

From: [John DiBari](#)
To: [Alan F. McCormick](#); [Grp. City Council and City Web Site](#)
Cc: [Attorney Admin](#); jasonr@territoriallandworks.com; [Paul Forsting](#); [Mike Haynes](#); [Mary McCrea](#)
Subject: RE: Letter on Hillview Crossing TED Conditional Use Request
Date: Wednesday, June 5, 2019 9:21:15 AM
Attachments: [image001.png](#)
[image003.png](#)

Alan,

I know and appreciate that you are working hard to represent your client's interests. I also know and appreciate that you and your client may disagree with some of the actions the LUP committee has taken. Both you and your client are entitled to your opinions in that regard. However, please know that sentiment is not shared by all the parties involved in this process. It is the committee's job to address all substantive agency and public comment under the auspices of the rules that govern TEDs and conditional uses. As I have mentioned on more than one occasion during committee meetings, the committee is working hard to do its job to get to "yes" regarding this project. It would be most helpful for all involved to keep the process on track so that the committee can move towards that end should the information support that outcome. That, after all, is all we are trying to do – gather information that can support an outcome that provides the landowner a reasonable opportunity to develop his land in a way that protects public health and safety.

The points articulated in my previous email were designed to provide a roadmap to the development team so that the project can stay on course. The email I wrote in consultation with staff was intended to be helpful, clear, provide specificity and suggest options that would hopefully reduce/eliminate duplicative actions on the part of the committee or development team. Please accept that in the spirit in which it was intended.

The discussions and actions that have taken place in committee are all part of the public record. The committee has been methodical in its approach. Staff has prepared several memos documenting issues, staff's review of those issues, and the committee's corresponding actions. That you or your client may disagree with committee actions or what it has asked for does not change the fact it has taken those actions to protect public health and safety and asked for specific information it has deemed useful to evaluating the project.

I also appreciate you believe information submitted by Mr. Rice adequately covered some of the issues addressed in committee and my email. However, staff disagrees. Because the committee relies on staff's advice to guide its actions and protect the public interest, health and safety, it appears the development team has some work to do to satisfy the committee's interest in that regard, and in your client's interest to keep the process moving.

The ball, as it were, is in your client's court. As soon as the information the committee requested has been submitted and reviewed for sufficiency by staff – information that will be helpful to your client, the committee and the public – we'll schedule another LUP meeting. Please let me know when that information may be forthcoming so we can plan accordingly.

And finally, regarding on-going communications, the development team is welcome to interact with

staff regarding issues of process and substance, it is, however, not welcome to advocate for or cajole staff into agreeing with the development team's position. Advocacy needs to happen during a public meeting.

Thanks again for your letter and I look forward to hearing from you regarding when information may be forthcoming.

Best,

John

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John DiBari  
City Council, Ward 4  
406.274.7337

Please note, all emails to and from this address are in the public domain.

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**From:** Alan F. McCormick <afmccormick@GARLINGTON.COM>  
**Sent:** Thursday, May 23, 2019 11:22 AM  
**To:** Grp. City Council and City Web Site <Council@ci.missoula.mt.us>  
**Cc:** Attorney Admin <ADepartment@ci.missoula.mt.us>  
**Subject:** Letter on Hillview Crossing TED Conditional Use Request

Council,

Please see the attached letter regarding the Hillview Crossing Ted Conditional Use request.

Alan.

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