

To: John DeBari, Missoula City Council Chair

From: Teresa Jacobs, Missoula resident (Wapikiya development) for 25 years, 406-251-6450

Tuesday, March 5, 2019

I will not be able to attend the March 6 HUP committee meeting, but have some last minute public comment about a couple issues regarding Hillview Crossing's Conditional Use Request. I was glad to reach you by phone, John. You asked me to email my comments so you can share it with other council members and others as part of the public record. Thank you. Here it is:

- 1) I want to raise the foundational question again, as to whether developers can build on land that is shown to have some slopes great than 25% on a required topographical slope map. **I have received conflicting information about this from city staff this last week.**

Context: At the last meeting on 2/17 the four-colored topographical slope map for the proposed Hillview Crossing development (found in the supporting materials list online) was discussed. I offered public comment, noting that it is created "before any grading or other site modification has occurred" in accordance with Missoula Municipal Code 20.50.010 (Hillside Protection). I pointed out red areas of the map indicating slopes greater than 25% (according to the map's color coding) where "building is prohibited" (20.50.010 D1. I then pointed to lined outlines on the map of proposed townhouse right over patches of red and asked whether city code allows such buildings on this red areas (slopes).

On Thursday or Friday of last week, I talked on the phone with Development Planner Mary McCrea seeking clarification about the slope map. She acknowledged what she called a "bench" of more than 25% slope (red) in a region of 20-25% slope (orange). But said that building could happen on the bench because developers plan to flatten it out by pushing the extra soil down the hill (making the area below the townhouses steeper).

Over the weekend, I was studying the formula in city code for determining "allowed density by average slope". The formula relies on the square footage of "building and disturbance area" and the "zoning district's minimum area per unit requirement". I left a phone message at the "Zoning Help Desk" 552-6625 yesterday (Monday) hoping to get help with definitions and numbers. Today (Tuesday) a city developer named Matt called me back. He explained that RT-10 zones requires a minimum of 10,000 sq. ft per unit, but that taking slope into account, there needs to be 14,300 sq ft per dwelling on 15-20% slopes and 20,000 sq. ft. per dwelling on 20-25% slopes. **I asked Matt if there was a way to build on slopes greater than 25% (if the plan was to modify the original surface to reduce the slope). Matt said "No, there is no building on slopes over 25% based on measurements of the original, natural slope."** I asked him if he was sure. He said he was. **But at my request he conferred with others in the office. He said an "Engineering permit staff person, and two other planners concurred" that there is no building on slopes identified as over 25% on the topographical slope map. When I asked him if I could quote him, Matt readily agreed.**

- 2) **Process Question:** Who will be writing and compiling the “finding of facts” for City Council in regards to Hillview Crossing’s Conditional Use Request? Missoula Zoning Code Section 20.85.070 H and I states that all five of the criteria must be addressed by Council (and specific actors to be considered). Will the public be allowed to review a draft and provide input on key issues that have been part of neighborhood and community testimony - alongside all the documents, conditions of this complex proposal?

3) **Upcoming Agenda Item: Density (compatible)**

Statements and documents provided to City Council assert that Hillview Crossing’s proposed density of 2.99 units per acre “is similar to the density of the surrounding neighborhoods” and is “compatible with the character of the surrounding area”. I disagree. The proposed Hillview Crossing development would be on a steep hillside overseeing the Missoula valley. While its proposed 2.99 units per acre is similar in density to the neighborhood below (on the valley floor), Hillview Crossing would NOT be similar in density to the two developed properties adjacent to it on the hillside. To the southwest of the proposed development is one home on many roomy acres. To the east is Mountain View Estates - an association of 8 single family homes – with a density is .38 units per acre. So Hillview Crossing with it’s 68 townhomes and manicured yards on private, narrow private streets would be nearly 8 times more dense than Mountain View Estates with its mostly natural, original sloped property. This incompatible pairing of density and design would unfortunately be on display on the hillside, visible from the south side and center of Missoula. Hillview Crossing - as proposed -is not a good match. Note: Mountain View Homeowners Association has agreed to keep the land below their homes as private open space that will not be in-filled with buildings, so the .38 unites per acre figure for Mountain View is solid.

4) **Upcoming Agenda Item: Transportation:**

Who makes determinations of traffic flow, and potential traffic jams and hazards in relationship to proposed developments in Missoula? Who would be the one to estimate the number of cars lining up on Hillview Crossings private roads during peak traffic times, waiting to turn left onto Hillview Way from the proposed development? Will anyone be addressing the hazards of this? If safety concerns make a traffic light needed where the private road would feed into Hillview, who would pay for it (and how much would it cost)?

But on the other hand, would it be prudent for the city even to ask cars, buses, dump trucks, etc. going up Hillview Way from 39th and Russell on an icy day, to stop on the incline below the proposed Hillview Crossing entrance - for the sake of pedestrians at a proposed crosswalk, or to pick up bus passengers there, to even to stop for a red light at a possible traffic signal there someday? If one or more vehicles were to loose their momentum after stopping on Hillview on an icy day, which kind of road blocking and hazards might be created as drivers try and turn their vehicles into the other lane to head back downhill?

Note: The MCPS school district’s Director of Operations and Maintenance has let the city staff know that it would be near impossible to have a school bus try to turn around in the proposed development, and that it “would be a potential safety issue” to have school buses stop on the incline near the entrance to the proposed development in the winter time “ as it may be hard for the buses to get going again give the significant incline”.