



April 11, 2022

Memorandum from: The Board of Directors, Friends of Grant Creek

: Missoula Consolidated Planning Board

cc: Engage Missoula, City Planning Staff

Re: KJA Rezoning Application in Grant Creek Neighborhood (Expo Parkway)

Subject: **Reasons to deny high-density rezoning on Expo Parkway**

Note: The concepts and observations contained herein were reviewed at a public meeting in Grant Creek on March 29, 2022, in which approximately 70 residents of Grant Creek participated. After full and free discussion, they unanimously and enthusiastically directed the Board of Directors to oppose the second attempt at rezoning.

## INTRODUCTION

KJA Development proposes to build c. 700 housing units. Not including KJA's 5  
tments already built and permits for more units<sup>1</sup> on Expo Parkway here are 635

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<sup>1</sup>Permit and ownership data: -044 is a 3-story 42 unit apartment completed in June 2021; *Western Development LLP* is the owner on the permit. #2020-085 is a 3-story 63 unit apartment completed in late 2021; same owner. #2021-039 is a 3-story 36 unit apartment permitted but not built; *KJA Development LLC* is the owner. #2021-0183 is a 3-story 25 unit apartment permitted but not built; *KJA Development LLC* is the owner. Apparently 3-story buildings are profitable. The different ownerships raise a question about transfer of ownership; see MCA 76-3-301. The applicant for rezoning of the entire lots is *KJA Development LLC*.

occupied residential units in the Grant Creek Valley (plus existing unbuilt lots in Glen Eagle and elsewhere). 700 units would double the number of dwellings in Grant Creek.

## 1. THIS PROPOSAL DOES NOT FIT THE CITY GROWTH POLICY

A review of “Our Missoula, City Growth Policy, 2035” and its companion document, “Our Missoula Development Guide (OMDG) Yearbook,” makes it quite clear that high-density development of the KJA gravel pit is NOT consistent with the City Growth Policy. As noted on page 9 of the OMDG (map with text), the site is “outside the urban core”, which is contrary to the stated policy of focusing new housing into areas close to services and amenities. At page 10 it is noted that the KJA project is “minimally suitable”. At page 22 is a detailed and insightful discussion of how current developer-driven building is NOT meeting the City’s “focus inward” goals, that is, *to locate new housing close to services and reduce vehicular traffic*. OMDG states that stronger subdivision regulations could move developers toward these goals, but of course, in this case, *requiring compliance with subdivision regulations is not available to Development Services in a rezoning proceeding*. Pages 9, 10 and 22 are appended as Appendix 1.

(Note that because the gravel pit has not gone through subdivision review, there are no “entitlements” like others discussed on page 22 of the OMDG Yearbook. The authors almost ask “what is the point of planning if developers drive the agenda?”)

***Although a gravel pit may intuitively seem like a great place to build housing, it’s not what it is, it is where it is, that creates issues with transportation and fire safety, and is inconsistent with sound planning.***

## 2. THE EXISTING ZONING BETTER MEETS COMMUNITY NEEDS

The existing zoning allows about 300-344 apartment units on the south lot and 125-130 single-family homes on the north lot for a total of 425-475 units. (Although the north parcel contains enough square footage to theoretically build 158 houses with 5,400 sf lots, site constraints such as easements are certain to reduce the capacity to fewer units.) Development under existing zoning would meet at least two types of critical housing demand (rentals and homes for purchase) and maintain a buffer next to existing housing, although nonetheless causing a significant increase in traffic on two feeder streets and lower Grant Creek Road. 425-475 units with 1, 2 or more residents per unit would add substantially to the population of the Grant Creek area. **Such development and accompanying burdens should satisfy anyone’s expectation that “Grant Creek needs to do its share” to accommodate new housing.**

(Note: Building and selling single-family homes would require a subdivision plat and review, a beneficial process which is avoided by KJA’s all-rental plan. Compare §20.85.060 of the City’s regulations regarding subdivision.)

### 3. REZONING IS CONTRARY TO EXISTING PLANS

Prior and existing planning documents do not support this rezoning request. When KJA's owners bought the gravel pit they were aware, or certainly should have been, that the two lots were not zoned for high-density, 45-foot tall apartment buildings. If they had looked at the 1980 Grant Creek plan, they would have seen that the north part of the pit was classified as "high-density single family 10 units per acre" and the south part was a mix of commercial and multi-family housing at 16 units per acre. Appendix 2. (Perhaps the definition of "high-density" has changed in some peoples' perception but residents of Grant Creek have relied on this plan, developed after much public participation, for four decades, as was explained eloquently at the FOGC March 29 meeting by long-time residents. Many ask why this plan should be upset by one developer's rezoning desires.)

The 12-page narrative from Woith Engineering accompanying the rezoning request states at least seven times that the KJA proposal meets or complies with "Our Missoula 2035". The basis for this bald assertion is not provided, other than statements that "Missoula needs housing"<sup>2</sup> and "this project provides housing." *Let's examine this assertion:*

The City just conducted a massive, comprehensive, public five-year review of "Our Missoula Growth Policy" which resulted in a number of recommendations, (listed in

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<sup>2</sup>For perspective, see: David Erickson, *The Missoulian*, Feb. 24, 2022:

There's a residential building boom happening in Missoula as the city rushes to make up for a huge shortage of housing that has sent prices surging in recent years. The city's office of Community Planning, Development and Innovation permitted 1,338 new homes in 2021, a 140% increase over 2020. The total market value of all that residential construction is a whopping \$196.6 million. To put that number into mind-shattering perspective, the total value of all construction in Missoula, including commercial construction, was \$243 million in 2020. "We're thrilled with what we're seeing," said Eran Pehan, the director of the office. "It's an incredible increase and we think it's going to make a tremendous difference in the community."

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Another 1,219 dwelling units are expected to be created through subdivision and annexation activity that occurred in 2021, which created new lots.

"Each lot (created through planning) represents a future home or apartment building to be permitted and constructed over the next several years," Pehan said. "These numbers only represent the development of homes for projects that require land use review. They do not capture infill development or the construction of homes on lots throughout the city that are already appropriately zoned or subdivided. In that sense, these numbers only represent a fraction of the total development pipeline."

Appendix D to the review, pages 26-29; <https://www.engagemissoula.com/growth-policy-5-year-review> ) several of which are pertinent to the KJA rezoning application:

“5.2 Incentivize mixed-use development so that residences are within walking distance to grocery stores and other basic necessities.” The KJA rezoning completely fails this test.

“5.3 Incentivize development that is close to existing infrastructure and that can utilize non-motorized and public transportation facilities.” The KJA rezoning completely fails this test.

“9.1 Develop design standards for higher density in-fill projects (residential or mixed use) to be compatible with the character of the surrounding neighborhood and identify examples of exemplary projects to illustrate design concepts that create a sense of place.” The KJA rezoning request is not compatible with the character of the surrounding neighborhood, i.e., Cottonwood Condos and Prospect; instead it would create a super high-density collection of apartments and townhouses with huge dedicated parking lots.

“10.1 Identify areas in the city where it would be appropriate to rezone land for compact, small lot single-dwellings or townhomes.” The existing zoning is perfect to accomplish this goal.

“1.5 (page 38) Identify best practices and implement policies that reduce automobile dependence.” Rezoning the KJA lots would have the opposite effect.

Planners recognize that *controlling where development occurs* is important to accomplish long-range goals of promoting open space, reducing use of gasoline, timely expansion of infrastructure, etc. Again, see page 22 of the OMDG Yearbook.

At a March 14, 2022, forum sponsored by the City Club of Missoula, Heather McMilin, an experienced developer with a track record of completing low-income and affordable housing, *emphasized the importance of using land-use regulations to pressure developers to locate housing in appropriate places consistent with planning goals instead of letting them dictate when and where development will occur.* Erin Pehan stated that “we cannot build our way to affordability.” Noting that during the past four years permitting is shifting to allow more developers to build multi-unit rental properties, she asked “*How do we incentivize single-family homes, townhomes, properties that people can purchase?*”

The answer to these questions is obvious: deny this rezoning and incentivize the developer to subdivide the north lot and build (or subcontract to another contractor to build) single-family homes. The market for such homes is incredibly strong.

#### 4. TRAFFIC INFRASTRUCTURE IS ALREADY UNSAFE

Poorly controlled exits and entries at Starbucks, Town Pump, Expo Parkway (serving three motels and other commercial customers and now new apartment residents), and, to a lesser extent, Stonebridge Road, constitute dangerous conditions. The total of reported accidents on Grant Creek Road were 11 in 2019, 13 in 2020 and 17 in 2021; seven of these were injury accidents (Missoula Co. Office of Emergency Management).

Here are the numbers for 2021

2021	
Call Type	Total
Accident Hit and Run	2
Accident Injury	5
Accident No Injury	10
<b>Total Accidents</b>	<b>17</b>

At least one of these collisions blocked lower Grant Creek Road for an hour. See photos, Appendix 3. Adding several hundred to 1,000 or more new residents in this area will increase the hazards. Congested and poorly controlled streets encourage risky and dangerous maneuvers by frustrated motorists. This is not an issue of simply waiting for a light to change; these are issues caused by conflicting uses of the same lanes, complicated by frequent unlawful maneuvers. None of these intersections have crosswalks and none have dedicated left-turn lanes.

#### 5. NO ALTERNATIVE EVACUATION ROUTES EXIST DESPITE GROWTH

The Grant Creek Valley is already experiencing growth in an area with unsolved emergency evacuation issues. *At the entry to Grant Creek (by Starbucks) is a “No Outlet” sign for the entire watershed.* Several undeveloped tracts in upper Grant Creek have recently been sold. Lots in the Glen Eagle area are being developed. A subdivision above Glen Eagle (now owned by Missoula County) will be developed. Snow Bowl is enlarging both summer and winter recreation facilities; see Appendix 4 for details. Undeveloped commercial lots join Expo Parkway. Adding 700 units before another evacuation route is established is unsafe and unwise.

FOGC appointed a Wildfire Risk Task Force, composed of several experienced fire-fighting professionals, to examine ways to reduce fire risk and identify alternative evacuation routes in the event of a major emergency event. The Task Force has been

unable to identify a safe or feasible alternative evacuation route between the Dodd Ranch Road (four miles from Snow Bowl) and I-90. Routes proposed to be built in the 1980 Grant Creek Plan were never built. The only evacuation route for some 635 households (plus new apartments) is the narrow Grant Creek Road leading to I-90. Doubling the population of Grant Creek can only make this critical situation worse. The Task Force is submitting separate comments regarding the KJA rezoning request and reports submitted by KJA's team.

## 6. **NEEDED TRAFFIC IMPROVEMENTS WILL BE DELAYED FOR YEARS**

FOGC, interested in pro-actively addressing these issues, formally requested (with almost 40 pages of supporting documentation) a traffic corridor study by the City in 2021. The City acknowledged many of the problems identified by FOGC but lacks the funds to commit to such a study. (See Appendix 5, Kevin Slovarp June 24, 2021 email, and supplemental email dated February 22, 2022).

## 7. **THE DEVELOPER IS NOT COMMITTING TO SOLVE TRAFFIC NEEDS**

*None of the issues regarding (1) lack of mass transit, (2) no committed alternative transportation systems, (3) no proximity to parks, shopping, churches and schools and (4) lack of crosswalks and safe turn lanes, which concerned planners and the Council during the 2020 rezoning request, have been addressed.* The private traffic consultant Abelin merely recommends more bikeways as a solution to traffic problems.<sup>3</sup> The proposed development agreement fails to provide for new crosswalks across Grant Creek Road, inclusion of the KJA land in the Mountain Line tax district, expenditures for emergency egress or other useful ideas. The application materials merely discuss hypothetical improvements in public transportation (such as a van service) which might happen. (Note that the original Development Services recommendation for this project, which was rejected by Council in 2020, would have at least required KJA to petition into the Mtn. Line taxing district; see pages 5 and 6.)

Missing commitments from the development agreement and traffic report:

- Crosswalks across GC Road and safe turn lanes
- 8-10 foot standard trail on east edge of KJA property; the proposed 5-foot trail is too narrow for bikes, wheelchairs and maintenance
- Emergency easement for Old Indian Trail to the west
- Emergency egress from Prospect Subdivision to connect with Grant Creek Village streets is needed

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<sup>3</sup> The Abelin revised traffic report is again full of arithmetic errors, undermining his conclusory statements that everything will be just fine. See Appendix 6.

- Bus service; developer says build demand first, then hope that it will come (Note: Mtn Line did not build into Miller Creek even after much development)

## 8. CLIMATE CHANGE

Climate change is relevant to this rezoning request for two reasons and has not been addressed.

- 3000+ daily trips in motor vehicles from the new units to destinations with services will add to carbon emissions.
- Further, as noted by several government agencies, climate change is contributing to massive and more frequent fires. Most of Grant Creek lies in a WUI zone:

“The WUI is the zone of transition between unoccupied land and human development. It is the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.” U.S. Fire Administration

“Since 2015, the United States has averaged 100 more large wildfires every year than the year before, creating conditions in which wildfires overwhelm response capabilities.” U.S. Fire Administration, July 28, 2021

<https://www.usfa.fema.gov/blog/ig-070821.html>

Unless and until these issues are resolved, adding several hundred additional dwelling units to those already allowed would be reckless and premature. And as we have learned during the past 12 months, intense wildfires are not limited to forested areas. The Denton, Montana, and the Louisville/Marshall fire in Colorado occurred after the dates of KJA’s fire report and the deputy fire chief’s comments submitted with the rezoning application. (Note: the Marshall fire cleanup will cost about \$52 million according to the Boulder Co. Commissioners.)