

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.

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- 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:** 05/01/2013 **PROPERTY OWNER:** COONEY SCOTT G
PERMIT TYPE: Zoning Compliance **PO BOX 7694**
NA
NA
PERMIT ISSUED BY: Ana Aronofsky **MISSOULA, MT 59807-7694**
ISSUED TO:

PERMIT LOCATION:

PHYSICAL ADDRESS:
2990 WOODLAND AVE
LOCATION:

LEGAL DESCRIPTION:
S14, T13 N, R19 W, A TRACT OF LAND IN THE NE4 NE4
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:

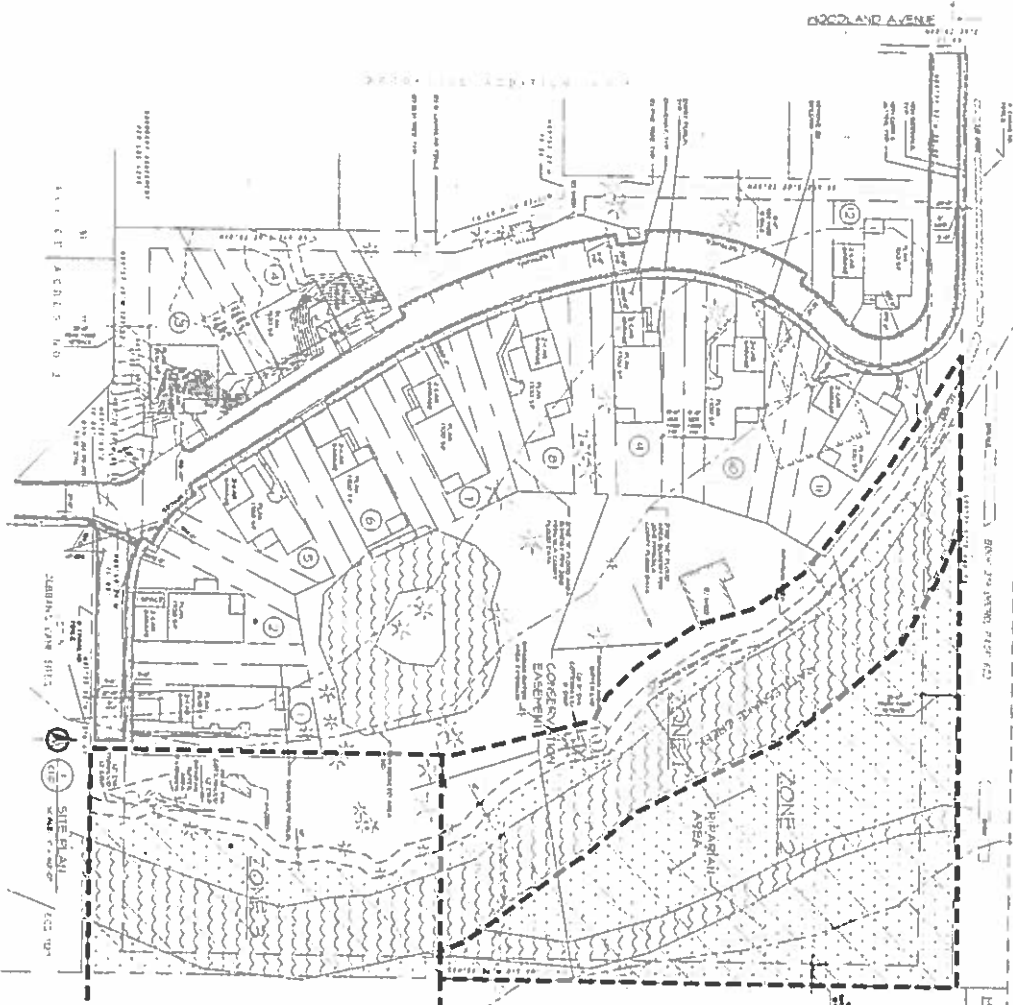
PERMITTEE ACCEPTS PERMIT

CONDITIONS & ATTESTS TO COMPLY

Signature

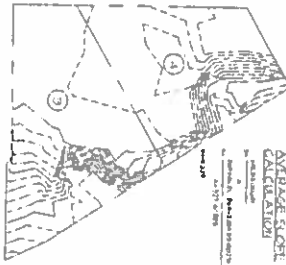
Date

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 OT 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.



TYPICAL RIPARIAN VEGETATION ZONE
 The boundary of the riparian area is shown by a dashed line. The area within the dashed line is the riparian area. The area outside the dashed line is not the riparian area.

TO: CLIENTS: SCOTT COONEY
 PROJECT: RIPARIAN VEGETATION EXHIBIT
 DATE: APRIL 19, 2012
 DRAWN BY: SCOTT COONEY
 CHECKED BY: SCOTT COONEY
 CONDITIONS: AS SHOWN



★ AVERAGE SLOPE CALCULATION

SITE CALCULATED

Area	1.23 Acres
Perimeter	0.81 Miles
Average Slope	1.2%
Volume	1.23 Acres x 1.2% = 0.0148 Acres

ZONING DATA

Code	Description
R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Three-Family Residential
R-4	Four-Family Residential
R-5	Five-Family Residential
R-6	Six-Family Residential
R-7	Seven-Family Residential
R-8	Eight-Family Residential
R-9	Nine-Family Residential
R-10	Ten-Family Residential



12-2032 1 of 1 April 19, 2012 With Riparian Area (Riparian Area) File - 2012.dwg	COONEY RATTLESNAKE TOWNHOMES	PORTIONS OF LOTS 1, 2, 3 AND 6 COONEY'S CAMP SITE'S ADDITION (VACATED) LOCATED IN SEC. 16 T15N, R15W, P14 S4 MISSOULA COUNTY, MONTANA	REVISIONS: _____ DATE: _____
	RIPARIAN VEGETATION EXHIBIT		SCOTT COONEY
TERRITORIAL LANDWORKS, INC. Civil Engineering - Surveying - Land Use Consulting www.territorial-landworks.com		P: 406.771.4342 F: 406.771.4344 1001 S. 15th St. Missoula, MT 59804	

ALL FIELDS DETAIL



MLS #	20157175	Exc Agcy/Exc RTS	Exclusive Right
Class	LAND		to Sell
Type	OFFICE EXCLUSIVE	TERRAIN	LEVEL
Area	30B-UPPER	MOB ALLOW	OE
	RATTLESNAKE	BRK OWN	NO
Asking Price	\$1,575,000		
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/Pynt		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 split 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 Forest east by Pine View Park. This is a one of a kind gated Rattlesnake property only minutes from downtown Missoula. Currently the property has 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 retaining Lots 2 & 3 for himself. The existing home will be demolished when construction starts.

ADDITIONAL PICTURES

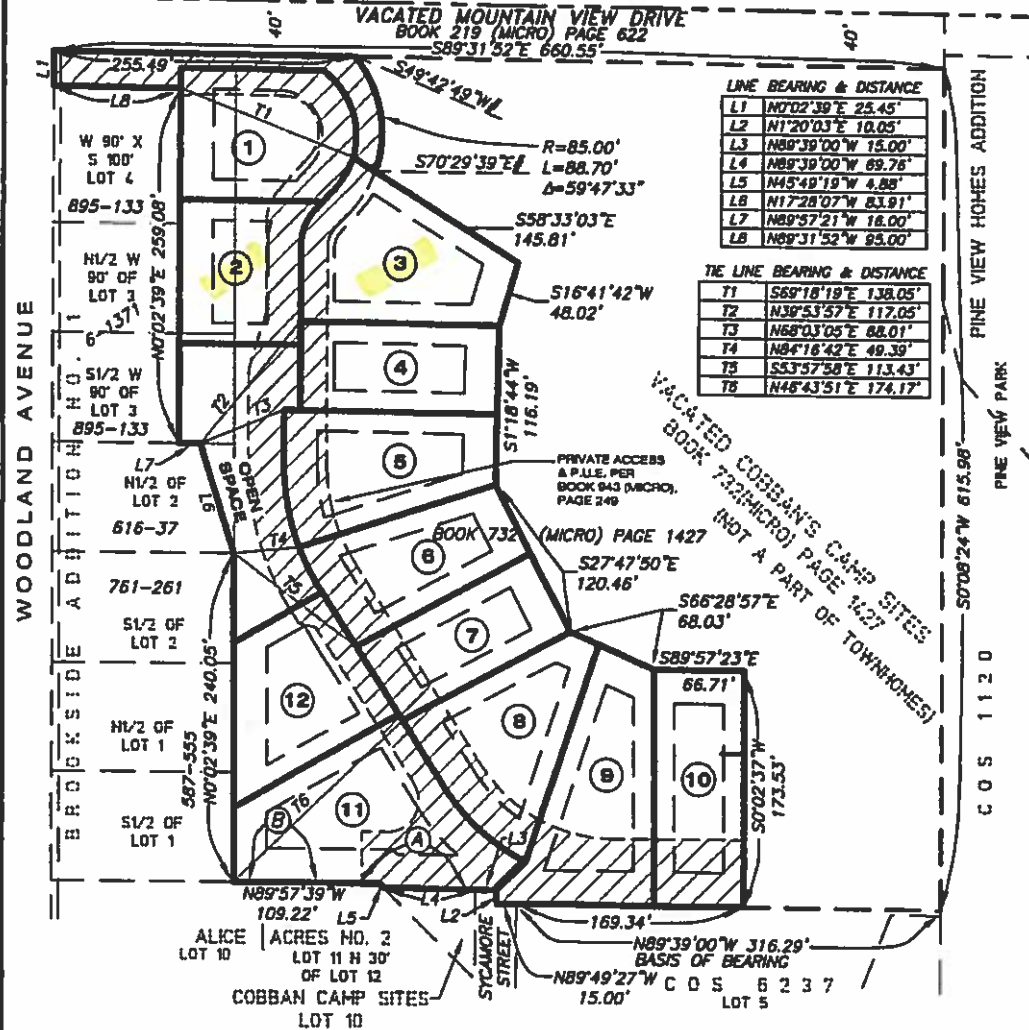


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COONEY RATTLESNAKE TOWNHOMES

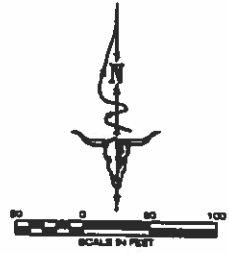
A TOWNHOME EXHIBIT DEPICTING 12 TOWNHOMES ON BOOK 732 (MICRO), PAGE 1427,
 LOCATED IN THE NW1/4 OF SECTION 14, T13N, R19W, P.M.M., MISSOURA COUNTY, MONTANA



LINE BEARING & DISTANCE	
L1	N0°02'39"E 25.45'
L2	N1°20'03"E 10.05'
L3	N89°39'00"W 15.00'
L4	N89°39'00"W 89.76'
L5	N45°49'19"W 4.88'
L6	N17°28'07"W 83.91'
L7	N89°57'21"W 16.00'
L8	N89°31'52"W 95.00'

TIE LINE BEARING & DISTANCE	
T1	S69°18'19"E 138.05'
T2	N39°53'57"E 117.05'
T3	N68°03'05"E 88.01'
T4	N84°16'42"E 49.39'
T5	S53°57'58"E 113.43'
T6	N46°43'51"E 174.17'

- LEGEND**
- P.U.E. = PUBLIC UTILITY EASEMENT
 - POB = POINT OF BEGINNING
 - / = RADIAL BEARING
 - (A) = BOUNDARY LINE AGREEMENT PER COS 4149
 - (B) = BOUNDARY LINE AGREEMENT PER COS 4280
- 761-261 = BOOK 761 (MICRO), PAGE 261 (TYPICAL)
- SETBACKS (TYPICAL)**
- FRONT = 25 FEET
 - SIDE = 15 FEET
 - REAR = 25 FEET



BASIS OF BEARING
 COS 6237
 DATE OF SURVEY
 JUNE 2014

PREPARED BY
TERRITORIAL LANDWORKS, INC.
 CIVIL ENGINEERING • SURVEYING • LAND USE CONSULTING
 www.territorial-landworks.com
 Phone: 406.732.8448 Fax: 406.732.8244 P.O. Box 9241 Helena, MT 59609

