide right-of-way and utility easement. The reference to 50 feet is also located twice in the Low Density Urban Local Streets section and in the Variances Requested section. Please correct.*

Corrected to 54' in all areas of the project summary as well as the variance request. The Plat and road designs were also corrected to reflect 54' throughout the subdivision application.

### ANNEXATION PETITION

3. *Please provide an original annexation petition with the original signatures of all landowners.*

Please see the attached petition signed by all landowners.

## PHASING PLAN

4. *Phase 1 does not include adequate emergency service areas (Article 3-020.3.F). The fire truck turnaround area is not sufficient as shown and would require a fire official approved temporary turnaround. Either a temporary cul-de-sac or installation of the southern alley (preferred) would suffice.*

The Phasing plan has been adjusted to reflect an additional 100' of waterside drive be constructed during Phase 1. This additional 100' will now all for an IFC approved turnaround at the intersection of Crosscut Way and Waterside Drive.

## SUBDIVISION APPLICATION

5. *In general, I suggest editing the text one more time for accuracy, spelling, and grammar. For example, near the bottom of page 8 the text says the Clark Fork River is located to the west of the property instead of the east. There are numerous spelling errors and minor edits needed.*

The application has been reviewed with an extensive effort to find spelling and grammar errors.  
\*For future easy it would be nice if the application word format had spell and grammar check with it.

6. *On page 8 under agriculture production, the checked box indicates the proposed subdivision is not located on land currently or previously used for agricultural prosecution while the text above and below indicates the property has been used for agriculture. Please correct.*

Correct in the Application

7. *On page 10 under maintenance of agricultural water user facilities, the text states section C of the application includes existing water rights information. I did not locate this information within the application materials. Please provide.*

This water right information was added to Section C.

8. *On page 11 under historical features, please update this section based on the Historical Resources requirements indicated in this letter below.*

The application was updated to reflect the new Heritage Report from Western Cultural. This report is provided in Section K.

9. *On page 13 under water quality, section #1, October 12, 2023 correspondence from the Missoula County Conservation District indicates a 310 permit will be required for construction of the riverside trail and related fencing. Please update this section to reflect this requirement. Under section #2, the second sentence is cut off. Please update to include the complete answer.*

The Application has been updated. Once the current plan is approved the development will seek a 310 permit for the work along the river.

10. ***On page 15 under limitations map, the text states there are no slopes in excess of 25% slope while the grading and drainage plan indicates there are slopes over 25% slope. Please provide a slope category map as described in Section 3-140.3 of the City Subdivision Regulations. If any residential development is proposed on slopes 15% or greater, please include a density reduction worksheet.***

The application has been updated to reflect this. An existing slope category map and proposed slope category map have been included in Section A of the package. No residences will be constructed on slopes over 15%.

11. ***On page 15 and 16, please provide additional information on the types of wildlife that inhabit or are likely to inhabit not only the general area, but the property, particularly along the Clark Fork River Corridor.***

A list was added to application to supplement the list from the Natural Heritage Programs knowledge library.

12. ***At the top of page 24, a multiplier of between 0.2 – 0.5 school aged children per household is provided. Where did this range come from? Please state the source.***

The source is an average from a NAHB study in 2017. This has been added to the application along with an updated estimated count. A miss calculation was included in the original submission.

13. ***On page 25, please include parkland dedication calculations and ensure they are consistent with the requirements of the subdivision regulations and the totals depicted on the phasing plan or adjust as necessary.***

The updated Phasing plan reflects all calculations along with requirements and dedication amounts per phase. The application has been updated to reflect this.

## **PARKS AND RECREATION**

14. ***As requested by the Missoula County Parks, Trails, and Open Lands office in an October 17, 2023 email, please coordinate with and document the outcome of discussions with that office on the proposed western common area access and facilities as it relates to Canyon View Park. I am interested in participating / listening into the discussion so please copy me on correspondence and / or meeting opportunities.***

After multiple meetings with both City of Missoula parks department and Missoula County parks departments. The City of Missoula parks department has agreed to take ownership of the park area abutting the existing Canyon View Park. Discussions were also had that the City of Missoula could take over management of the existing County owned Canyon View Park in the future. This came with the compromise of removing the lots on the eastern edge of the park

previously labeled as lots 139-141. The Developer has agreed to this, and the new layout reflects the removal of these lots. The developer also understands that there may be conditions of approval associated with the City of Missoula taking ownership of this park area such as certain infrastructure or utilities requested by the City of Missoula parks department.

15. ***Regarding the river trail, the minimum clear zone from the edge of the trail to the property line is three feet. Lot 77 may need to be adjusted to accommodate this clearance. Please investigate and adjust if necessary.***

The trail and lot lines have been adjusted on the layout to reflect at least a 5' clear space between the trail and property boundaries.

16. ***Regarding connection to the river trail in the Water's Edge Subdivision, please provide evidence that trail segment has a public access easement.***

Currently this Easement does not exist, but the Missoula County Parks Department is in the process of filing these easements as they were intended on the Water's Edge Preliminary Plat.

17. ***Please ensure there is vehicle access to the north and south ends of the proposed river trail to allow for maintenance.***

The south entrance to the trail is shown with an 8' wide entrance to the trail system, in discussions with City of Missoula Parks Department this should be sufficient for a vehicle entrance to the southern portion of the trail. A curb cut will be shown on detailed design drawings after preliminary plat approval. The northern vehicle entrance is currently being coordinated with Missoula County to use the current vehicle access to the sewer pump station situated along the trail on the southern edge of the Water's Edge Subdivision. A full width vehicle access along the very northwest corner of the development is proposed to connect the trail to the lift station access road. This current access would be sufficient for all City Parks Department's vehicle access to the northern portion of the trail.

18. ***City Parks and Recreation staff indicate the common area adjacent to Canyon View Park should be HOA owned and maintained common area. The City is not willing to take on ownership and maintenance at this time as it is within the service area of existing County parklands. Please update the covenants accordingly.***

After multiple meetings with both City of Missoula parks department and Missoula County parks departments. The City of Missoula parks department has agreed to take ownership of the park area abutting the existing Canyon View Park. Discussions were also had that the City of Missoula could take over management of the existing County owned Canyon View Park in the future. This came with the compromise of removing the lots on the eastern edge of the park previously labeled as lots 139-141. The Developer has agreed to this, and the new layout reflects the removal of these lots. The developer also understands that there may be conditions of approval associated with the City of Missoula taking ownership of this park area such as certain infrastructure or utilities requested by the City of Missoula parks department.

19. ***A proposed grading plan is needed for the western common area. It appears not all of this area will count toward parkland dedication as currently designed. Areas that are steeper than 25% slope cannot be counted toward parkland dedication.***

This has been taken into account on the adjusted preliminary Plat and this area has been deducted from the dedicated park space. Please see the new Plat, as well as the included slope category maps.

20. ***Parks and Recreation staff suggest Lots 139 – 141 should be eliminated to create a park /common area that works well for the neighborhood, providing more usable activity area that is flat enough for active recreation, better connect the parkland to residents of the neighborhood, and increase passive surveillance of the park from the street and follow Crime Prevention Through Environmental Design guidelines.***

These lots have been relocated within the Development.

21. ***In order to mitigate the variance for block length, staff suggests a shared use path be created through the common area and through the north side of Canyon View Park to connect to the Robinson Street ROW, perhaps included in an access easement.***

The park will be dedicated to the City of Missoula, negating the need for an easement. The developer understands that a shared path may be conditioned as part of the approval and will work with the City Parks Department on design and location during the design phases of the project.

22. ***A Staff also suggests providing better pedestrian connections to the multi-dwelling lots as right now, there are only pedestrian connections proposed along the streets.***

Sidewalks are now shown along the front of each building along with multiple side access. All utility easements have been changed to public access easements as well to ensure easy access to both the front and back of each unit.

## **HISTORICAL RESOURCES**

23. ***As requested by City of Missoula Historic Preservation Officer Elizabeth Johnson in her letter of review dated October 12, 2021, please submit documentation of any buildings, structures, or site features known to be over 50 years of age that will be impacted by this proposal for determination of significance and compliance with City Subdivision Regulations Section 3-010.8. The documentation should be completed and recorded using an Architectural-Engineering Record form found here. An historical research consultant can help compile this report, and it is important the individual working on the report meet the State Historic Preservation Office's professional qualifications. Should you have questions, please contact Ms. Johnson (JohnsonE@ci.missoula.mt.us) and copy me. Specifically, please include:***

- a. ***A detailed site history that documents the physical development of the property and landscape.***

- b. Photographs of all four exterior elevations of each building on the property that would be impacted by the proposed subdivision. If interior photographs are a possibility, please include those as well.*
- c. Photo documentation of the existing conditions of any landscape features (irrigation ditches, etc.) that will be impacted by the proposed subdivision.*
- d. Reproductions of any available historic images or documents related to the property.*
- e. An assessment of the current condition of each structure / landscape feature known to be over 50 years old.*
- f. An assessment of the property's eligibility for the National Register of Historic Places.*
- g. An assessment of any adverse effects the proposed subdivision may have on the historic properties / landscape features.*

Western Cultural, Inc was hired to perform this request and their full report is included in Section K. No recommendations were made by Western Cultural.

#### TRANSPORTATION, WATER SEWER, GRADING AND DRAINAGE

24. *City Subdivision Regulations Section 3-020.12.A states, "New streets that will align with existing streets must have the same name as the existing street." The plat shows Bent Branch Road, while the main southern access to the subdivision is from Sommers Street. The road construction plan sheet changed the street name, but all other plans still call out Bent Branch Road. Please correct. Except as discussed below, please call each new street a generic name, such as Road A, Road B, etc. This will have to be reflected throughout the different sections of the submittal. A condition of approval will require proper street naming prior to final plat filing of Phase I.*

The adjustment of Bent Branch to Sommers on all documents has been made. Since all other roads currently have a name, we would like to keep the current names rather than change all documents to generic names. Moving forward, this is a great idea and will be used.

25. *The alleys must connect to Sommers Street and Crosscut Way at right angles as per Section 3-020.9.B and provide acceptable visibility (3-020.9.D).*

The alleys have been realigned to meet Sommers Street and Crosscut Way at right angles as shown on the revised plans.

26. *Alleys providing fire apparatus access to the multi-dwelling lots must be a minimum of 20 feet paved width (3-020.3F and MCPWSS Table 7-5).*

Both alleys are 20-feet wide as shown on the plans and preliminary plat.

27. *The 10-foot and 15-foot public utility easements in the multi-dwelling area references the wrong benefiting lots (5-010.4.H).*

These easements have been revised as shown on the new preliminary plat.

28. ***Provide names for the two alleys. Emergency services will have difficulty locating them if they are addressed off of other roads. The southern one would be logical to continue as Waterside Drive all the way to the intersection with Bent Branch Road / Sommers Street.***

The southernmost alley has been named Waterside Drive. The northernmost alley has been named Aspire Alley as shown on the preliminary plat.

29. ***Provide a complete grading plan (5-020.11). Some street profiles show a large amount of fill dropping from the bench heading east (Waterside, Aspire, Junction, Crosscut). Street profiles must substantially follow natural contours while not exceeding maximum grades (3-140.6.C).***

Full Plan and Profiles for all roads are located in Section A – Road Plans. Due to some topographical benches on the property, there are a few areas with larger amounts of fill or cut, but the overall topography of the property will remain relatively the same. During the design phases further care will be taken to reduce the cut and fill for each road, while ensuring the most efficient use of each lot being considered. These plan and profiles show that the current road layouts are very feasible to construct within the current City of Missoula public works standards of design.

30. ***On sheet 17 and 18 of 20 of the road plans, clarify the trail surfacing material. The trail is shown as concrete but called out as gravel. It should be asphalt to match the existing trail in Water's Edge – verify with City Parks & Recreation. Trail and connections must meet PROWAG accessibility requirements (grades, rest areas, stairs, handrails, etc.). Add profiles for pedestrian connections between Waterside Drive and the river trail. Check grades of pedestrian connections from Waterside Drive to the trail. Show the existing trail in Waters Edge and the proposed tie-in. Estimate grades to be verified with a profile view. (See Public Works & Mobility notes for additional information.)***

The trail will be gravel which matches the trail surface of Water's Edge Subdivision. Parks has confirmed this trail surface. The hatch on the Road plans has been adjusted to match the correct surface. Additional detail requested is now included in the road plans and confirms PROWAG requirements. Additional construction details will be included in the full design set as part of Phase I construction plans.

31. ***Show utility service access for existing sewer main on the east side of the property (3-020.3.F and MCPWSS 5.3.4A.1).***

An access road has been incorporated into the layout and plat for maintenance of the existing sewer main along the western property boundary. Final details of the road will be incorporated into the full design set as part of Phase I construction plans.

32. ***Please provide documentation of coordination with Missoula County Public Works regarding offsite transportation improvements.***

A meeting with Missoula County Public Works (Shane Stack, Erik Dickson, and Brent O'Connor) was held on January 22. During the meeting the entire length of Sommers Street was discussed along with areas of conflict and possible resolutions of the current design. This will be an

ongoing process to get full design drawings, but the overall layout and concept was well received by Missoula County. Attached is a confirmation email of the meeting.

**33. *Provide transit stop improvements at Sommers / Speedway (3-020.4.G).***

Please see the updated offsite improvements drawings in Section A, where the transit stopped has been placed at the corner of Sommers and Speedway.

**34. *All water system sheets – Show existing and proposed fire hydrants (5-020.12).***

Please see the updated water system drawings included in Section A, where all fire hydrants are shown on the drawings.

**35. *In reference to the subdivision application Section 6.e.v (water supply): The blow capacity comments from the pre-application notes need to be incorporated into the response. City staff will work through the issues related to the capacity issues, probably through conditions of approval, but the issues must be acknowledged in the application.***

- a. *The City does not have sufficient water rights for the Canyon River well. Staff requests water rights be dedicated to the public if water rights exist for the property.***
- b. *There is insufficient existing system capacity to provide fire flow to Canyon River. The City is working on a Special Facility District to fund improvements to the East Missoula water system. Phase 1 would be upsizing a water main in Sommers Street. The water model shows when this section of water main is upsized, it allows for the required fire flow in Canyon River.***

These comments have been added to section 6.e.v of the subdivision application and are acknowledged by the development team. Should the City require an HOA to maintain any open space appropriate water rights will need to be retained by the development for this request. All known water rights documentation is also included at the end of Section C.

**VARIANCE REQUESTS**

**36. *Variance request #2 states the request is to reduce a segment of the Waterside Drive right-of-way to 52 feet wide, which would match the existing Waterside Drive ROW. The preliminary plat and road cross section show this segment proposed with a 50-foot ROW. As noted above, the existing Waterside Drive has a 54-foot public ROW and utility easement – City staff suggest this segment be widened to 54 feet instead of 50 to match the existing ROW and provide justification for the variance. Also please edit for content, clarity, and complete sentences. For example, the existing Waterside Drive ROW is larger, not smaller, as stated in the request. Please show how the proposed sidewalk will align with the existing sidewalk.***

The variance and all layouts and plat documents have been adjusted to reflect a 54-foot ROW for Waterside Drive.

37. ***Variance request # 5 does not seem to be based on conditions that are unique to the property. It appears Heartwood Place could be extended to the south. Staff suggest a revision or further discussion on this issue. A***

This variance has been adjusted to reflect discussions with City Planning. Please see the new variance in Section F.

#### **NEIGHBORHOOD CHARACTER OVERLAY**

38. ***Staff have significant and substantive edits to the proposed format and text to align the proposed overlay zoning with the existing Missoula Title 20 zoning. These edits and suggestions are being provided under separate cover.***

Please see the adjusted NCO document as coordinated with the City of Missoula Planning Department.

#### **LATE COMMENTS AND ADDITIONAL COMMENTS**

##### **Fish Wildlife and Parks:**

###### **1. *Wildlife Comments***

“Living with Wildlife Covenants” are part of the project covenants’ and included in this package.

###### **2. *Fisheries Comments***

- A landscaping plan has been submitted adding dozens of trees and shrubs to the riparian buffer zone as requested by FWP.
- The entirety of the riparian buffer zone is located on dedicated City Parkland, so area homeowners would be restricted from manipulating any property, plants, or structures within this zone.
- The development understands the need to protect the riparian area and would request a fence of the City Parks Department’s choosing be added to the conditions of approval as requested by FWP to protect the riparian area.
- Since the trail and entire riparian zone will be owned by City Parks it would be unnecessary to have additional covenants to prohibit clearing or construction within it.

###### **3. *Parks/FAS Recreation Comments***

The Aspire Subdivision is working to help ensure the vision of FWP by providing 100% pedestrian connectivity through and around the development, especially along the Clark Fork River.

##### **Channel Migration Study:**

***Additional Comments from the Planning department in an email on December 18, 2023 ask to Aspire to address Missoula County’s Channel Migration Study for the Clark Fork River.***

Due to the stability and history of the bank, along with the static river points of bridges to the north and south of the property bank migration is expected to be very little to none. This was addressed in the Subdivision Application as well as a supplemental write-up included in Section C.

The updates to each section adjusted from these sufficiency comments have been included in this package.

Thank you for your comments and the opportunity to respond to them. Please let me know if you have any additional questions or require any additional information for your review.

Sincerely,  
**406 Engineering, Inc.**



Brian Throckmorton, PE  
CEO/Project Manager

Enclosures: As listed above in letter.

C. Client (w/ enclosures)

[https://406engineeringinc.sharepoint.com/Shared%20Documents/406%20Work/1\\_Projects/2021%20Projects/21-001%20DeNova%20Homes/4\\_PLANNING/2\\_Subdivision%20Application/\\_Deficiencies/3.%20First%20Sufficiency%20Deficiency/2023-10-25.mcpd.degrandpre.docx](https://406engineeringinc.sharepoint.com/Shared%20Documents/406%20Work/1_Projects/2021%20Projects/21-001%20DeNova%20Homes/4_PLANNING/2_Subdivision%20Application/_Deficiencies/3.%20First%20Sufficiency%20Deficiency/2023-10-25.mcpd.degrandpre.docx)  
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