



PARKS AND RECREATION DEPARTMENT

100 HICKORY • MISSOULA, MT 59801 • (406) 721-7275 • FAX: (406) 258-3665

PARKS • RECREATION • URBAN FORESTRY • CONSERVATION LANDS • TRAILS

To: Laval Means, Office of Planning & Grants
From: Jackie Corday, Open Space Program Mgr
Date: Dec. 31, 2009
RE: Advisory Group Draft – City Subdivision Regulation Revisions

Hello Laval,

Here are the Parks Department comments regarding the proposed amendments:

Bike/Ped Amendments - We appreciate and support the changes made to strengthen pedestrian and bike facilities, such as:

- Amendment to 3-020.1.L(5)(f) regarding sidewalks on short courts;
- Amendment to 3-020.10.B(2) requiring a variance to vary from boulevard widths;
- Amendment to 3-020.10.E stating that 5' is a minimum width for bike lanes. As an example of when greater width is needed, for the Russell/3rd Street EIS, we provided the following comments to Public Works:
"To increase safety, we recommend that the bike lanes along Russell be widened from 5.5' to 7.5' because a 5.5' lane in fact only provides 4.0' of asphalt riding surface since 1.5' is the concrete curb and gutter. The ASSHTO Guide states that a 5' bike lane is the minimum, and Time-Saver Standards for Landscape Architecture, Section 341-2, states that a bike lane should be 5-6' wide at a minimum. We believe it is important to provide more than just the "minimum" for this project due to the heavy truck traffic along Russell coupled with the desire to increase bicycle use. More people are likely to ride their bikes along this route if they feel they can do so safely. As an example of where this already exists, the bike lanes on south Russell (from south of Brooks to 39th) are 6' wide with no concrete/asphalt seam. The additional width can help provide greater safety, as would smooth flat seams at the junction of the concrete with the asphalt."
There are likely to be many times in the future when the Parks Department will recommend wider than 5' bike lanes and this amendment provides that flexibility.
- Amendment to 3-030.2.A(3) making mid-block pedestrian easements required when needed for access to schools, parks etc.

Parkland Dedication Amendments - On page 3-26 in regards to the changes to parkland dedication made in response to the Council's adoption of Resolution 7402, the following language from that resolution should be removed from the Commentary because it is a requirement, not a guideline: "The area dedication or its cash equivalent shall not be required in excess of 10 dwelling units per acre." I suggest that sentence becomes section (4) in order to make it clear that it's part of the regulations, not a guideline.

Riparian Amendments – The organization and flow of this section has been greatly improved. We recommend the following substantive changes:

- 1) **Section 4 – Riparian Mgt Plan.** This section requires the applicant to submit a plan "in order to meet the purposes" listed under the purpose section. A large majority of the purposes listed in 3-130.1.C use the words "protect" and "preserve" and yet neither of those words are used at all in section 4. Thus, we recommend adding the following as 4.A:

"Description of how the area will be protected and preserved;"

- 2) **Section 5 – Subdivision Prohibition.** This is the time and best opportunity to make a meaningful change to this section. For many years now, I have recommended numerous times in my subdivision agency review letters (Teton, Riverwalk Estates, Gables, & Emery for example) that all of the Riparian Resource Area (which includes the buffer) should be placed outside of private lots in a common area. Often, the preliminary plat drafts submitted for review extend lot lines into the buffer area, essentially rendering it useless for the purpose of riparian protection. The whole purpose of the buffer area is to keep it open and free from any development, including fences and landscaping. Putting the resource area into common area is the most effective way to ensure that the terrain, native grasses, dead and alive trees are preserved. Both large dead and alive ponderosas and cottonwoods (often present in buffer areas) are important wildlife habitat – once they are placed within the boundaries of private lots it is very difficult to preserve them if the property owner thinks they are a hazard or a nuisance. Even if fencing and Kentucky bluegrass lawns within the buffer zone are prohibited in the HOA covenants, that will not prevent it from happening due to the reality of lack of enforcement of such covenants.

Thus, we recommend the following changes to section 5.A & B.:

- A. No subdivision may be approved that creates lots that are wholly or partially within riparian resource areas. ~~Subdivision with one or more lots that are partially within riparian resource areas must provide for protection of the resource specific to the area, as outlined in the management plan and as approved by the city council; and~~
- B. Subdivisions that encompass riparian resources must place development and buildable lots outside the riparian resource areas. No development of any kind . . . *the rest remains the same*

I did review the memo from Peter Nielsen regarding the Health Department's recommended language for this section (no build zone and building envelopes), but don't think this is necessary if the above suggested language that eliminates any private property within the resource area is adopted.

- 3) **Section 7 – Trail Construction** – We support the changes recommended by the Health Department for this section, which would allow, when and where appropriate, trails both within the riparian resource area and the buffer area. Peter Nielsen did an excellent job in his memo of explaining all the reasons why trails should be allowed and thus I won't take the time to repeat them. We believe the criteria set forth in section 7.B(1)-(7) and the additional language provided by Nielsen (Trails . . . shall be designed to minimize impacts on natural vegetation, to provide occasional stream access in appropriate locations, to avoid steep stream banks, to provide buffering from streams . . . etc) provide good standards to protect the resource by restricting the size and location and vegetation disturbance. The only suggestion we have is to incorporate the additional standards Nielsen provided into the criteria list in section 7.B.(1)-(7) so that all of the standards are set forth in one place.