

S U M M A R Y

CASE PLANNER:

Jennie Dixon, AICP, Planner IV



**REVIEWED AND
APPROVED BY:**

Tim Worley, Senior Planner

PUBLIC HEARING DATE:

PB: August 19, 2025

BCC: September 11, 2025

80-DAY LIMIT:

September 26, 2025

AGENDA ITEM:

Belltower PUD Subdivision

**APPLICANT/
FEE OWNER:**

MCG-Vines, LLC
c/o Mike Evans
1500 Willow Pass Court
Concord, CA 94520

REPRESENTATIVE:

406 Engineering
c/o Karl Treadwell
1201 S. 6th St. W., Suite #102
Missoula, MT 59801

LOCATION:

The site of the old Lolo School addressed as 11395 Highway 93 S., on the west side of the highway approximately one-third of a mile north of the Highway 12/Highway 93 intersection in Lolo, MT.

LEGAL DESCRIPTION:

Parcel A and Portion of Tract B, COS #3842 SW $\frac{1}{4}$ Section 26, T12N, R20W, Tract C, Tract D, and Portion of Tract B, COS #3842, NW $\frac{1}{4}$ Section 35, T12N, R20W, Parcel E, COS #4093, NW $\frac{1}{4}$ Section 35, T12N, R20W, and Parcel F, COS #4093, NE $\frac{1}{4}$ of Section 34, T12N, R20W, Principal Meridian, Missoula County, Montana.

LEGAL NOTICE:

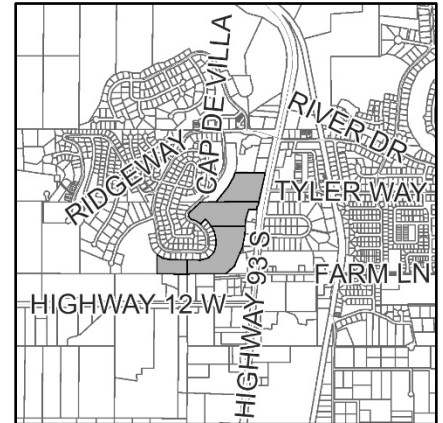
The legal ad was published on August 2 and 16, 2025 (Missoulian). Public notice was posted on Missoula County Voice on July 11, 2025. Adjacent Property owners were notified by mail on July 14, 2025. Posters were placed on or near the property on July 18, 2025.

ZONING DESIGNATION:

Unzoned

GROWTH POLICY:

The applicable plans are the *2016 Missoula County Growth Policy* and the *2002 Lolo Regional Plan* which designates the subject property as a combination of Parks and Open Space, Residential 16 DU/AC, Community Commercial and General Commercial.



SURROUNDING LAND USES	SURROUNDING ZONING
North: Residential	Unzoned
South: Residential	Unzoned
East: Commercial, Highway 93	Unzoned
West: Residential	Unzoned

<u>PROPOSAL</u>	<u>STAFF RECOMMENDATION</u>	<u>PLANNING BOARD RECOMMENDATION</u>
1. Belltower PUD Subdivision	1. Approval of the PUD subdivision, subject to conditions.	1. To be determined

MISSOULA CONSOLIDATED PLANNING BOARD
August 19, 2025
BELLTOWER PUD SUBDIVISION

I. BACKGROUND

Belltower PUD Subdivision is a proposed major residential and commercial subdivision located at 11395 Highway 93 South, just north of the Highway 12/Highway 93 intersection. The 33.75-acre tract is owned by MCG-Vines, LLC, and represented by Karl Treadwell of 406 Engineering, Inc. The applicant proposes 56 small residential lots averaging approximately 3300 square feet, and two larger lots which will not be served by sewer or water at this time (Lots A and B).

The property is the site of the closed and abandoned Lolo Elementary and Middle School. The Lolo School District completed construction of the new school building on Farm Lane in 2023. Of the existing school buildings on the site, only two will be preserved and reused in this development, including the historic original school building.

The subdivision is proposed as a PUD Subdivision. This allows design flexibility for projects that cluster development in a way that responds to the natural characteristics of the site and provides usable recreation areas and trails. It is also designed to promote a mixture of land uses, reduced infrastructure costs, and protection of historic and cultural resources. If a subdivision qualifies as a PUD subdivision, the requirements of Section 3.3 Lots and Blocks and 3.4 Transportation may be waived, as long as supported by other agencies. No agencies have identified any concern about this subdivision meeting the PUD criteria nor the waiver of Sections 3.3 or 3.4.

The land has significant slopes (over 25%) on the southern portion; the area proposed for development is flatter, generally under 10%. The property is not within any regulatory floodplain nor are there any identified riparian resource areas. The small residential lots in this subdivision are proposed to be served by the Lolo RSID #8901 water and sewer district. The existing approaches to Highway 93 South will provide access to the subdivision. A trail network is proposed through the 16.71-acre area dedicated as public parkland. A traffic impact study has been prepared for this development and is included in the application.

Covenants are proposed for this subdivision; however, a Homeowners' Association is not proposed because all common facilities and infrastructure will be dedicated to and managed by Missoula County. Development covenants can exist without a homeowners' association (HOA). Covenants are restrictions on how property can be used, even without the presence of an HOA. However, without an HOA, enforcing these covenants falls on the individual homeowners or neighbors.

Recommended conditions of approval include incorporating the weed management plan, revegetation plan, geotechnical study, and fire suppression plan into the covenants, and final compliance with preliminary plat approval, particularly with respect to road and pedestrian facilities plans, grading, drainage and erosion control plans, and sewer and water plans. A condition of approval also requires placement of a public pedestrian access easement connecting to the northern property boundary, as well as expanding all utility easements to the required 20' width and the creation of a no parking district via resolution. The conditions of approval are supported by the findings and conclusions contained in this staff report, agency comments, public testimony, and the information provided in the subdivision application and accompanying submittal materials.

II. SUBDIVISION FINDINGS OF FACT AND CONCLUSIONS OF LAW

A.) ZONING AND GROWTH POLICY COMPLIANCE

Findings of Fact:

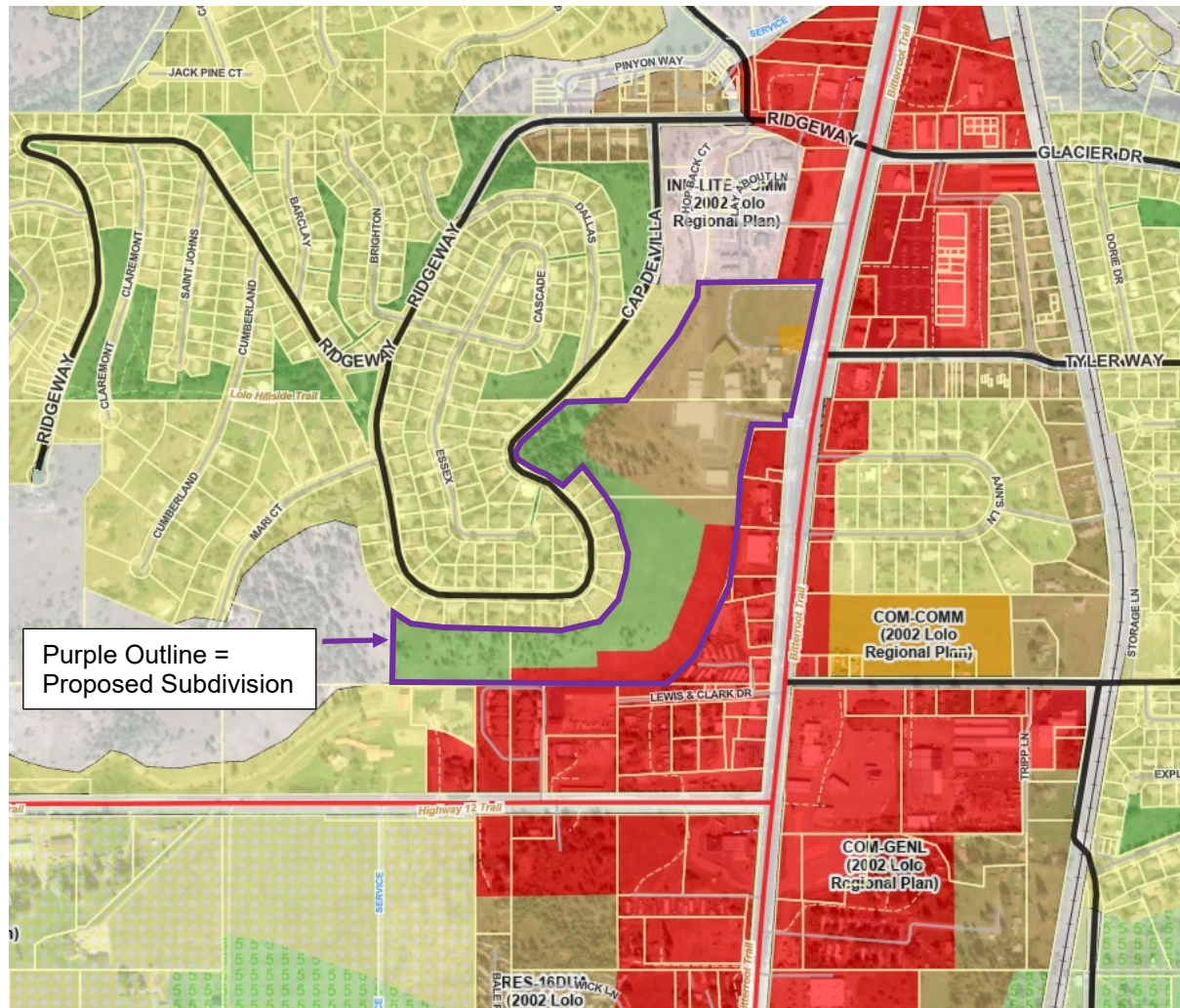
Proposal

1. The subject property, consisting of six tracts encompassing 33.74 acres, is located at 11395 Highway 93 South. This is the site of the old Lolo Elementary and Middle School. *(Property Information System)*
2. The legal description of the property is Parcel A and Portion of Tract B, COS #3842 SW¼ Section 26, T12N, R20W, Tract C, Tract D, and Portion of Tract B, COS #3842, NW¼ Section 35, T12N, R20W, Parcel E, COS #4093, NW¼ Section 35, T12N, R20W, and Parcel F, COS #4093, NE¼ of Section 34, T12N, R20W, P.M.M., Missoula County, Montana. *(Property Information System)*
3. Adjacent land uses include residential and commercial activities, with Highway 93 running along much of the eastern boundary of the subdivision. *(Preliminary Plat; Property Information System)*
4. MCG-Vines, LLC, c/o Mike Evans, represented by 406 Engineering, Inc., is proposing 56 small residential lots averaging .12 acres, and two larger lots (Lots A & B) which are not served by public sewer or water. *(Preliminary Plat; Subdivision Application; Property Information System)*
5. The small-lot residential development will cover a gross area of 7.62 acres, or approximately 23% of the site, on what is commonly referred to as the "middle bench." *(Preliminary Plat; Subdivision Application)*
6. Proposed at 7.04 acres, Lot A is located on the lower/eastern bench in the northeast corner of this subdivision, with frontage along Highway 93 South. *(Preliminary Plat; Subdivision Application)*
7. Lot A is not planned for future development until water and wastewater systems have the capacity to serve the area. Future development of Lot A could include high density residential development and/or commercial use and is also the site of the Lolo School District Building 4 and the Old Lolo Schoolhouse. *(Preliminary Plat; Subdivision Application)*
8. The site is currently occupied by the old school structures and site improvements to serve the old school. Except for Building 4 and the Old Lolo Schoolhouse, these old, abandoned structures will be removed upon commencement of site preparation for development. *(Preliminary Plat; Subdivision Application)*
9. Building 4 will be preserved for future alteration and use; the Old Lolo Schoolhouse is planned for historic preservation and potentially adaptive reuse. *(Subdivision Application; Preliminary Plat)*
10. Lot B is located along the southeast edge of the property with no highway frontage. The landowner may utilize Lot B (2.43 acres) for commercial uses not requiring sewer or water. *(Preliminary Plat; Subdivision Application)*
11. The old school structures and site improvements remain on site; except for Building 4 and the Old Lolo Schoolhouse, the old, abandoned structures and infrastructure such as paved parking and driving areas will be removed for site preparation for development. *(Subdivision Application)*
12. The subdivision is not proposed as a phased subdivision. There is no opportunity to request a phased subdivision after preliminary plat approval has been granted by the

County Commission. Future development of Lot A would require additional review.
(Subdivision Application, *Missoula County Subdivision Regulations Section 5.8.18*)

Growth Policy

13. The subdivision is subject to direction provided by the *2002 Lolo Regional Plan* and the *2016 Missoula County Growth Policy*. (*Property Information System*)
14. In June 2023, the Missoula Board of County Commissioners approved a growth policy amendment to the Lolo Regional Plan which classified the property with four distinct land use designations: Residential, 16 du/ac (brown), General Commercial (red), Community Commercial (orange), and Open Space (green). (*Lolo Regional Plan 2002 Update*)



15. The area designated as General Commercial is adjacent to other land in the same designation and is the location of proposed Lot B. This lot is anticipated to develop with commercial uses not requiring sewer or water. (*Lolo Regional Plan 2002 Update, Subdivision Application*)
16. The area recommended for Open Space is planned for is planned for approximately 16 acres of parkland accessible to the public with a one-acre pocket park connecting to trails leading to adjacent roads (Cap de Villa, Tertiary Lane, Lolo Vista Drive). (*Lolo Regional Plan 2002 Update, Subdivision Application*)

17. The area designated Community Commercial is adjacent to Highway 93 and is generally intended to facilitate smaller scale commercial uses. This is the area planned for Lot A and is not intended for immediate development. (*Lolo Regional Plan 2002 Update, Subdivision Application*)
18. As the property is unzoned, land use within this subdivision is not guaranteed. (*Property Information System*)
19. Applicable guiding principles, goals, and objectives of the *2002 Lolo Regional Plan* and accompanying Land Use Designation Map include:
 - a. Goal 1: Conserve vital natural resources including surface and groundwater, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native plant communities.
 - i. *The proposed subdivision designates approximately 16.7 acres as Open Space protecting natural resources such as steep slopes, wildlife habitat, and corridors.*
 - b. Goal 2: Promote responsible use and enjoyment of publicly owned lands and waters.
 - i. *The subdivision provides trail connections and public spaces for residents and the general public.*
 - c. Goal 3: Protect and enhance the historic and cultural structures and sites that are part of Missoula County's history and heritage.
 - i. *At the request of the subdivider, Cultural Resource Management Service Western Cultural, Inc., prepared a report in February 2025 to explore efforts to preserve the one room Lolo Schoolhouse. They identified three options for preservation. This is addressed fully in the Natural Environment section of this report. A condition of approval requires a long-term preservation plan for the schoolhouse.*
 - d. Goal 4: Reduce Missoula County's contribution to climate change while promoting resiliency and adapting to its impact on the natural environment and communities.
 - i. *The proposed subdivision places higher-intensity uses along existing roadways and high-traffic areas (US Highway 93 S).*
 - e. Goal 5: Promote economic development that creates opportunities throughout Missoula County including people living and working in rural communities and across wage levels.
 - i. *The subdivision includes some additional limited commercial space, recognizing that there are several underutilized existing commercial facilities in Lolo and the need for additional space is minimal. However, the proposed lots in the Commercial and Community Commercial designations allow for the opportunity for small businesses and community gathering spaces.*
 - f. Goal 8: Proactively plan and provide for the logical growth of communities while protecting rural character and sustaining county resources by guiding development to areas most suited for it.
 - i. *The proposal locates higher-density housing where there is existing infrastructure.*
 - g. Goal 10: Provide opportunities for a wide range of housing choices, especially for those who are homeless or experience high costs for housing relative to income:

- i. *The subdivision provides for a diversity of housing types, including single-dwelling and multi-dwelling housing opportunities, therefore diversifying the housing supply in Lolo.*
 - h. Goal 12: Promote healthy active communities
 - i. *Preserving open space on the property will allow for recreational opportunities.*
 - i. Goal 13: Promote equal access to employment, safe housing, transportation, community services, and amenities for all segments of the population
 - i. *The property is located where services exist and in a central location in Lolo, providing an opportunity for employment, safe housing, transportation, community services, and amenities.*
20. According to the application, the small lot residential density is approximately 8 du/ac. It is limited by the current sewer and water availability. Steep slopes further limit the ability to build out to the residential density recommended by the Plan. The subdivider notes that plans for development of increased density will occur when sewer and water capacity become available. (*Subdivision Application*)
21. Goal #8 from the 2016 Growth Policy is to “Proactively plan and provide for the logical growth of communities while protecting rural character and sustaining county resources by guiding development to areas most suited for it.” (*Missoula County Growth Policy*)
22. Two objectives of the Growth Policy Goal #8 are (8.1) to protect and enhance the rural character that exists in much of the County, maintaining a clear distinction between urban and rural areas and (8.3) Guide new subdivisions and development to areas that have the least impact on natural resources and are most suited for development. (*Missoula County Growth Policy*)
23. The mixed-use subdivision includes opportunities for a mix of housing types, businesses and opportunities for employment, as well as road and non-motorized connections with the development and to the greater Lolo area, as recommended by the *Lolo Regional Plan*. (*Lolo Regional Plan, 2002*)

PUD Subdivision

24. The applicant has proposed a Planned Unit Development (PUD) Subdivision. (*Missoula County Subdivision Regulations Section 4.2; Subdivision Application*)
25. The intent of a PUD Subdivision is to encourage creative designs that do not compromise public health and safety. PUDs promote mixed land uses and clustered designs to better respond to natural site characteristics, reduce infrastructure costs, and accommodate superior common area designs. They also encourage preservation of historic and cultural resources. (*Missoula County Subdivision Regulations Section 4.2.1*)
26. If a project qualifies as a PUD Subdivision, the requirements in Section 3.3 Lots and Blocks and Section 3.4 Transportation may be waived if reviewing agencies can still provide service and the lack of compliance with these two sections does not adversely affect public health and safety. (*Missoula County Subdivision Regulations Section 4.2.5*)
27. To qualify as a PUD Subdivision, an application must satisfy at least three of the five Criteria for a PUD in Section 4.2.2.2. (*Missoula County Subdivision Regulations Section 4.2.2.2*)
28. The application contains an analysis prepared by the applicant addressing how this application qualifies as a PUD Subdivision. (*Subdivision Application*)

29. The application also contains a list of the waivers requested in Sections 3.3 and 3.4. They include the following: *(Preliminary Plat, Subdivision Application)*
- a. Section 3.3.2.2 Block Length
 - i. The maximum permitted block length is 450'; the subdivider proposes the block in the northwest corner of the site (Lots 31 – 45) be allowed to extend nearly 600'. *(Preliminary Plat; Missoula County Subdivision Regulations Section 3.3.2.2)*
 - b. Section 3.4.7.3 Curb, Gutter and Boulevard
 - i. The subdivision regulations require 10' wide landscaped boulevards on both sides of all roads; the subdivider proposes no landscaped boulevards. *(Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.7.3)*
 - c. Section 3.4.9.4 Non-Motorized Standards
 - i. The subdivider proposes 6' wide curbside sidewalk on both sides of all roads throughout the subdivision except along the north side of Primary Road as it runs upslope through Lot A, where 6' wide curbside sidewalk is proposed on only one side of the road. *(Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.9.4)*
30. The applicant requests a PUD so that these identified sections may be waived primarily due to the topography of the site and the design considerations resulting from mass grading the site to prepare it for new development. *(Subdivision Application)*
31. Three additional waivers were identified by staff: the road width for Primary Road as it traverses Lot A (Section 3.4.7), ADA compliant pedestrian walkways, and elimination of 6' bike lanes on internal roads. *(Missoula County Subdivision Regulations Section 3.4.7, 3.4.9.3.B, and Table 3.4.9.4).*
32. It appears that the subdivision does not comply with all the requirements of Section 3.4.9.3.B, which requires non-motorized facilities to be constructed in accordance with the Americans with Disabilities Act. It is not uncommon for subdivisions on steep slopes to not meet the local construction requirements for ADA compliance; however, this does not exempt the subdivider from meeting federal ADA requirements. In this particular situation, construction of ADA compliant sidewalks on some portions of the property is technically Infeasible, that is physical site constraints prohibit the construction of sidewalks which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. This is a section that may be waived or eliminated as part of a PUD subdivision proposal. *(Subdivision Application, Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.9.3.B)*
33. Primary Road is required to be 32' wide (face to face of curb), or 24' when on-street parking is prohibited. The plat shows Primary Road as a 20' paved width as it climbs the hill on Lot A. None of the reviewing agencies expressed any concern about constructing this portion of Primary Road four feet narrower than required. To ensure on-street is restricted on this portion of Primary Road, a condition of approval requires the subdivider to initiate a resolution for "No Parking" on this portion of Primary Road. *(Subdivision Application, Preliminary Plat, Missoula County Subdivision Regulations Section 3.4.7)*
34. The requirement for 6' wide bike lanes is not met with this design; however, this internal road design does not connect to any other neighborhoods and serves 56 homes internal to the subdivision. The road widths meet minimum requirements, and an additional 12' on each road will increase grading impacts and eliminate the western uphill pocket park. *(Subdivision Application, Preliminary Plat, Missoula County Subdivision Regulations Section 3.4.9.4 Table)*

35. These waivers are discussed further under Section B. Primary Criteria Compliance, Effects on Local Services of this staff report (see Road Systems, Pedestrian Facilities, Parks and Recreation, Natural Environment). (*Missoula County Subdivision Regulations Section 4.2.5; Subdivision Application*)

36. In summary, this proposal is determined to qualify as a PUD Subdivision by meeting the following four, and possibly five, criteria: (*Preliminary Plat, Subdivision Application*)

a. Natural Resources

- i. Reducing site grading preserves the natural aesthetic of the landscape.
- ii. The subdivider plans to dedicate over 16.7 acres of parkland for hillside and vegetation preservation.
- iii. The preserved area is heavily wooded and includes trees, wildflowers, and native grasses of local importance, such as Western Needlegrass, Idaho Fescue, and Ponderosa Pine.
- iv. With a maximum catch slope grade of 50% (2:1), every foot of reduced development saves 2 linear feet of disturbance.
- v. According to the subdivision application, eliminating two 7-foot boulevards saves 28' or more grading impact. [Note: The requirement is for 10' wide boulevards; therefore, even more area will be preserved from mass grading by eliminating the boulevard requirement.]
- vi. Existing grades in the proposed development area range from 25% to 45%, amplifying potential savings in site grading impact.
- vii. Primary Road climbs the hill at a 10% grade up a 50% cut slope. Reducing this section of road to one sidewalk will significantly decrease the need for fill material and prevent sidewalk installation adjacent to steep slopes.
- viii. Eliminating boulevards avoids steepening hillside grades and can save around 1 acre from disturbance. The saved acre is proposed as a flat pocket park (less than 3%) uphill and west of the proposed lots which is intended to provide functional open space while showcasing natural resources.

b. Efficient Infrastructure

- i. Meeting goals of minimizing unnecessary infrastructure, reducing impact on surrounding land and integrating development into the natural hillside geography, allowing an increase to the maximum block length reduces the amount of asphalt surfacing, decreases the amount of required construction materials (concrete, asphalt, gravel), and cuts stormwater mitigation needs.
- ii. The plat shows proposed access to the open space pocket park adjacent to Lot 30. Breaking up this block length with a pedestrian access easement and trail is not suitable for this location since these lots abut a separate parcel outside the subdivision and could not provide access to other areas in this development.
- iii. The reduction to the right-of-way improvements results in at least 2:1 savings in impacts to the site, allowing more functional and accessible parkland.
- iv. The proposed sidewalk on the south side of Primary Road is located on the uphill and inside corner of the road, providing more protection to pedestrians. Crosswalk striping will be provided to allow pedestrians to safely cross to paved sidewalks where necessary. The sidewalks connect to the proposed trail system and will connect Cap De Villa to Highway 93 S.

- v. The reduced infrastructure makes affordable housing more attainable for a variety of reasons. Fewer materials and lower maintenance costs contribute to long-term savings, although eliminating boulevards shifts landscaping responsibility to homeowners since the proposed covenants require private vegetative improvements in place of boulevard landscaping. Enforcement of this provision will be spotty at best.

c. Dedication of Common Areas

- i. The subdivider proposes over 16 acres of County parkland proposed for public access as natural open space. A natural surface trail connecting the adjacent West View Subdivision to Highway 93 and the nearly commercial areas will be installed by the subdivider in the park to improve accessibility and usability.
- ii. In addition to the approximately 4,650 linear feet of trail, the subdivider will install a parking area at the end of Tertiary Lane to serve non-resident visitors.
- iii. The dedication requirement for this subdivision is 0.59 acres of qualified parkland. At over twice the minimum dedication amount, 1.15 acres qualify for parkland dedication. The remaining 15+ acres consist of grassy fields with slopes over 25% grade, and while not meeting the requirement of the subdivision regulations for parkland dedication due to slope, it does provide usable open space and natural trails for public use.
- iv. That results in total dedication being almost 30 times greater than the required amount of open space.

d. Development of Common Areas for Recreational and Open Space Purposes

- i. Minimizing hillside grading preserves the upper bench for natural preservation and park improvements
- ii. The improved pocket park area will be graded to under 3% slope and provide access through the subdivision to the West View Subdivisions and link a trail network to other neighborhoods and adjacent areas to the east (Highway 93) and south (Lolo Vista and Highway 12).
- iii. Planned grading and revegetation will improve the park's visual quality and usability.
- iv. The subdivider will install 4,650 linear feet of natural surface trail, increasing access and usability of the otherwise steep dedicated parkland.

e. Historic and Cultural Resources

- i. The property contains the Old Lolo Schoolhouse, built in the early 1900s.
- ii. The Schoolhouse was inspected by historic preservation specialists, Montana State Historic Preservation Office (SHPO), and the National Park Service (NPS), and these experts determined that the structure does not qualify for the National Register of Historic Places, due to lack of historical integrity.
- iii. Integrity is based on seven criteria: location, design, setting, materials, workmanship, feeling, and association.
- iv. Although the structure meets some criteria, structural and aesthetic alterations over time have diminished its historical integrity. See the Natural Environment section for more discussion regarding the protection of historic and cultural resources.

v. The subdivider aims to recognize the cultural importance of the Old Schoolhouse in the following ways.

1. The Belltower Subdivision is named in recognition of the Old Schoolhouse.
2. The application materials include a report prepared by Western Cultural, Inc., with some recommendations for ways to preserve the memory of the structure as a community symbol. The report details the historical relevance of the Schoolhouse and provides preservation alternatives and recommendations.

37. This subdivision has been designated as a PUD subdivision by satisfying at least four of the five criteria listed above: Natural Resources, Efficient Infrastructure, Dedication of Common Area, and Development of Common Area for Recreational and Open Space Purposes. (*Subdivision Application*)

38. While the subdivider provided an Historic and Cultural Resources Assessment, no plan was presented in the application to take concrete steps toward preserving the old Lolo Schoolhouse. It is clear from conversations with the developer's agent that the subdivider's intentions are to preserve the school in some form, whether it be onsite with an adaptive reuse, or off-site at other Lolo locations, such as the Holt Ranch, the Lolo School District land on Farm Lane, the Lolo Community Center at 12345 Highway 93 S., or even other historic sites in Lolo, such as Traveler's Rest. However, without firm plans, this criterion cannot be considered fully satisfied at this time. The conditions of approval take significant steps toward satisfying this criterion. (*Cultural and Historical Resources Assessment*)

39. A recommended condition of approval requires the subdivider to develop a long-term preservation plan for the Old Lolo Schoolhouse that is consistent with the recommendations in the Historical and Cultural Assessment prepared by Western Cultural, Inc., with the first option being preservation/adaptive reuse of the structure, either on or off-site, and the last resort being preservation and restoration of the belltower with a historic interpretative panel. (*Cultural and Historical Resources Assessment*)

Review of Resources, Local Services, and Public Health and Safety

40. State Law requires review for the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils. (76-3-608(3)(a), MCA)

41. The subdivision has been reviewed for impacts to agriculture and agricultural water user facilities. Findings indicate that there will be minimal effects on agriculture and agricultural water user facilities. (See Agricultural and Agricultural Water User Facilities findings and conclusions.)

42. The subdivision has been reviewed for impacts to local services. Findings indicate improved access by the planned improvements to Highway 93 S and installation of pedestrian walkways throughout the subdivision, including a 5' wide natural path within the park. Findings also confirm acceptable water and wastewater disposal facilities, hydrants for firefighting water supply, and allocation of nearly thirty times the required amount of parkland dedication. (See findings and conclusions under Local Services).

43. The subdivision was reviewed for impacts to the natural environment, wildlife, and wildlife habitat, including historic resources. Living with Wildlife covenants and a Weed Management and Revegetation Plan will be incorporated into the covenants. With these

mitigations, staff conclude that minimal adverse impacts to the natural environment remain (see findings and conclusions under Natural Environment, Wildlife, and Wildlife Habitat).

44. The subdivision has been reviewed for impacts on public health and safety. Areas exceeding 25% slope will be shown as No-Build/No-Alteration areas on the plat. Lot owners must follow the recommendations from the geotechnical report before obtaining building or land use permits. Class A roofing and noncombustible construction materials are required to minimize wildfire hazard (see findings and conclusions under Public Health and Safety).
45. A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy. (76-1-605(2)(b), MCA)

Conclusions of Law:

1. The subdivision is in substantial compliance with the *2002 Lolo Regional Plan* and the *2016 Missoula County Growth Policy*.
2. The proposed subdivision satisfies at least four of the five criteria for determination as a PUD Subdivision; these criteria are Natural Resources, Efficient Infrastructure, Dedication of Common Areas, and Common Area Development for Recreational and Open Space purposes.
3. Protection of Historic and/or Cultural Resources will be met with the preservation and adaptive reuse of the Old Lolo Schoolhouse, though if this is infeasible, preservation and restoration of the belltower will also satisfy this criterion.
4. Since the design meets at least three of the five PUD criteria and meets goals and objectives as described by the *2016 Growth Policy* and the *2002 Lolo Regional Plan*, the subdivision qualifies as a Planned Unit Development Subdivision.
5. No condition of subdivision approval is based solely on Growth Policy compliance.

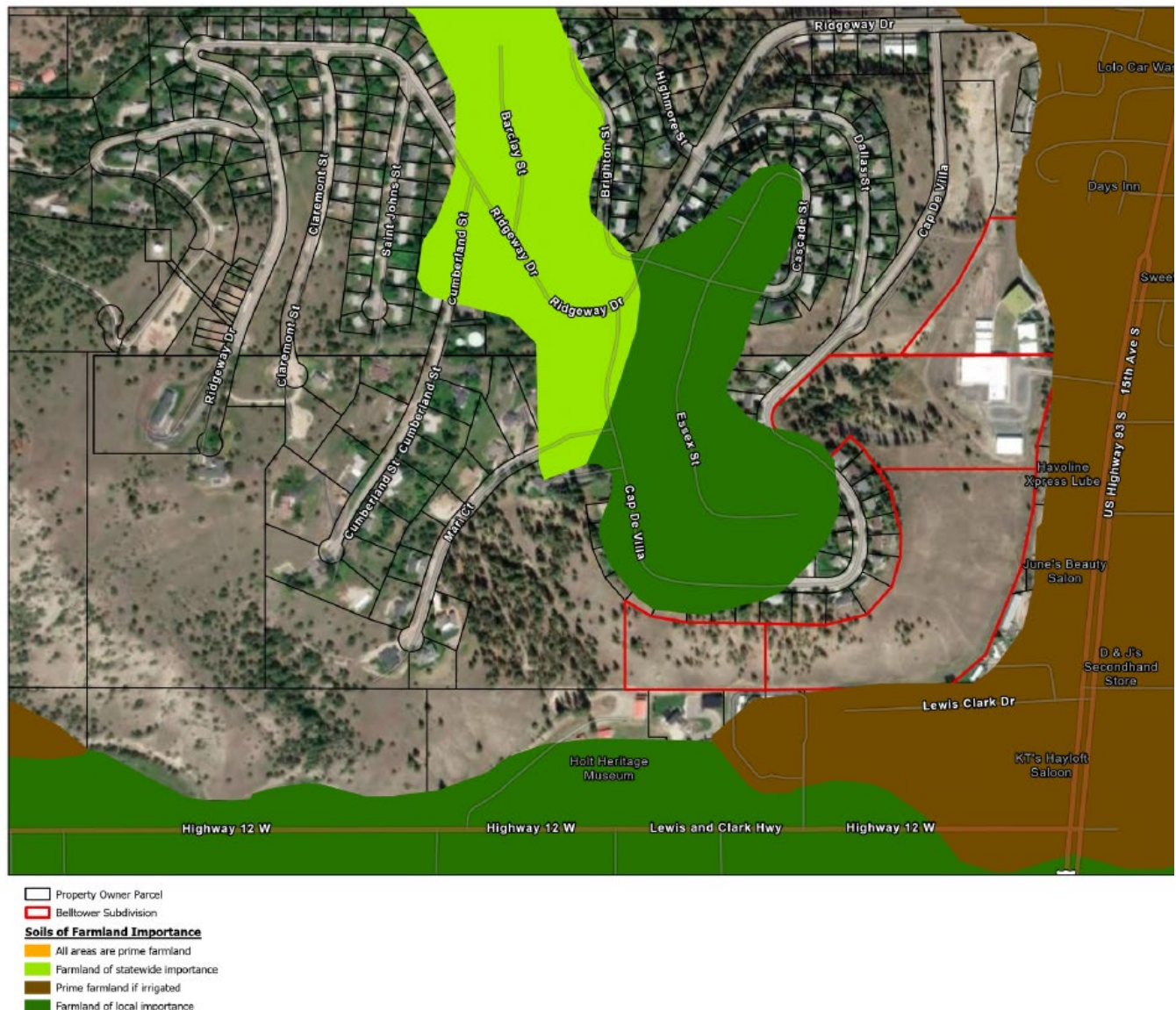
B.) PRIMARY CRITERIA COMPLIANCE

CRITERION 1: EFFECTS ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. Subdivisions are required to reasonably mitigate potentially significant adverse impacts to agriculture and agricultural water user facilities resulting from the subdivision. (*Subdivision Regulations Section 3.1.4.2.A*)
2. The property is located in an urban area. It has not historically been used for agriculture, and it is not irrigated. (*Subdivision Application; Property Information System*)
3. Missoula County Subdivision Regulations Section 3.1.4, Agricultural Lands, has a purpose and intent described as balancing the interests, needs, and patterns of development and agricultural preservation between landowners and the community's collective interests. (*Missoula County Subdivision Regulations Section 3.1.4*)
4. The Purpose and Intent of the Agricultural Lands review in subdivision includes implementation of goals of the *Missoula County Growth Policy*. (*Missoula County Subdivision Regulations Section 3.1.4.1*)
5. One of the principles guiding the *Growth Policy* is Agriculture. The policy notes that it is important due to benefits such as food security, open space, wildlife habitat, economic activity, health promotion, and quality of life. (*Missoula County Growth Policy*)

6. There are no agricultural water user facilities such as delivery ditches, pipelines, or other irrigation facilities on or associated with this property, and as such, irrigation easements are not proposed. *(Subdivision Application)*
7. Irrigation easements are not required when the average lot size is 1 acre or smaller and the subdivider discloses to potential buyers that lots within the subdivision are classified as irrigated and may continue to be assessed for irrigation water delivery even though water may not be deliverable to the lots or the water rights have been removed from the land. *(Missoula County Subdivision Regulations Section 3.1.5.3; Preliminary Plat)*
8. Soils on the property include Minesinger-Bigarm complex, 0 to 4 percent slopes, Bigarm gravelly loam, 0 to 4 and 15 to 30 percent slopes, and Repp very gravelly loam, 30 to 60 percent slopes. *(Subdivision Application)*



9. According to the USDA Natural Resources Conservation District Soil Resource Report for the site, an area of prime farmland soils if irrigated may be found on the northeast portion of the property (on Lot A). This area is currently paved and developed with the old school buildings. *(Soils Resource Report)*

10. According to §76-3-608(3)(a), MCA, a subdivision proposal must undergo review for the following primary criteria: “except when the governing body has established an exemption pursuant to subsection (6) or except as provided in [§76-3-509](#), [76-3-609](#)(2) or (4), or [§76-3-616](#), the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils;” (emphasis added) (*Montana Code Annotated §76-3-608(3)(a)*)
11. Missoula County seeks to conserve agricultural lands, preserve options for local agriculture, accommodate a growing population, provide for the co-existence of agriculture and development, and preserve agricultural infrastructure. (*Missoula County Growth Policy*)

Conclusions of Law:

1. Impacts on agriculture and agricultural water user facilities as defined in Montana Code Annotated and the Missoula County Subdivision Regulations are mitigated.

CRITERION 2: EFFECTS ON LOCAL SERVICES

Roads

Findings of Fact

Road Systems

1. The property is located along Highway 93 S., just north of the Highway 12/Highway 93 intersection. (*Property Information System*)
2. The applicant provided full details about each road’s specification in the Subdivision Application. (*Subdivision Application Road Table, page 23*)
3. The subdivision is designed with three onsite roads: Primary Road, Secondary Way, and Tertiary Lane. These roads loop together and connect to Highway 93 S. at two locations. (*Preliminary Plat*)
4. All roads are proposed for public access and County maintenance. The County is willing to accept the roads for public maintenance if the subdivider initiates an RSID for maintenance of all roads within this subdivision. (Primary Road, Secondary Way, and Tertiary Lane). (*Missoula County Subdivision Regulations Section 7.7.8.2*)
5. Highway 93 W. is an off-site road not uniquely attributable to the subdivision under Montana Department of Transportation jurisdiction. At a minimum, off-site roads must maintain a 20’ unobstructed drivable width and sufficient vertical clearance. Highway 93 is a five-lane highway within a 90’ right-of-way with 12’ shoulders on both sides and separated by an 18’ wide median. (*Property Information System, Traffic Study*)
6. A condition of approval requires a waiver of the right to protest inclusion in an SID/RSID that includes improvements and maintenance for Highway 93 South and for all roads within this subdivision (Primary Road, Secondary Way, and Tertiary Lane). (*Missoula County Subdivision Regulations Section 3.4.7.5.C*)
7. The northern access point to the subdivision (Primary Road) is signalized at the Highway 93 South/Tyler Way intersection; the southern access point is not. (*Property Information System*)

8. To ensure the only access points onto Highway 93 S. are the two proposed, plus preservation of a third access point on the north end of the property, a recommended condition of approval requires the plat to be amended to include a 1' No-Access Strip along the Highway 93 South frontage, except for the three MDT approved approaches. The third approach on the north end of the property is not proposed for access at this time; however, future development of Lot A may necessitate its use. (*Preliminary Plat, Traffic Study, Missoula County Subdivision Regulations Section 3.4.7.5*)

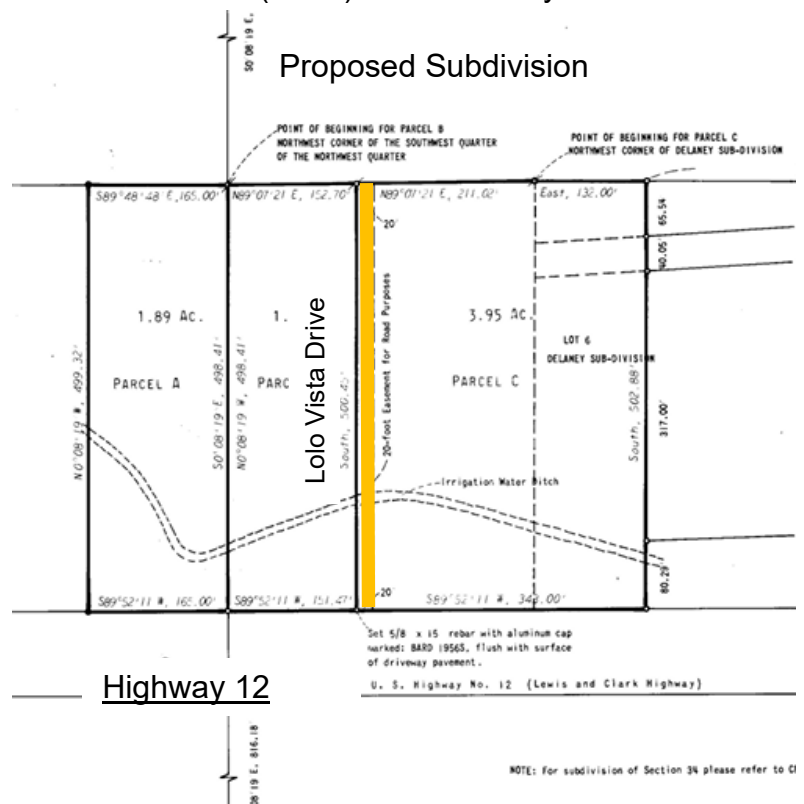


9. When parking is permitted on both sides of the street, major small-lot subdivisions with roads serving over 40 residential lots are required to have a 32' pavement width plus 2' curb and gutter. All roads in this subdivision meet this requirement, apart from a portion of Primary Road as it crosses Lot A. (*Missoula County Subdivision Regulations Section 3.4.7*)
10. When parking is prohibited on both sides of the street, major small-lot subdivisions with roads serving over 40 residential lots are required to have a 24' pavement width plus 2' curb and gutter. (*Missoula County Subdivision Regulations Section 3.4.7*)
11. All roads within this subdivision will be constructed to meet these requirements except that a portion of Primary Road will be constructed to 20' wide, four feet less than required

by Missoula County Subdivision Regulations Section 3.4.7., due to slope constraints.
(Preliminary Plat)

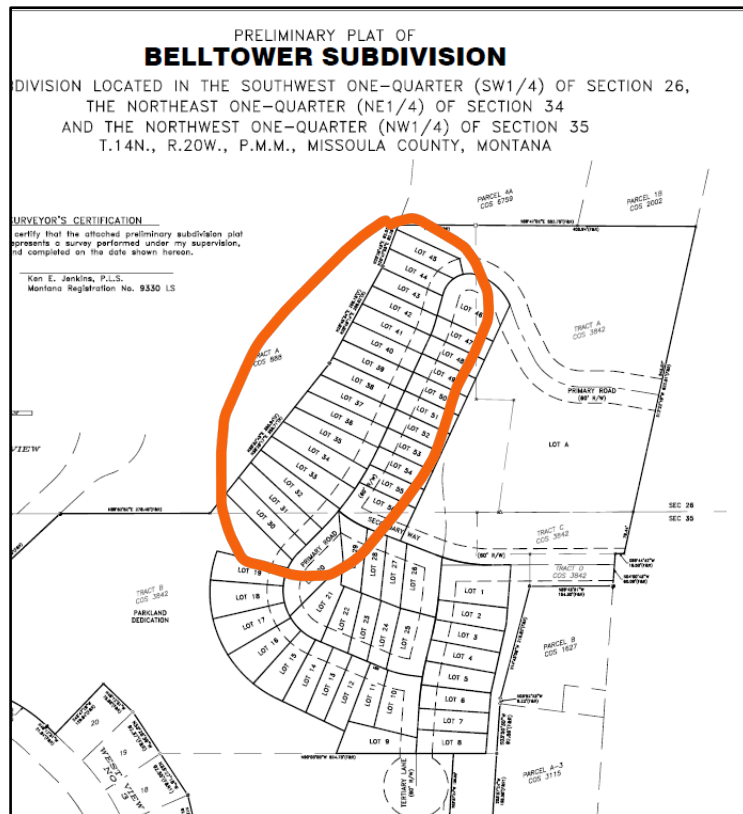
12. None of the reviewing agencies expressed any concern about constructing this portion of Primary Road four feet narrower than required. Since parking is prohibited on both sides when road widths are 24' wide (or less), a condition of approval requires a no parking resolution as adopted by the County Commissioners. (Missoula County Subdivision Regulations Table 3.4.7; Missoula County Subdivision Regulations Section 3.4.7.4)
13. A 20' wide road easement connects the property to Highway 12 via Lolo Vista Drive. No vehicular access to the subdivision is proposed using this easement; however, depending on the terms of this easement, it may allow for future road access. The application states that this easement does not conclusively serve this subdivision; therefore, until the legality of the existing easement is determined, the proposed 30' access easement extending off the end of Tertiary Lane will serve the commercial lot (Lot B) as a driveway location.
(Subdivision Application)

14. Major small-lot subdivisions with roads serving commercial lots are required to have a 26' pavement width with 2' shoulders. The only commercial lot in this subdivision is Lot B, and possibly Lot A. A 30' wide access easement extends from the end of Tertiary Lane to Lot B where a commercial driveway may be constructed.
(Missoula County Subdivision Regulations Table 3.4.7; Preliminary Plat; Road Table, Section 4)



15. In the Urban Area, all internal roads shall be constructed with a conventional curb, gutter, and boulevard sidewalk. The roads in the proposed subdivision are constructed with curb and gutter. The subdivider has requested to waive the requirement for landscaped boulevards, instead opting to install 6' wide curbside sidewalks on both sides of all roads, except the steeper portion of Primary Road on Lot A, where curbside sidewalk will be installed only on one side. Pedestrian facilities are addressed in the next section and may be modified or waived if the subdivision is approved as a Planned Unit Development. (Missoula County Subdivision Regulations Sections 3.4.7.3, 3.4.2.1.C.3, and 4.2.5)
16. Two major roads (Primary Road and Secondary Way) divide Lot A into thirds. Missoula County Subdivision Regulations Section 3.3.2.8 states that no lot "shall be divided by a...public street, or road right-of-way, including public road easements." A condition of approval requires Lot A to be relabeled as separate lots where divided by a road.
(Preliminary Plat, Missoula County Subdivision Regulations Section 3.3.2.8)

17. A condition of approval requires road plans to be reviewed and approved by Public Works prior to final plat approval. (*Preliminary Plat; Missoula County Subdivision Regulations Table 3.4.7 and Section 3.4.7.2*)
18. The maximum permitted block length is 450'; the subdivider proposes the block in the northwest corner of the site (Lots 31 – 45) be allowed to extend nearly 600'.
(*Preliminary Plat; Missoula County Subdivision Regulations Section 3.3.2.2*)
19. The applicant requests a waiver to the maximum block length for this block primarily due to the topography of the site and the design considerations resulting from mass grading the site to prepare it for new development. The slope at this location prohibits any kind of usable area for a road or trail, which are usually employed to limit block length. Variances to the provision are not required as this is a PUD Subdivision which allows for waivers from Section 3.3 Lots and Blocks.
(*Preliminary Plat, Subdivision Application, Missoula County Subdivision Regulations Section 4.2, 3.3.2.2*)



Traffic Impacts

20. A traffic impact study was prepared for this subdivision in March 2025 by Abelin Traffic Services, using a 2023 Peccia and Associates study and factored to 2025 conditions for Highway 93 and Highway 12. (*Subdivision Application*)
21. The proposal calls for development that may lead to traffic impacts on nearby roads by creating commercial development opportunities and more than 50 residential lots/units. (*Missoula County Subdivision Regulations Section 3.4.5*)
22. Vehicle access to the development is proposed via two intersections from Highway 93 South. (*Traffic Impact Study*)
23. A previous traffic study recorded 1,228 average daily trips from the site and 423 peak hour trips when Lolo School was in operation. (*Subdivision Application*)
24. MDT data (2023) indicate 27,185 vehicles per day use the Hwy 93/Tyler Way intersection. (*Subdivision Application*)
25. This subdivision is expected to generate 528 new daily vehicle trips, with 53 PM peak hour trips. All residential traffic from the proposed subdivision will use Hwy 93 S. (*Subdivision Application*)
26. According to the Abelin March 2025 Traffic Study, the Belltower Subdivision will not create any roadway capacity problems. (*Traffic Impact Study*)

27. This subdivision will increase traffic delay slightly (less than 1 second) at the study intersections, and all signalized intersections will continue to function at a LOS B or better. *(Traffic Impact Study)*
28. The existing signalized intersections will require changes to signing, raised center medians, and signal heads to allow left and right-turning movements at Tyler Way, and the western leg of the intersection with Tyler Way will need to be reconstructed to meet MDT approach standards for two-way traffic. *(Traffic Impact Study)*
29. Montana Department of Transportation (MDT) commented that the approaches (to Hwy 93) must be brought up to MDT standards, with separate approach permits for each approach. *(Agency Comment Letter from MDT, 4/9/25)*
30. An email from Mike Tierney, SIAP Coordinator at MDT, expressed concern that the subdivider should establish a plan to address all of the subdivision impacts to Highway 93 South, noting that acceptable plans would result in a formal agreement between the developer and MDT, plus any other local government agencies, with provisions for the subdivider to finance and construct mitigations identified in the TIS. He also states, "Provisions in the agreement must also address mechanisms leading to finance and construction of future development phases with potential for, as yet, unidentified impacts to MDT's system."
31. A condition of approval requires Highway 93 South traffic mitigations attributable to the subdivision to be implemented subject to review and approval by Missoula County Public Works and MDT. *(Missoula County Subdivision Regulations Section 3.4.7.5.E)*

Grading and Drainage

32. Stormwater management systems shall be designed to detain/retain a 100-year, 24-hour rainstorm using the SCS Type 2 Rainfall Distribution Data. *(Missoula County Subdivision Regulations Section 3.7.4)*
33. The management of stormwater runoff on-site is necessary to maintain pre-development discharge levels, involving site grading, curbs and gutters, 35 drywells within the road rights-of-way (1 per 8,000 s.f. of impervious area), and erosion control plans. *(Subdivision Application, Storm Drainage Report)*
34. Maintaining existing stormwater discharge locations is essential, but any changes or mismanagement could affect neighboring properties, potentially leading to water damage or altered water flow patterns. Stormwater infiltration will be designed and managed to avoid overloading the groundwater system. Implementing measures such as controlled infiltration areas and maintaining natural drainage patterns will help mitigate this risk. *(Subdivision Application, Storm Drainage Report)*
35. Any future development will require separate analysis at the time of construction. Lot-specific plans will be reviewed by Missoula County Public Works to manage stormwater runoff and prevent erosion. *(Subdivision Application)*
36. A condition of approval requires final plans for grading, drainage, and erosion control, subject to the review and approval of County Public Works. *(Preliminary Plat; Grading and Drainage Report; Missoula County Subdivision Regulations Sections 3.4.8.1 and 3.7.2.1)*

Conclusions of Law

1. The subdivision will meet the road standards in the Missoula County Subdivision Regulations and impacts will be mitigated with recommended conditions of approval.

Pedestrian Facilities

Findings of Fact:

1. Major subdivisions within the Urban area are required to provide pedestrian facilities. (*Missoula County Subdivision Regulations Section 3.4.9.1.B.1*)
2. Urban road and non-motorized facilities standards apply to subdivisions within the Lolo Sewer and Water District #8901. (*Missoula County Subdivision Regulations Section 3.4.2.1.A.2.*)
3. This subdivision is located in the Urban Area and is considered a small-lot subdivision since most lots are smaller than ½ acre. (*Preliminary Plat*)
4. This subdivision is considered an urban subdivision with 8 dwelling units or greater consisting of 44-199 lots or units, therefore requiring 5-foot sidewalks on both sides, 10-foot-wide boulevards, and 6-foot bike lanes. Ten-foot-wide trails are an alternative to sidewalks if the trails contribute to an area-wide network of trails (existing or future) or the subdivision is large enough that the trail can create a stand-alone system. (*Missoula County Subdivision Regulations Section 3.4.9.4*)
5. The subdivision is proposed as a PUD subdivision, and as such, the requirements of Section 3.4 Transportation Standards may be modified or waived. (*Missoula County Subdivision Regulations Section 4.2.5*)
6. The path within the 16.71-acre parkland contributes to an area-wide network of trails. (*Preliminary Plat*)
7. The sidewalks connect to the proposed trail system which will connect Cap De Villa to Highway 93 S. (*Subdivision Application*)
8. There are multi-use trail/pathway systems along both sides of Highway 93 South. (*Subdivision Application*)
9. Bike lanes a minimum of 6' wide are required in this subdivision. The requirement for 6' wide bike lanes is not met with this design; however, this internal road design does not connect to any other neighborhoods and serves 56 homes internal to the subdivision. The road widths meet minimum requirements, and an additional 12' on each road will increase grading impacts and eliminate the western uphill pocket park. (*Subdivision Application, Preliminary Plat, Missoula County Subdivision Regulations Section 3.4.9.4 Table*)
10. The PUD proposal eliminates the landscaped boulevards within this subdivision. The Missoula County Subdivision Regulations also permits elimination of the boulevard when doing so avoids significant impact from hillside development or cuts and fills of natural grade. (*Missoula County Subdivision Regulations 3.4.9.4.B.1*)
11. If the County Commissioners approve the elimination of the landscaped boulevard to allow a curbside sidewalk due to the grading impacts, the curbside sidewalks must be at least 5' wide to maintain pedestrian safety. As a PUD, the 5' requirement can be modified or waived; the Public Works Department approved a greater sidewalk width - 6' wide curbside sidewalks - throughout the subdivision since the landscaped boulevards have been eliminated in this subdivision. (*Missoula County Subdivision Regulations 3.4.9.4.C*)
12. Tertiary Lane is proposed to terminate in a cul-de-sac with parking provided in the cul-de-sac for visitor access to the parkland. Public Works commented, "...parking in the cul-de-sac creates issues for snow storage and for turning a snowplow or even a sweeper around. We can manage a random car or two parked in a cul-de-sac during plowing operations and the 90-foot radius we require does help with that expected problem. But continuous parking just cuts the diameter down by 16 feet for cars themselves, then a few more feet to keep the plow from getting too close to cars. Even if they were able to

increase the diameter to have room to turn our equipment around with cars parked around the perimeter, we either have no place to pile snow or we lift the plow when we get to the cul-de-sac and it turns into a snow/ice/slush mess for the entire winter.”

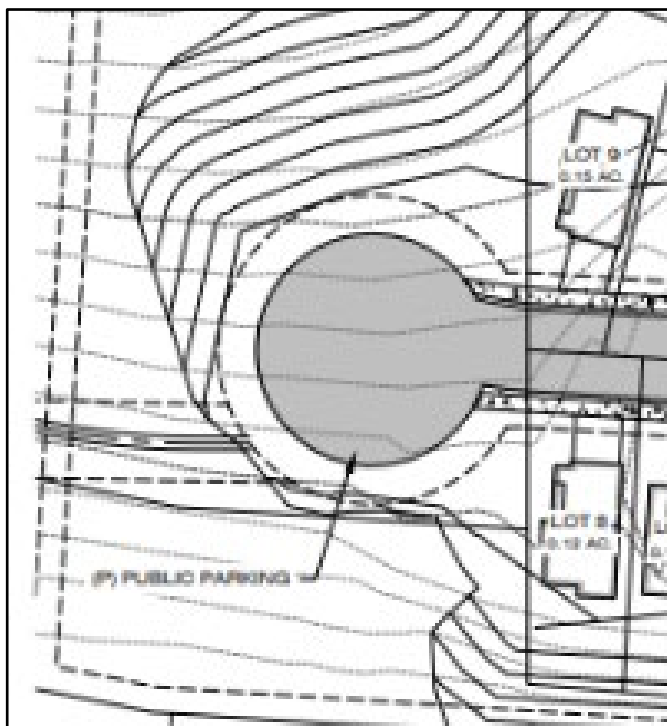
(Subdivision Application, Email Public Works Comment 8/1/25)

13. Missoula County Public Works and Missoula Rural Fire District will not approve the proposed parking plan utilizing the cul-de-sac as shown at right. A



condition of approval requires the subdivider to provide a parking area for up to 10 vehicles at the end of Tertiary Lane. (Missoula County Subdivision Regulations 3.10.8.1)

14. The subdivision application shows the curbside sidewalk terminating before the cul-de-sac bulb. This area is expected to get a high volume of pedestrian traffic, since it provides the



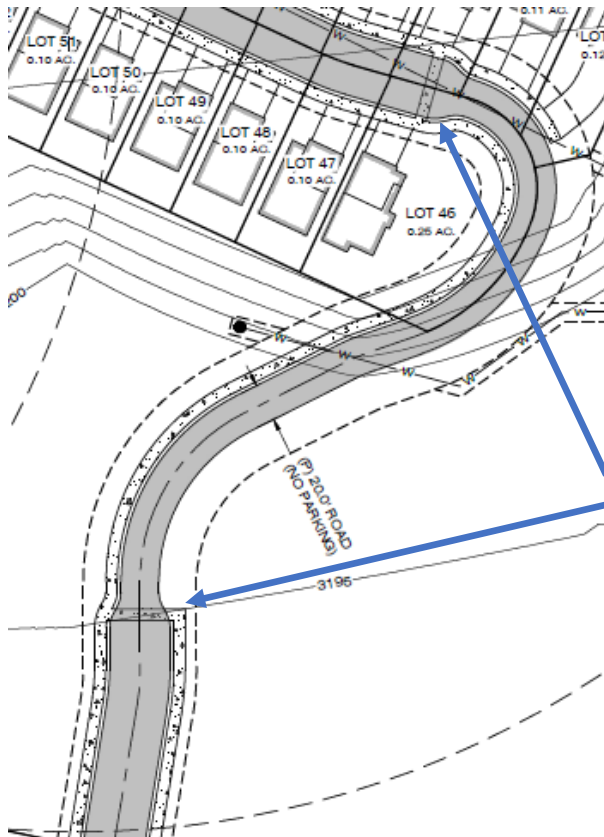
primary access point to a 16.71-acre public park. A condition of approval requires 6' wide curbside sidewalk to be constructed on Tertiary Lane connecting to the proposed sidewalk and extending around the parking area to create a continuous pedestrian connection to the trailhead in the parkland at the end of the Tertiary Lane right-of-way, subject to review and approval by Missoula County Public Works and the Planning Office.

(Missoula County Subdivision Regulations 3.4.9.4.C)

15. The proposed sidewalk on the south side of Primary Road is located on the uphill and inside corner of the road, providing more protection to pedestrians. The subdivider will install crosswalk striping to allow pedestrians to safely cross Primary Road where

sidewalks are installed on only one side of the street, as shown on the proposed plat. This has been recommended as a condition of approval. (*Subdivision Application*)

16. It also appears that the subdivision does not comply with all of the requirements of Section 3.4.9.3.B, which requires non-motorized facilities to be constructed in accordance with the Americans with Disabilities Act. It is not uncommon for subdivisions on steep slopes to not meet the local construction requirements for ADA compliance; however, this does not exempt the subdivider from meeting federal ADA requirements. In this particular situation, construction of ADA compliant sidewalks on some portions of the property is technically infeasible, that is, physical site constraints prohibit the construction of sidewalks which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. (*Subdivision Application, Preliminary Plat; Missoula County Subdivision Regulations Section 3.4.9.3.B*)



17. All non-motorized facilities must comply with ADA requirements; however, this requirement may be waived or modified as part of the PUD Application. (*Missoula County Subdivision Regulations 3.4.9.3.B.*)

18. A recommended condition of approval requires that plans for and installation of sidewalks be reviewed and approved Public Works and the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Table 3.4.9.4*)

GENERAL LOCATIONS OF CROSSWALKS

19. A recommended condition of approval requires a waiver of the right to protest inclusion in an SID/RSID that includes non-motorized facilities on Highway 93 South. (*Missoula County Subdivision Regulations Section 7.7.8.2*)

20. A recommended condition of approval requires a waiver of the right to protest

inclusion in an SID/RSID that includes non-motorized facilities on Highway 93 South and roads internal to the subdivision. (*Missoula County Subdivision Regulations Section 7.7.8.2*)

Conclusions of Law:

1. The proposal complies with the Missoula County Subdivision Regulations with the required conditions of approval.

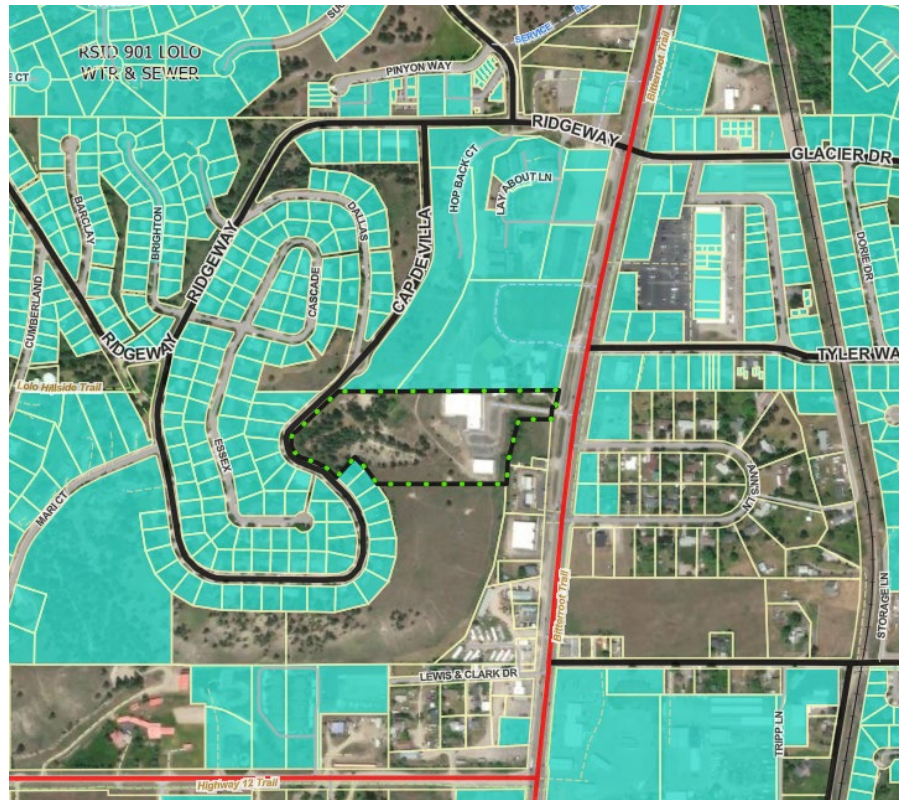
Water & Sanitation Systems

Findings of Fact:

1. The subdivider proposes to meet Sanitation in Subdivision requirements by submitting a Municipal Facilities Exclusion to the Montana Department of Environmental Quality (MDEQ). (*Subdivision Application; Water and Sanitation Report*)

2. The Lolo community is serviced by municipal facilities operated by the Lolo Water and Sewer District (RSID #8901). (*Subdivision Application; Water and Sanitation Report*)
3. A majority of the proposed subdivision is within the Lolo Water and Wastewater District #8901. (*Property Information System*)
4. A portion of the subdivision is outside of the district, and the subdivider submitted a petition to the Department of Public Works in January 2025. The Public Works Department is in the process of requesting the Commissioners accept the petition for the entire property to join RSID#8901 as soon as possible. (*Agency Comment Letter from Public Works, 4/8/25*)

5. The January petition included a request to annex two tracts into the district (Tract C, D and Portion of Tract B, COS 3842, and Parcel E, COS 4093). The County Public Works Department commented that it makes sense to annex only the parcels planned for residential development. (*Email from Erik Dickson, 8/1/25*)



6. It appears that the developed portion currently outside the district that would need to be annexed is the highlighted tract in the exhibit at right. The specific tracts for annexation will be determined between the subdivider and the County through the petition process. (*Property Information System, Subdivision Application*)
7. A condition of approval requires evidence of annexation of properties that encompass the developed portion of the property into the Lolo Water and Wastewater District #8901. (*Missoula County Subdivision Regulations Section 3.6.5*)

Sanitation

8. Wastewater will be removed from the site via a municipal sewer main that fronts the property on the eastern boundary, servicing from Highway 93. (*Subdivision Application; Water and Sanitation Report*)
9. Wastewater is collected and transported to the Lolo Sewer Plant where it is treated and discharged to the Bitterroot River. (*Subdivision Application; Water and Sanitation Report*)
10. The facility is operating at capacity, but a historical allocation of flows generated by the Lolo Elementary School (determined to be 56) will be allocated to the proposed subdivision. (*Subdivision Application; Water and Sanitation Report*)

11. An average flow rate was established utilizing MDEQ guidelines to estimate a daily discharge of 14,000 gallons per day (gpd). With an average daily flow rate of 250 gpd per single-family residence, a total of 56 homes can be connected to the sewer system. This value has been reviewed and approved by the system manager at Missoula County Public Works. (*Subdivision Application; Water and Sanitation Report, Agency Comment Public Works April 1, 2024*)
12. Sewer mains will be located within the internal roadways, facilitating gravity flow of effluent to the system and minimizing sewer pumps and force mains. (*Subdivision Application*)
13. The proposed lots in the subdivision are under 20 acres in size and therefore will need to undergo Sanitation in Subdivision Review. The project will require sanitation review per Title 76-4 MCA or citation of an applicable exemption. (*Missoula County Subdivision Regulations Section 3.6.2.2*)
14. The Public Health Department, Environmental Health Division, made the following comments regarding the sanitation system for the subdivision. "The proposed project will require sanitation review and/or cite applicable exemptions for parcel less than 20-acres in size. This includes remaining lots if a phased subdivision and/or common areas. It appears the project is to be served by Lolo sewer and water. MFEs are applied through the Montana Department of Environmental Quality." (*Subdivision Application, MPH Agency Comment Letter, March 24, 2025*)
15. All components of the sewer system are located within utility easements of public rights-of-way. (*Preliminary Plat*)

Potable Water

16. A subdivision application and/or preliminary plat must include either proof of a water right, or a letter from DNRC stating that the water supply is exempt from water rights permitting requirements. (*Missoula County Subdivision Regulations Section 3.6.2.5*)
17. Water will be provided to Lots 1 – 56 by the Lower Sewer and Water District PWS#MT0000278. (*Subdivision Application*)
18. The subject property is the former location of the Lolo Elementary School, which has a historical allocation of water for the property. (*Subdivision Application; Water and Sanitation Report*)
19. The proposed development will utilize this historical allocation to provide water services to the proposed residential properties. (*Subdivision Application; Water and Sanitation Report*)
20. Residential lot demand is estimated at 250 gallons per day (based on 2.5 persons per unit, 100 gpd per person per DEQ-4 guidance). Water main extensions from Cap de Villa will provide water from the existing public water supply system, with an estimated 14,000 gallons/day demand from the 56 residential lots. (*Subdivision Application; Water and Sanitation Report*)
21. Pursuant to Section 3.6.2.3 of the Missoula County Subdivision Regulations, the means for water supply must have approval by the Missoula City-County Health Department prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.6.2.3*)

Conclusions of Law:

1. The water and sanitation information complies with Subdivision Regulations with the conditions of approval.

2. Review of water and sanitation systems is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

Solid Waste

Findings of Fact:

1. Republic Services and Grizzly Disposal provides solid waste disposal services to this area of Missoula County. (*Subdivision Application*).

Conclusion of Law:

1. Review of solid waste disposal is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.
2. Solid waste disposal complies with Subdivision Regulations with the conditions of approval.

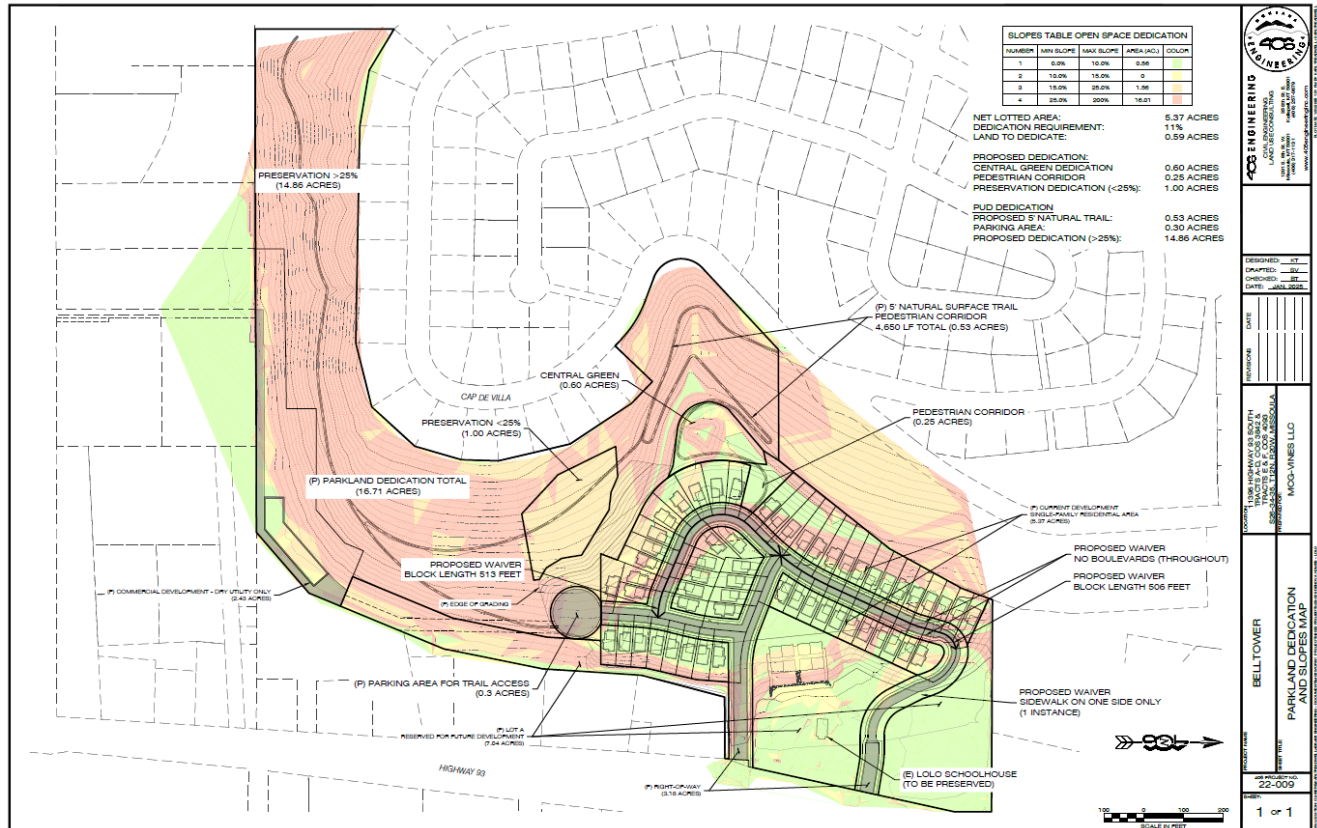
Parks and Recreation

Findings of Fact:

1. Missoula County Subdivision Regulations Sections 3.10.2 requires major residential subdivisions to dedicate or set aside area for parks or open space as common area held by a property owners' association or the governing body. (*Missoula County Subdivision Regulations Section 3.10.2*)
2. Parks, open space, and common area dedication shall meet at least one of the criteria listed in Missoula County Subdivision Regulations Section 3.10.7, including a central green square, parkway median, preserving an amenity, providing for active recreation, providing a pedestrian/bicycle corridor, preserving hillside, providing a courtyard, or other designs. (*Missoula County Subdivision Regulations Section 3.10.7*)
3. Several items in the Subdivision Regulations are generally recommended for park design. Those include accessibility aspects, preservation of natural states, including paths and trails, providing street connections, and incorporating setbacks. (*Missoula County Subdivision Regulations Section 3.10.8*)
4. Parkland equal to 11% of the net lotted area is required for lots less than half an acre in size. Lot B is proposed for commercial use and therefore not subject to parkland dedication requirements. (*Missoula County Subdivision Regulations Section 3.10.4*)
5. At 7.04 acres, Lot A of this subdivision is exempt from parkland requirements per Section 3.10.3.2 (residential lots larger than 5 acres). (*Missoula County Subdivision Regulations Section 3.10.3*)
6. Based on the parkland dedication requirements of the Missoula County Subdivision Regulations, 0.59 acres of parkland dedication is required for this subdivision since the net lotted area equals 5.37 acres. (*Missoula County Subdivision Regulations Section 3.10.3*)
7. As part of this subdivision, 1.15 acres of qualifying parkland is proposed to be dedicated as public park along with an additional 14.56 acres of parkland on slopes over 25%, for a total of 16.71 acres. (*Preliminary Plat*)
8. The parks plan for this subdivision depicts a clustered residential area on the north end of the property, where slopes are generally flatter than the south end of the property. The park abuts the southern tier of lots, with a pocket park just west/uphill from Lots 17 – 19. The pocket park, along with the rest of the steeper parkland, is accessed via a 5' wide natural surface trail between Lots 19 and 30, via the terminus of Tertiary Lane and parking

area, and via a connection to Cap de Villa, to be constructed by the subdivider.
(Subdivision Application)

9. Many of the public comments on the Missoula County Voice engagement webpage advocate for the disc golf course to be reinstated to the parkland area on the southern portion of this subdivision. (*Missoula County Voice*)



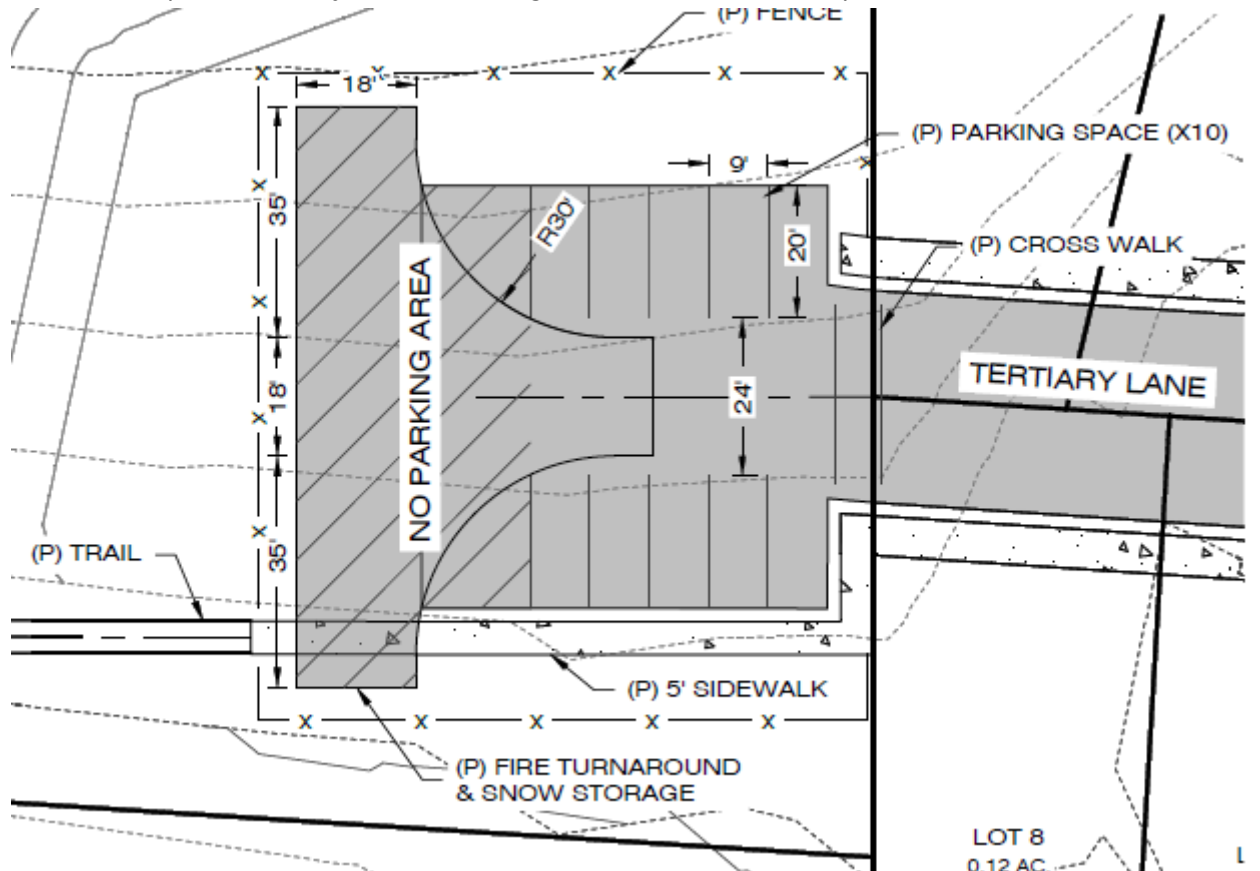
10. The dedication of 16.71 acres of public park exceeds the required dedication. This parkland dedication amount and design is intended to meet the PUD designation criteria. Staff conclude that these criteria regarding park dedication amount and design have been met. See discussion in the Zoning Compliance and Growth Policy section of this staff report. (*Subdivision Application*)
11. After months of collaboration with the subdivider, Missoula County Parks, Trails & Open Lands recommends approval of proposed parks plan, commenting that “the proposed parkland dedication and parkland improvements meet the spirit of the PUD regulation from County Parks and Trails perspective. Thanks for your collaboration on the project.” (*Agency Comment email from PTOL, 3/25/25*)
12. To qualify for the parkland dedication requirement, parks, open space, and common area dedications must meet at least one of the criteria outlined in Section 3.10.7 of the Missoula County Subdivision Regulations, which includes but is not limited to, central greens, parkway medians, preserving physical amenities, providing active recreation, or the preservation of hillside lands. (*Missoula County Subdivision Regulations Section 3.10.7*)
13. The subdivider proposes to construct a 5’ natural surface pedestrian trail connecting Primary Road to the pocket park/central green and extending up to Cap de Villa west of the subdivision. This trail will also connect throughout the dedicated parkland to the Traveler’s Rest Subdivision and to the terminus of Tertiary Lane where a parking area will

be installed by the subdivider to allow for non-resident use of the parkland. A condition of approval requires the subdivider to install these improvements to the satisfaction of Public Works, Missoula Rural Fire District, and the Parks, Trails and Open Lands Department. After construction by the subdivider, these areas will be dedicated to Missoula County for public use and County maintenance. (*Subdivision Application*)

14. The Missoula County Subdivision Regulations Section 3.3.3.2 addresses Connecting Development to Adjoining Land. This section requires the extension of easements to adjoining property boundaries to allow for road and/or pedestrian trail extensions. A plan for future road connections to adjacent parcels is not contemplated in this subdivision. As a PUD subdivision, this section of the regulations may be waived. (*Missoula County Subdivision Regulations Section 3.3.3.2. and 3.4.6.3.*)
15. Access to the proposed parkland may occur wherever there is legal and physical access. There appear to be four opportunities for access to the park.
16. First, along the southern boundary, there appears to be access via a 20' road access easement in the vicinity of Lolo Vista Drive. This easement terminates at Lot B within the subdivision. A condition of approval requires the plat to be revised to include a 20' wide pedestrian access easement from the edge of the property to the parkland. (*Preliminary Plat, Missoula County Subdivision Regulations Section 3.10.1.6*)
17. Secondly, a western access point connects Cap de Villa, a public road, to the parkland. (*Preliminary Plat*)
18. Third, an access point is proposed between Lots 19 and 30. To ensure adequate access at this point, a condition of approval requires a minimum separation of 20' between Lots 19 and 30. (*Preliminary Plat, Missoula County Subdivision Regulations Section 3.10.8.4 and Table 3.10.9*)
19. Finally, the subdivider proposes to construct access to the parkland via Tertiary Lane, with a parking area provided to accommodate 10 - 15 cars. The subdivider presented a parking plan for head-in parking (above). This plan will not meet the requirements for safe traffic movement of the County Public Works and Fire departments. (*Subdivision Application*)
20. A revised parking plan for the end of Tertiary Lane (on the following page) proposes squaring off the cul-d-sac with parking spaces on the east and west sides of the road and a hammerhead turnaround at the end of the road.
21. This plan appears to be feasible, meeting the needs of reviewing agencies, except that a condition of approval requires 6' wide curbside sidewalk connecting the proposed sidewalks on Tertiary Lane to the trailhead by extending around the parking area to create a continuous pedestrian connection, subject to review and approval by Missoula County Public Works and the Planning Office. The condition is intended to be flexible to provide



guidance to reviewing agencies (Public Works and PTOL) to require sidewalk completely around the parking area unless conditions dictate an alternate design approved by these reviewing agencies consistent with the plan shown below, with a crosswalk on Tertiary Lane to a sidewalk only on the east side of the parking area connecting to the parkland trailhead. (See *Tertiary Lane Parking Plan 08/05/25* below)



22. A recommended condition of approval requires a plan for parking with 10 spaces at the end of Tertiary Lane to meet the requirements of Public Works, Missoula Rural Fire District, and the Planning Department, including Parks, Trails and Open Lands Division. (*Missoula County Subdivision Regulations Section 3.10.1.6*)
23. In addition to these access points to the parkland, a recommended condition of approval requires a 20' wide pedestrian easement connecting from Primary Road to the northern property boundary. This pedestrian easement may overlap with the proposed utility easement. This will allow residents in the development to the north to gain mostly at-grade access to the parkland without having to take a more circuitous route, either on foot or by car, to Ridgeway then to Cap de Villa or Highway 93 S. (*Missoula County Subdivision Regulations Section 3.3.3.2. and 3.4.6.3.*)
24. Giving due weight to the expressed preference of the subdivider, the governing body may, in consultation with the Parks, Trails and Open Lands Division, determine whether the park dedication must be a land donation, a cash donation, or a combination of both. (*Missoula County Subdivision Regulations Section 3.10.5*)

Conclusion of Law:

1. The subdivision complies with the parkland dedication requirement in the Subdivision Regulations.

2. With the recommended conditions of approval, this subdivision meets the criteria of a PUD subdivision by providing common area in a manner that is superior to a subdivision design under the general standards of the Missoula County Subdivision Regulations. The proposal provides common area in excess of the required minimum designed to meet the basic needs of the subdivision as well as providing larger community-wide benefit.

Schools

Findings of Fact:

1. School-aged children in the subdivision will attend Lolo Elementary and Middle School, as well as Sentinel High School. *(Subdivision Application)*
2. Using a factor of 1/3 child per household, the subdivision is expected to generate 17 new school-aged children. *(Subdivision Application)*
3. Sentinel High School provides busing services with a stop at the Exxon Town Pump on the north end of Lolo. *(Subdivision Application)*
4. Beach Transportation has requested a bus stop on Lot A. This will be considered when plans for future development on the property begin. *(Subdivision Application)*
5. No school district comments were received for the subdivision.
6. The governing body may not deny approval of a proposed subdivision based solely on impacts to educational services *(MCA §76-3-608(1))*

Conclusions of Law:

1. No adverse impacts to schools requiring mitigation have been identified.

Fire Department

Findings of Fact:

1. The subdivision is served by the Missoula Rural Fire District (MRFD). *(Property Information System)*
2. The nearest Missoula Rural Fire Station (#5) is less than one mile away at 12221 US Highway 93 S. *(Property Information System)*
3. Missoula County Subdivision Regulations Section 3.5.3 requires a water supply for firefighting. *(Missoula County Subdivision Regulations Section 3.5.3)*
4. Water supply for fire suppression will be provided by hydrants serviced by the Lolo Water and Sewer District #8901. *(Subdivision Application; Missoula County Subdivision Regulations Section 3.5.9)*
5. MRFD Deputy Fire Marshal Peter Giardino has given preliminary approval of the Fire Protection Plan, which includes a map of planned hydrants and no parking restrictions on internal roads to allow safe passage of emergency service vehicles. *(Fire Suppression Plan)*
6. A condition of approval requires MRFD review and approval of the Fire Suppression Plan. *(Fire Suppression Plan, Missoula County Subdivision Regulations Section 3.5.2)*
7. A condition of approval requires the subdivider to initiate a "No Parking" resolution for areas where parking is prohibited on any proposed public roadway. The subdivider shall be responsible for the installation of "No Parking" signs, in compliance with Missoula County Public Works' road sign requirements. *(Missoula County Subdivision Regulations Section 3.4.7.4.)*
8. The subdivision is within an area designated as Wildland Urban Interface and Wildland Urban Intermix. The property is in the center of Lolo, surrounded by residential and

commercial land uses. It is also an area of steep open lands which, if not managed properly, could present a risk for wildfire. (*Property Information System; CWPP*)

9. The Fire Hazard Assessment for the property indicates a low hazard for the subdivision. Since the assessment relies on Class A fire-rated roofing and non-combustible construction materials, this mitigation is required in a condition of approval. Furthermore, this rating relies on all underground utilities; therefore, this mitigation is also required in a condition of approval. (*Fire Hazard Assessment; Missoula County Subdivision Regulations Section 3.1.3.3.A*)
10. The property scores 32 points on the Fire Hazard Assessment, below the moderate hazard rating of 40-59 points. Wildfire hazard is based on the likelihood and intensity of a fire. (*Subdivision Application Section 4, Fire Hazard Assessment*)
11. Subdivisions in the WUI are required to have more than one point of ingress/egress. To reduce fire risk, access to the subdivision will provide two points of ingress and egress to U.S. Highway 93 South, each over 20 feet wide but with grades over 5%, in compliance with requirement of Missoula County Public Works and MDT. (*Missoula County Subdivision Regulations Section 3.4.6.5*)
12. New internal roads will meet Missoula County Public Works and Missoula Rural Fire District regulations, with a minimum width of 20 feet, paved with curbs and gutters, and a minimum vertical clearance of 13 feet 6 inches. (*Subdivision Application Road Plan Section 4*)
13. A condition of approval requires the covenants to include a provision regarding driveways. To meet county fire standards the covenants shall contain the following provision: "All driveways in excess of 150 feet in length shall be approved by the appropriate fire jurisdiction prior to building permit approval. If more than 150 feet in length a turn-around for fire protection apparatus must be incorporated into the terminus of the driveway. Driveways shall provide 20 feet of unobstructed horizontal clearance and 13 feet 6 inches of unobstructed vertical clearance the length of the driveway. Driveways shall not exceed 10% grade without approval and shall be constructed to support emergency vehicles in all weather conditions."
14. All roads within the subdivision will be less than 10% grade. Missoula County Public Works and the Missoula Rural Fire District will review final road plans at final plat to ensure compliance with their requirements. (*Subdivision Application*)

Conclusions of Law:

1. This subdivision will meet the fire protection requirements of the Subdivision Regulations with the conditions of approval.

Sheriff Department

Findings of Fact:

1. The subdivision is located within the jurisdiction of Missoula County Sheriff's Department. The travel distance for law enforcement is roughly 10 miles if dispatched from Missoula. (*Property Information System*)
2. The Missoula County Sheriff's Office did not comment on the subdivision.

Conclusion of Law:

1. This subdivision has been reviewed for adequate police protection per Missoula County Subdivision Regulations. Missoula County law enforcement services will be available to the subdivision in a manner consistent with its distance from services and ease of access.

CRITERIA 3 AND 4: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is in a developed urban area adjacent to the Highway 93 South corridor. (*Property Information System; Subdivision Application*)
2. The area of subdivision does not contain nor is it adjacent to any areas of Riparian Resource.
3. This area contains a high urban deer population. No critical or key wildlife habitat areas or linkage corridors are located on the property. (*Property Information System; Subdivision Application, Agency Comment Letter from FWP, 12/2/24*)
4. No fish-bearing streams are on the property. (*Property Information System; Subdivision Application*)
5. No species occurrence points have been documented by MTNHP within the Subject Property. (*Property Information System; Subdivision Application*)
6. Five Valleys Audubon had no comment on the proposed subdivision. (*Agency Comment Letter from FVA, 4/7/25*)
7. Montana FWP commented that residents should expect wildlife to use habitats around and within their property boundaries. They recommend Living with Wildlife covenants to educate property owners about co-existence with wildlife, particularly regarding animal attractants and garbage. A condition of approval requires these provisions to be included in the covenants, which cannot be amended or deleted without governing body approval. (*Agency Comment Letter from FWP 12/2/24*)
8. The *Growth Policy* notes that unique or important wildlife habitats may be considered when evaluating a subdivision's impact on the natural environment. It also recommends avoiding animal attractants in subdivisions, in the form of educational covenants, and concrete steps to reduce or avoid attractants. (*Missoula County Growth Policy*)
9. The most significant impact to the property will be the mass grading of the site to create development sites for the subdivision. A high volume of material movement will occur on site but will conform to natural slope patterns. (*Subdivision Application*)
10. Predominant vegetative types include deciduous and coniferous trees, some over 100 years old, coinciding with the construction of the original school. Bunchgrass fescues and smooth brome dominate natural grasses. Waxy Spring Parsley and 30 other wildflower species were noted in the western gully. The Weed District collected native grass samples from the site for their Native Garden. Some transplanted trees may be affected, but new trees will be planted in the subdivision. Native plant communities remain in preserved open space. No overstory trees or shrubs are present, and no critical plant communities or species of concern were identified at the site. (*Subdivision Application*)
11. The Missoula County Weed District conducted a weed survey of the property and identified Spotted Knapweed, Leafy Spurge, Dalmatian Toadflax, Cheatgrass, and Bulbous Bluegrass as noxious weeds. (*Subdivision Application*)
12. A Preliminary Revegetation and Weed Management Plan was developed for review by the Missoula County Department of Ecology and Extension. A copy of the weed management and revegetation plan aimed at long-term weed management, plus shorter-term revegetation of disturbed sites, was included in the application. A condition of approval requires this document to be recorded with the covenants. (*Weed Management and Revegetation Plan; Missoula County Subdivision Regulations Sections 3.7.11 and 3.7.12*)

Historic and Cultural Resources

13. The original school building was a log structure that burned down in the late 1890's. A building replaced it around 1900 on the lower bench. Expansion on that building began in 1956 at the north end and again in 1965 at the south end. Two middle bench buildings were built in the 1980s and the 1990s. There are three upper bench buildings, one of which was built in the 1970s and a second built in 2009. The third building was the maintenance shop/bus facility built in 2005. Each of the buildings has been heavily vandalized. *(Cultural and Historical Resources Assessment)*
14. The Old Lolo Schoolhouse built in 1909 sits on its original rock foundation approximately 170 feet west of US Highway 93 S. *(Cultural and Historical Resources Assessment)*
15. The schoolhouse is one of the oldest and longest standing structures in Lolo, and the remains of this historic structure are visible on the east elevation and a portion of the roof. *(Cultural and Historical Resources Assessment)*
16. While the Planned Unit Development Regulations offer cultural resource and historic preservation as an option to meet the criteria and qualify as a PUD, Section 3.1.2.2. prevents new subdivisions from destroying or adversely affecting known significant cultural or historical features. These resources must be identified and protected. *(Missoula County Subdivision Regulations Section 3.1.2.2. and 4.2.2.C.)*
17. The Schoolhouse was inspected by historic preservation specialists, Montana State Historic Preservation Office (SHPO), and the National Park Service (NPS), and these experts determined that the structure does not qualify for the National Register of Historic Places, due to lack of historical integrity. *(Cultural and Historical Resources Assessment)*
18. Integrity is based on seven criteria: location, design, setting, materials, workmanship, feeling, and association. *(Cultural and Historical Resources Assessment)*
19. The school has undergone many structural changes over the years which have greatly affected the integrity of the structure – particularly to the four building facades. Due to the numerous renovations and additions to the schoolhouse over the decades, the structure no longer retains significant elements of integrity and therefore is recommended as Not Eligible for listing on the National Register of Historic Places. *(Cultural and Historical Resources Assessment)*
20. The subdivider aims to recognize the cultural importance of the Old Schoolhouse in the following ways.
 - a. The Belltower Subdivision is named in recognition of the Old Schoolhouse.
 - b. The application materials include a report prepared by Western Cultural, Inc., with some recommendations for ways to preserve the memory of the structure as a community symbol. The report details the historical relevance of the Schoolhouse and provides preservation alternatives and recommendations. *(Subdivision Application)*
21. While the subdivider provided an Historic and Cultural Resources Assessment, no plan was presented in the application to take concrete steps toward preserving the old Lolo Schoolhouse. It is clear from conversations with the developer's agent that the subdivider's intentions are to preserve the school in some form, whether it be onsite with an adaptive reuse, or off-site at other Lolo locations, such as the Holt Ranch, the Lolo School District land on Farm Lane, the Lolo Community Center at 12345 Highway 93 S., or even other historic sites in Lolo, such as Traveler's Rest. However, without firm plans, this criterion cannot be considered fully satisfied at this time. The conditions of approval will take steps toward satisfying this criterion.

22. A recommended condition of approval requires the subdivider to develop a long-term preservation plan for the Old Lolo Schoolhouse that is consistent with the recommendations in the Historical and Cultural Assessment prepared by Western Cultural, Inc., with the first option being preservation/adaptive reuse of the structure, either on or off-site, and the last resort being preservation and restoration of the belltower with a historic interpretative panel. The assessment also recommends contacting a local reclamation and reuse specialist to have the historic materials recovered from the east elevation of the school exterior and repurposed, should this last resort become reality. (*Missoula County Subdivision Regulations Section 3.1.2.2. and 4.2.2.C.*)

Conclusion of Law:

1. With the required conditions of approval, the subdivision complies with the Missoula County Subdivision Regulations and mitigates for the subdivision's impacts to the natural environment, wildlife, and wildlife habitat.

CRITERION 5: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

Air Quality

1. The property is within the Air Stagnation Zone. Internal roads within the subdivision will be paved to reduce dust from vehicular traffic. (*Property Information System; Subdivision Application*)
2. The covenants include language noting that Owners must comply with stove use regulations associated with the Air Stagnation Zone. (*Covenants*)
3. The Missoula County Air Quality Division supports the inclusion of Radon provisions in the covenants. A condition of approval requires the covenants be amended to include language noting the potential for high radon gas potential and encouraging construction with radon-resistant construction features. (*Covenants*)
4. Mass grading of the site is proposed in already-disturbed areas of the property to accommodate the proposed development with improved building foundations. The site is not a natural grade due to past construction of the school and school grounds. The subdivider will use water trucks and construction track pads to reduce dust during construction. (*Subdivision Application*)

Slopes

5. There is approximately 100 feet of elevation difference from the western end of the upper level to Cap de Villa, a street serving a residential area west of the school. (*Subdivision Application*)
6. The southern side of the property features a prominent hillside between Cap de Villa and business properties fronting U.S. Highway 93 to the east. (*Subdivision Application*)
7. The hillside extends to the south to business properties fronting U.S. Highway 12. (*Subdivision Application*)
8. The area to the north of the former school property had been mined as a gravel pit and is currently being developed for apartment buildings, several of which have been constructed. Business buildings also front U.S. Highway 93 north of the school property. (*Subdivision Application*)
9. Steep slopes exist on-site, with grades up to 60%. The steepest slopes are heavily vegetated with old-growth ponderosa pines which provide some stability for snow

accumulation. The open slopes are less steep and have not historically been prone to slides. *(Subdivision Application)*

10. The application includes a slope category map showing four areas: slopes between 0 and 10%, 10 – 15%, 15-25%, and slopes greater than 25%. *(Subdivision Application)*
11. A mass-grading plan was included in the application with estimated cut and fill quantities and proposed slopes. Since the existing school building (#4) will be preserved and repurposed at a future date, the grading plan will be constrained between maintaining the grades of this building and matching the subdivision entrance at Highway 93. *(Subdivision Application)*
12. The slopes of the lower terrace will be reduced to a consistent 3% and the approximately 50% grade up to the second terrace will be maintained, though slightly altered. The second terrace will similarly be graded at 3%, before a 50% catch is proposed to the hillside. The mass grading plan is designed to maintain hillside character and integrity. *(Subdivision Application)*
13. Existing natural slopes on the property are found between 30% and 50%, so the proposed catch slope is anticipated to be stable and compatible with the existing topography of the natural hillside. *(Subdivision Application)*
14. The soils found on the site (see Section B, Agriculture in this report) are considered limiting for development due to high stone content and subjectivity to frost action. The application notes that adequate base and sub-base materials with proper compaction will be necessary to ensure long-term road stability. *(Subdivision Application, Geotechnical Report)*
15. A geotechnical analysis of the entire property is included in the application. According to the Geotechnical Engineering Report performed by Lorenzen Soil Mechanics, Inc., on May 26, 2025, the subgrade material appears to be excellent for building construction. Additional details and construction recommendations are provided in the Geotechnical Report. *(Subdivision Application, Geotechnical Report)*
16. The geotechnical report did not identify any areas of unstable slopes or areas susceptible to ground subsidence within the area proposed for subdivision. *(Subdivision Application, Geotechnical Report)*
17. In their April 3rd agency comment letter, the Missoula Water Quality District commented, “Infiltration through stormwater sumps is proposed. We recommend a thorough evaluation of the site for lenses of clay and silt, especially in the vicinity of proposed sumps as these conditions can cause springs downhill or affect slope stability.” *(Agency Comment Letter from Water Quality District, April 3, 2025)*
18. In a subsequent comment on May 27, 2025, the Missoula Water Quality District commented, “It looks like there’s variability between the geologic materials in the test pits. Of the 5 test pits, 3 of them have fairly thick layers of siltstone within what would be expected to be the infiltrative area of a typical dry well. The infiltration test was performed on a test pit that was primarily in gravel/sand so these rates could be different. Since drainage relies almost entirely on subsurface infiltration, I think it makes sense to thoroughly investigate the infiltrative capacity of conditions across the site unless the geologist believes it to be uniform within the vicinity of the sumps. There are 30 or so dry wells proposed. Also, since overflow is routed to MDT’s right-of-way, I’d recommend checking in with them.” *(Agency Comment Letter from Water Quality District, May 27, 2025)*

19. Montana Department of Transportation did not comment on storm drainage impacts to the Highway and right-of-way under their jurisdiction. (*Subdivision Application*)
20. The geotechnical report makes specific recommendations in Section 3 for mass grading, groundwater, stormwater and surface water drainage, underground utilities, slope construction, pavement, and compaction testing frequency. A condition of approval requires inclusion of the geotechnical report as an appendix to the covenants and compliance with Section 3 for construction. (*Geotechnical Report; Missoula County Subdivision Regulations Section 3.1.4.1.C.1*)

Floodplain and Groundwater

21. The subdivision does not contain FEMA-designated floodplain nor is it within a mile of a Zone A flood hazard area. (*Property Information System, Subdivision Application*)
22. There is no evidence of high groundwater on the property. Nearby existing well logs indicate a static groundwater depth of approximately 38.5 feet. (*Subdivision Application, Geotechnical Report*)

Other Hazards

23. A high-pressure gas main runs through the subject property within an easement. The gas main is proposed to be relocated to the northern boundary to ensure that it will not affect mass grading, or future development of the property. (*Subdivision Application*)

Conclusions of Law:

1. The subdivision complies with public health and safety standards in the Missoula County Subdivision Regulations with the required conditions of approval.

C) COMPLIANCE: This subdivision complies with:

1) SURVEY REQUIREMENTS

Findings of Fact:

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

1. This proposal meets the survey requirements.

2) SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

1. The developer has submitted a plat that complies with the requirements of local subdivision regulations or conditions have been required that will bring the plat into compliance.

3) REVIEW PROCEDURE AND NOTICE OF APPEAL PROCESS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Section 5 of the Missoula County Subdivision Regulations.
2. The applicant held the required neighborhood meeting on February 13, 2025. Minutes of that meeting are included in the subdivision application materials.

3. The public hearing notification for this subdivision was mailed to notify recipients by certified mail on July 14, 2025, per Missoula County Subdivision Regulations Section 5.7.11.
4. A legal notice was placed in the *Missoulian* on August 2 and 16, 2025; five (5) posters were placed on or near the property on July 18, 2025. Public notice was also posted on Missoula County Voice on July 11, 2025.
5. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The application shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider, a contiguous landowner, an owner of land within Missoula County who can establish a likelihood of material injury to property or its material value, or the Missoula County Board of County Commissioners. To file an appeal, the plaintiff must be aggrieved by the decision, demonstrating that a specific personal and legal interest, as opposed to a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusion of Law:

1. This subdivision proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Missoula County Subdivision Regulations.

D) PROVISION OF EASEMENTS FOR UTILITIES:

Findings of Fact:

1. Utility plans are provided in the application materials indicating that all required utility easements exist or have been proposed with this subdivision. (*Utility Plans, Existing and Proposed Easements*)
2. Preliminary Plat, Sheets 2 and 3 provide details on utility easement proposed to be abandoned or relocated. None of the reviewing utility agencies expressed any concern about the proposed utility easement changes. (*Subdivision Application*)
3. Some utility easements are less than the required 20' wide. A condition of approval requires utility easements to be widened to a minimum of 20', except where adjacent easement creates a cumulative width of 20' or more. (*Missoula County Subdivision Regulations Section 3.8.3*)
4. Primary Road, Secondary Way, and Tertiary Lane are all within 60' wide public road and utility easements. (*Preliminary Plat*)
5. The Tertiary Lane cul-de-sac terminus has a right-of-way and utility easement radius of 60'. (*Preliminary Plat*)
6. A 30' wide access and utility easement extends from the terminus of the Tertiary Lane cul-de-sac to Lot B. This is intended to accommodate a driveway to Lot B as well as any utilities. (*Preliminary Plat*)
7. The proposed subdivision will be served by Northwestern Energy, and a variety of providers for phone, tv, and internet. (*Subdivision Application*)
8. The plat shows an existing 10' wide high-pressure gas pipeline easement (Book 85, Page 1290) crossing the northern portion of the property. This pipeline, and the easement, will be relocated to the northern property boundary with the platting of this subdivision. (*Preliminary Plat*)

Conclusions of Law:

1. Utility services will be available to this subdivision.

2. The subdivision will comply with utility easement requirements, with the required conditions of approval.

E) PROVISION OF LEGAL AND PHYSICAL ACCESS:

Findings of Fact:

1. Road plans are provided in the application materials demonstrating that physical and legal access is provided to each lot within the subdivision. (*Road Plans*)
2. Highway 93 South is the state highway that provides access to the property. It is considered an off-site road not uniquely attributable to this subdivision. A condition of approval requires the plat be amended to include a 1' No-Access strip along the Highway 93 South property line, with the exception of the three approved MDT approaches. (*Preliminary Plat*)
3. All lots are served by public roads internal to the subdivision. (*Preliminary Plat*)
4. All roads are proposed to be publicly maintained. (*Subdivision Application*)

Conclusion of Law:

1. The subdivision meets legal and physical access requirements.

MOTIONS AND CONDITIONS

V. RECOMMENDED MOTIONS FOR SUBDIVISION

THAT the Belltower PUD Subdivision be approved, based on the findings of fact and conclusions of law in the staff report, and subject to the recommended conditions of approval.

VI. RECOMMENDED CONDITIONS OF SUBDIVISION APPROVAL

Compliance

1. All aspects of the final plat of this subdivision shall be in substantial conformance with the preliminary plat and governing body subdivision application approved by the Board of County Commissioners, and only as amended by these conditions. (*Missoula County Subdivision Regulations Section 6.2.4*)

Plat Statements

2. The following statement shall be shown on the face of the plat, subject to Planning Office review and approval prior to final plat approval:
“Acceptance of a deed for a lot within the subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for specified future improvements and maintenance, including but not limited to paving, curbs and gutters, the installation of non-motorized facilities, street widening and drainage facilities for roads internal to the subdivision (Primary Road, Secondary Way, and Tertiary Lane) and Highway 93 South and may be used in lieu of their signatures on an SID/RSID petition.” (*Missoula County Subdivision Regulations Section 7.7.8.2*)
3. The following statement shall be shown on the face of the plat, subject to Planning Office review and approval prior to final plat approval:
“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as ‘Utility Easement’ and ‘Public Access and Utility Easement’ to have and to hold forever.” (*Missoula County Subdivision Regulations Section 7.7.2*)

Roads and Pedestrian Facilities

4. Plans for and installation of road and pedestrian facilities shall be reviewed and approved by County Public Works and the Planning Office prior to final plat approval. (See Condition #1) (*Missoula County Subdivision Regulations Table 3.4.7*)
5. Highway 93 South traffic mitigations attributable to the subdivision shall be implemented prior to final plat approval, subject to review and approval by Missoula County Public Works and MDT. (*Missoula County Subdivision Regulations Section 3.4.5*)
6. The plat shall be revised to divide Lot A into separate lots wherever it is divided by onsite public roads (Primary Road and Secondary Way), subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations 3.3.2.8*)
7. The developer shall petition the Board of County Commissioners for a no-parking resolution applicable to both sides of Primary Road where it narrows to 20’, and if necessary, in locations determined by Public Works, Missoula Rural Fire and the Planning Office at the end of Tertiary Lane. The subdivider shall be responsible for the installation

of “No Parking” signs, in compliance with Missoula County Public Works’ road sign requirements. (*Missoula County Subdivision Regulations Section 3.4.7.4*)

8. The subdivider shall submit a draft resolution creating a Rural Special Improvement District for the purpose of maintaining all roads within the Belltower Subdivision. The draft resolution must be approved for form and content by Missoula County Public Works and the Office of Missoula County Attorney prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.4.5, 7.7.8.2*)
9. The plat shall be revised to show a 1’ No-Access strip along the Highway 93 South frontage of this subdivision, except for approved MDT approaches, subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.4.7.5*)
10. The covenants shall be amended to include a provision regarding driveways: “All driveways in excess of 150 feet in length shall be approved by the appropriate fire jurisdiction prior to building permit approval. If more than 150 feet in length a turn-around for fire protection apparatus must be incorporated into the terminus of the driveway. Driveways shall provide 20 feet of unobstructed horizontal clearance and 13 feet 6 inches of unobstructed vertical clearance the length of the driveway. Driveways shall not exceed 10% grade without approval and shall be constructed to support emergency vehicles in all weather conditions.” (*Missoula County Subdivision Regulations Section 3.5.7.3*)
11. The plat shall be revised to show a 20’ wide pedestrian access easement connecting from Primary Road to the northern property boundary, subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.10.8.1 and 4.2.2.2.E*)
12. The subdivider shall install crosswalk striping on Primary Road to allow pedestrians to safely cross where the road section transitions to sidewalk on only one side, generally as shown on the plat, subject to review and approval by the Planning Office and Missoula County Public Works prior to final plat approval. (*Missoula County Subdivision Regulations 3.4.9.3.A*)
13. The subdivider shall install 6’ wide curbside sidewalk on Tertiary Lane connecting to the proposed sidewalk and extending around the parking area to create a continuous pedestrian connection to the trailhead at the end of the Tertiary Lane right-of-way, subject to review and approval by Missoula County Public Works and the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations 3.4.9.4.C*)

Grading, Drainage, and Erosion Control

14. Drainage facilities maintenance responsibilities shall be reviewed and approved by County Public Works and recorded in the covenants prior to final plat approval. Final plans for grading, drainage, and erosion control shall be reviewed and approved by County Public Works prior to final plat approval. (See Condition #1) (*Missoula County Subdivision Regulations Section 3.7.2.1 and 3.7.8.1*)

Water and Wastewater

15. The subdivider shall petition and be approved for annexation of the property planned for residential development into the Lolo Sewer and Water RSID #8901 with a maximum of 56 connections until such time Lolo Sewer and Water RSID #8901 is accepting additional connections, subject to review and approval by Public Works prior to final plat approval. (*Subdivision Regulations Section 3.6.8.3, Appendix B*)

Fire Suppression Plan

16. Plans for and installation of fire suppression hydrants shall be reviewed and approved for all combustible construction by Missoula Rural Fire District. The approved Fire Suppression Plan shall be included in a section of the covenants that may not be amended or deleted without prior approval of the governing body. (*Missoula County Subdivision Regulations Section 3.1.3.4.C*)
17. Plans for Class A roofing and noncombustible construction materials shall be reviewed and approved by Missoula Rural Fire District at the time of building permit review. This provision shall be included in a section of the covenants that may not be amended or deleted without prior approval of the governing body. (*Missoula County Subdivision Regulations Section 3.1.3.4.C*)

Parks and Recreation

18. The plat shall be revised to provide a minimum separation of 20' between Lots 19 and 30, subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.10.8.4 and Table 3.10.9*)
19. The plat shall be revised to provide a minimum 20' public pedestrian easement from the end of the Lolo Vista Drive easement to the public parkland, subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.10.8.1*)
20. The parks plan shall substantially conform to the plan submitted in the application, with a requirement for the subdivider to construct a 5' wide natural surface trail generally in the locations as shown, subject to review and approval by the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 4.2.2.2.E and 3.10*)
21. A parking area for at least ten (10) vehicles shall be installed at the end of Tertiary Lane to access the public parkland, subject to review and approval by Missoula County Public Works, Missoula Rural Fire District and the Planning Office prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.10.8.1*)

Geotechnical Analysis

22. Development of the site shall comply with the recommendations contained in Section 3 of the Geotechnical Study, which shall be included as an exhibit in the Development Covenants, subject to review and approval by the Planning Office prior to final plat approval and may not be amended or deleted without prior approval of the governing body. (*Missoula County Subdivision Regulations Sections 3.7.12.3, 3.7.11 and 3.1.2.4*)

Utilities

23. The plat shall be revised to include minimum 20' wide utility easements, subject to Planning Office review and approval. (*Preliminary Plat; Missoula County Subdivision Regulations Section 3.8.3*)
24. All utilities shall be placed underground where technically and economically feasible, subject to review and approval by the Planning Office and where necessary the service providers benefiting from said easement, prior to final plat approval (*Missoula County Subdivision Regulations Section 3.8.5*)

Historic Preservation

25. The subdivider shall develop a long-term preservation plan for the Old Lolo Schoolhouse that is consistent with the recommendations in the Historical and Cultural Assessment prepared by Western Cultural, Inc., (February 25, 2025). The subdivider shall explore the

feasibility of preserving the entire historical structure either through restoration or adaptive reuse. The structure may be preserved on- or off-site and the subdivider may partner with local historical preservation specialists to determine the feasibility of any preservation measures. Minimally, the subdivider shall provide a plan that proposes preserving and restoring the historic belltower and displaying it with an interpretative panel discussing the history of the Lolo School. Further, the subdivider shall include in the plan a proposal to consult with a local reclamation and reuse specialist to have historic materials recovered from the east elevation of the school exterior in an effort to repurpose the historic siding material. The preservation plan shall be reviewed and approved by the Planning Office, in consultation with Western Cultural, Inc., prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.1.2.2*)

Radon-Resistant Construction

26. The covenants shall be amended to include the following provision: “The Environmental Protection Agency has designated the Missoula area as having a high radon gas potential (Zone 1). The Missoula City-County Health Department recommends all new buildings incorporate radon resistant construction features.” This covenant provision shall be reviewed and approved by the Missoula Public Health Department and PDS prior to final plat approval. (*Missoula County Subdivision Regulations Section 3.1.2.4 and Appendix B*)

Weed Management Plan

27. A Revegetation Plan for disturbed sites shall be reviewed and approved by the Missoula County Weed District prior to final plat approval and shall be included as an exhibit in the Development Covenants. The plan may not be amended or deleted without prior approval of the governing body. (*Missoula County Subdivision Regulations Sections 3.7.11, 3.7.12.3, and 3.1.2.4*)

28. The covenants shall include the Weed Management Plan (Plan) to be reviewed and approved by the County Weed District prior to final plat approval. The Plan and the covenant provisions related to weed management shall be reviewed and approved by the County Weed District and the Planning Office prior to final plat approval may not be amended or deleted without prior approval of the governing body. (*Missoula County Subdivision Regulations Sections 3.7.11, 3.7.12.3, and 3.1.2.4*)

Living with Wildlife

29. The covenants shall include Living with Wildlife provisions recommended by Fish, Wildlife and Parks (FWP) in their December 2, 2024, agency comment letter, subject to review and approval by FWP prior to final plat approval. (*Missoula County Subdivision Regulations Sections 7.4.5 and 7.6.9*)

Covenants

30. The covenants shall include the provision that the sections of the covenants related to driveways, fire protection, drainage, geotechnical analysis, living with wildlife, pellet stoves, radon, historic preservation, and weed control/revegetation plan may only be amended if approved by Missoula County, subject to review and approval by PDS prior to final plat approval. (*Missoula County Subdivision Regulations Section Appendix B*)

REFERENCES CITED

The following materials are referenced throughout this document. For ease of reading, short versions of the citations (shown in bold) are used in-text, and full citations are included here.

Plans, Resources & Regulations

Missoula County Growth Policy: *Adopted by the Board of County Commissioners in 2016.*
<http://www.missoulacounty.us/home/showdocument?id=15085>

Lolo Regional Plan: *Adopted by the Board of County Commissioners in 2002*
<https://www.missoulacounty.us/home/showpublisheddocument/28106/636651950887030000>

Missoula County Property Information System:
<http://gis.missoulacounty.us/propertyinformation/>

Subdivision Regulations: *Adopted by the Board of County Commissioners of Missoula County and amended April 11, 2024.*
<https://www.missoulacounty.us/Home/ShowDocument?id=28809>

Montana Code Annotated
https://leg.mt.gov/bills/mca/title_0760/chapter_0030/part_0060/sections_index.html

Community Wildfire Protection Plan (CWPP): *Adopted by the Board of County Commissioners in 2018.*
<https://www.missoulacounty.us/home/showpublisheddocument/30120/636704419371870000>

Elements of the Belltower Subdivision governing body review packet:

Project Summary: *Section 7.4.0.1*
Agency Review Comments and Letters: *Section 7.4.0.2*
Preliminary Plat: *Section 7.4.1*
Subdivision Application: *Section 7.4.2.1*
Covenants: *Section 7.4.2.8*
Slope Map: *Section 7.4.3.1*
Floodplain Exhibit: *Section 7.4.3.2*
Storm Drainage Report: *Section 7.4.3.4*
Parkland Dedication Exhibit: *Section 7.4.3.6*
Fire Suppression Plan: *Section 7.4.3.7*
Site Layout Exhibit: *Section 7.4.3.11*
Grading and Drainage Plan: *Section 7.4.3.12*
Proposed Easements: *Section 7.4.3.13*
Environmental Assessment: *Section 7.4.5.1*
Cultural and Historical Resources Assessment: *Section 7.4.5.2*
Wildlife-Human Interaction Assessment: *Section 7.4.5.3*
MSPA 608(3) Criteria: *Section 7.4.5.4*
Mitigation of Agricultural Impacts: *Section 7.4.5.5*
Proposed Mitigation of Subdivision Impacts: *Section 7.4.5.6*
Fire Hazard Assessment: *Section 7.4.6.1*
Geotechnical Report: *Section 7.4.6.4*
Traffic Study: *Section 7.4.7.2*
Road Plans and Profiles: *Section 7.4.7.3*
Existing Utilities Exhibit: *Section 7.4.9.1*
Proposed Utilities Exhibit: *Section 7.4.9.2*
Water and Sanitation Report: *Section 7.4.10.1*
Water and Sewer Plans: *Section 7.4.10.2*

Agency Comment Letters and Other Cited References (hard copy documents are included in the application packet or attached to this staff report):

Montana Department of Transportation, 4/9/2025

Montana Department of Fish, Wildlife & Parks (FWP), 12/2/24

Five Valleys Audubon, 4/7/25

Parks, Trails and Open Lands, 03/25/2025

Confederated Salish and Kootenai Tribes, 03/24/2025

Missoula County Public Health Department, Sanitation, 3/24/2025

Missoula County Public Health Department, Water Quality District, 4/3/2025 and 5/27/2025

Missoula County Public Works Department, 4/8/2025 and 5/29/2025

US Forest Service, 4/4/2025

VII. ATTACHMENTS

- A. Subdivision Application
- B. Subdivision Project History
- C. Additional Agency Comment not included in application packet
- D. Public Comment from [Missoula County Voice](#) (Note: You must be logged in to your Missoula County Voice to see public comment)