



MISSOULA

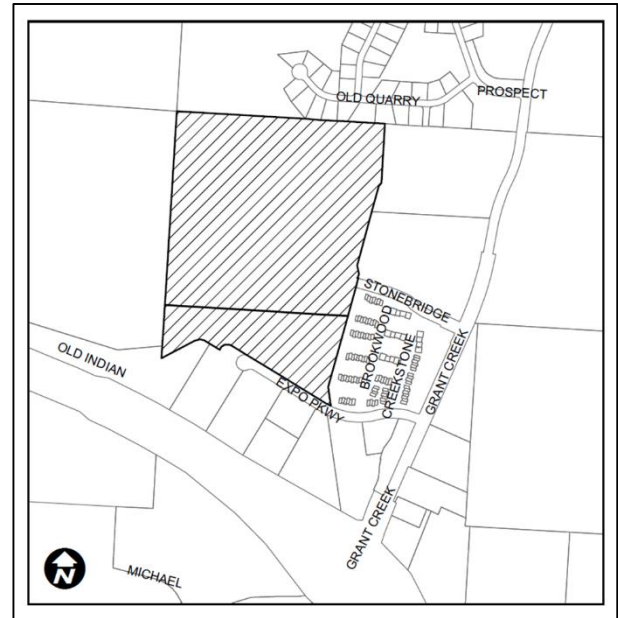
COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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STAFF REPORT & REFERRAL

Agenda item:	Rezone 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 (multi-dwelling)
Report Date(s):	4/11/2022
Case Planner:	Dave DeGrandpre, Land Use Supervisor
Report Reviewed & Approved By:	Mary McCrea, Permits & Land Use Manager
Public Meetings & Hearings:	City Council (CC) Consent Agenda 1st reading: 4/18/2022 Planning Board (PB) public hearing: 4/19/2022 Land Use & Planning (LUP) pre-hearing: 5/4/2022 CC public hearing: 5/9/2022 LUP post-hearing: 5/11/22 CC Final Consideration: 5/16/22
Applicant and Owner:	KJA Development, LLC P.O. Box 1951 Missoula, MT 59806
Location of request:	Expo Parkway north of Interstate 90 and west of Grant Creek Road and the Rocky Mountain Elk Foundation headquarters in the Grant Creek Neighborhood Council and City Council Ward 2.
Legal description:	Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West.
Legal ad:	The legal ad was published in the <i>Missoulian</i> on March 27, 2022 and April 3, 2022. The site was posted on April 4, 2022. The subject property owner and property owners within 150 feet of the site were notified by first class mail on April 4, 2022.
Zoning:	R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial.
Growth Policy:	The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends land use designations of Residential High Density – Greater than 24 Dwelling Units Per Acre and Regional Commercial and Services. The applicable vicinity plan is the 1980 Grant Creek Area Plan which recommends three different land use designations of Residential Multi-Dwelling (16 dwelling units per acre), Residential Single Dwelling (10 dwelling units per acre), and Open and Resource Lands on the western hillside.



STAFF RECOMMENDATION

APPROVE the adoption of an ordinance to rezone two parcels of land consisting of 44 acres located at 2900, 2920, and 2990 Expo Parkway from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling) based on the findings of fact in the staff report.

RECOMMENDED MOTIONS

CC Consent Agenda first reading: 4/18/22	[First reading and preliminary adoption] Set a public hearing on May 9, 2022, preliminarily adopt an ordinance rezoning Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling), and refer the ordinance to the Land Use and Planning Committee for discussion on May 4, 2022 and May 11, 2022.
PB Public Hearing: 4/19/22	APPROVE the adoption of an ordinance to rezone Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling) based on the findings of fact in the staff report.
LUP: 5/4/22	No motion – Discussion and informational meeting only.
CC Public Hearing: 5/9/22	No motion – public hearing, presentation, and City Council discussion. No motion until final consideration.
LUP: 5/11/22	No motion – Discussion and informational meeting only.
CC Final Consideration: 5/16/22	[Second and final reading] Approve/Deny the adoption of an ordinance to rezone Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling) based on the findings of fact in the staff report.

I. INTRODUCTION

Development Services has received an application from Woith Engineering, Inc. representing KJA Development, LLC to rezone two parcels of land consisting of 44 acres located at 2900, 2920, and 2990 Expo Parkway from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling). This rezoning would result in a standard zoning district under Title 20 which cannot be conditioned.

The property consists of two parcels and 44 acres. Four multi-dwelling buildings have been permitted on the southern parcel for a total of 166 dwelling units. As of this writing, two of the four buildings have been completed and are occupied. The remainder of the property is undeveloped. The application materials state the development is planned to include a total of 700 rental units consisting of approximately 622 one-, two-, and three-bedroom apartment residences and 78 smaller scale multi-dwelling structures.

Under the current zoning, the maximum number of dwelling units that could be built on the entire site is 495. Under the proposed zoning, the maximum number of dwelling units is 1,185, although these figures do not take into account needed space for parking, landscaping, setbacks, existing easements, and activity areas, which reduce the maximum number of dwelling units that could realistically be built on the property.

In 2020, KJA Development, LLC submitted a rezoning application seeking the same RM1-45 Residential (multi-dwelling) zoning as proposed today. City Council did not approve the rezoning request. As a component of the current

application, KJA Development, LLC has proposed to cap the maximum number of dwelling units at 700 through the use of a development agreement, which is a contract between the developer and the City of Missoula. Other features listed in the development agreement which the developer proposes to provide are a swimming pool, community clubhouse, playground and green space, fenced dog park, hillside hiking trails and a walking path open to the public, a bus shelter, area for a child day care, area for potential onsite storage, area for a community garden, a dog wash, and ski and bike tuning workspace. The development agreement is proposed to run with the land and be binding on the current and future property owners, with the City having enforcement ability. The development agreement can be amended or revised subject to City Council approval.

Staff has reviewed the applicant's rezoning submittal packet and bases the recommendation of approval on the following findings of fact.

II. Rezoning review criteria

Findings of fact: General

1. The subject property has frontage on Expo Parkway and Stonebridge Road. Expo Parkway and Stonebridge Road are functionally classified as local streets. Both of these streets are accessed from Grant Creek Road, which is classified as a major collector.
2. The subject property is comprised of two parcels and is approximately 44 acres in size.
3. The site was formerly used as a gravel pit. The south parcel now contains two, three-story multi-dwelling buildings. Two other multi-dwelling buildings have been permitted on the south parcel, for a total of 166 permitted apartments. The north parcel is undeveloped and contains a large flat area, an irrigation canal, and hillside to the north and west.
4. As shown on Flood Insurance Rate Map 30063C1195E, the subject property is not located in a 1% annual flood hazard area (100-year floodplain). This area is protected from flooding by a levy along Grant Creek. A small portion of the property along Expo Parkway is shown on the flood map as being in a 0.2% annual flood hazard area (500-year floodplain). Flood insurance is not required in such areas.
5. Approximately 33% of the site is encumbered by slopes of 25% or greater, according to the slope category map and worksheets provided with the application materials. Under Title 20 Section 20.50.010.E, building and disturbance is prohibited on slopes that exceed 25% outside the minimum contiguous building and disturbance area.
6. The subject property is located within the City's Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City water and sewer. It is also located within an established service area for Missoula hospitals and the City Fire and Police Departments.

Growth Policy:

7. The applicable regional plan is the *Our Missoula: City Growth Policy 2035*, which was adopted in 2015. Of the 44 total acres, the Growth Policy Future Land Use Map designates approximately 38.4 acres (87%) Residential High Density – Greater Than 24 Units Per Acre and approximately 5.6 acres (13%) Regional Commercial and Services.
8. The property is also part of the 1980 Grant Creek Area Plan, which is considered an amendment to the growth policy. The land use map in that plan recommends three different land use designations for the property: Medium Density Multi-Dwelling 16 Units Per Acre, High Density Single Dwelling 10 Units Per Acre, and Open and Resource on the western hillside. However, the City Growth Policy supersedes the Grant Creek Area Plan stating on page 142, "The Our Missoula City Growth Policy is the overarching guide for community planning and policy direction for the City."
9. The Residential High Density growth policy designation is for residential building types with a density of greater than 24 dwelling units per acre. This designation applies to areas within the core of the community and where city services and infrastructure are readily available. Structures may be a range of dwelling types from small-lot single dwelling to large scale multi-story, multi-dwelling development. Multi-dwelling structures are expected to have a pedestrian relationship and parking screened from view.
10. The Our Missoula Growth Policy states the following zoning districts are most closely aligned with the Residential High Density designation: RM1-35 Residential (multi-dwelling, 43 dwelling units per acre), RM1-45 Residential

(multi-dwelling, 43 dwelling units per acre), RM1.5 Residential (multi-dwelling, 29 dwelling units per acre), and RM0.5 Residential (multi-dwelling, 87 dwelling units per acre). These zoning districts permit residential density ranging from 29 up to 87 dwelling units per acre.

11. The Regional Commercial and Services growth policy designation provides opportunities for a wide range of commercial, industrial, and residential uses with special or extensive land use needs and impacts. Land uses which involve outdoor storage of merchandise, automobile or regional retail-related, support business or industry, and which support highway travel are cited as appropriate under this designation. The scale is generally large and a mix of uses is encouraged. The Our Missoula Growth Policy states residential space should not be a primary land use and should only be included as a use in combination with other compatible commercial uses if supportive residential services and spaces are within ¼ mile of the proposed development. Supportive residential services include public park area, grocery, school, and transit. The Our Missoula Growth Policy states when residential development is proposed, it should be located above the first floor of a mixed-use development.
12. The Our Missoula Growth Policy states the following zoning districts are most closely aligned the Regional and Commercial Services designation: C1-4 Neighborhood Commercial, C2-4 Community Commercial, M1R-2 Limited Industrial and Residential, and OP3 Public Lands and Institutional. Some of the uses allowed within these districts include hospitals, offices, restaurants, gas stations, truck stops, casinos, hotels, warehousing, and manufacturing. The C1-4, C2-4 and M1R-2 zoning districts also permit residential density up to 43 dwelling units per acre.
13. The applicant is requesting RM1-45 Residential zoning across the entire property, which permits the same residential density as the three commercial/industrial zoning districts C1-4, C2-4, and M1R-2 recommended for lands with the Regional Commercial and Services land use designation, in alignment with the Residential High Density land use designation of greater than 24 dwelling units per acre. The RM1-45 is primarily a residential zoning district that permits all of the residential building types.
14. The requested zoning of RM1-45 substantially complies with the Growth Policy Future Land Use Map because approximately 87% of the subject property is designated as Residential High Density – Greater Than 24 Units Per Acre, and because RM1-45 is one of the appropriate implementing districts of the Residential High Density map designation. Further, the allowed residential density in the RM1-45 district (up to 43 dwellings per acre) is the same residential density allowed in implementing districts under the Regional Commercial and Services Future Land Use Map designation. These districts (C1-4, C2-4, and M1R-2) permit residential density up to 43 dwelling units per acre in vertical mixed use, single-purpose residential, and mixed-use buildings.
15. The Our Missoula Growth Policy calls for a focus inward approach to encourage infill development in the urban core and where infrastructure already exists. This approach promotes mixed-use, increased density, and enhanced connectivity while limiting sprawl and promoting efficient use of existing infrastructure.
16. The property is within city limits. It contains existing multi-dwelling structures, a reclaimed gravel pit, and an irrigation canal and undeveloped hillside. To the north is a residential subdivision, to the east is the Rocky Mountain Elk Foundation warehouse and headquarters and a residential condominium development, and to the south are auto-oriented hotels, a restaurant, and vacant developable parcels zoned C1-4. Within walking distance to the east across Grant Creek Road is a convenience store, a coffee shop, and a restaurant. The subject property is not located within the urban core but is within the City's Urban Growth Area, the Wastewater Facilities Service Area, and is served by City infrastructure - water, sewer and streets.
17. The *Livability* chapter of the Our Missoula growth policy contains several objectives that apply to this application:

Growth Policy Statement	How This Proposal Complies or Does Not Comply
Locate areas for new housing, mixed-use developments, multi-dwelling development, and commercial nodes to provide convenient access to commercial and local services.	The zone change would allow new housing with convenient access to commercial and local services on the Reserve Street corridor.

Ensure that in-fill and high-density development are compatible with the surrounding area.	Multi-dwelling buildings are located on the southern parcel. The proposed zoning would allow additional high-density residential development and provide a transition from auto-oriented commercial along the I-90 corridor to the south and single-family homes to the north, while bordering smaller scale condominiums and the RMEF to the east.
Require new development to contribute its proportional share of cost to improve local services and infrastructure.	Title 15 Section 15.66.040 requires impact fees at the building permit stage to help pay for new fire, police, road, and park facilities made necessary by new development. Title 20 Section 20.60.140 allows the City Engineer to require traffic impact studies suitable to assess the impacts of developments on streets and intersections (including pedestrians, bicyclists, and public transit), and require the developer to make improvements to those facilities that are directly attributable to the development. ¹
The transportation network should accommodate new growth and redevelopment by providing options and adequate infrastructure to avoid congestion and minimize traffic hazards while complying with Missoula's Complete Streets Resolution.	The Montana Department of Transportation recently made improvements to North Reserve Street in the vicinity of the property, resulting in three south-bound travel lanes and a short stretch of bike lane leading to the I-90 overpass. Sidewalks, the Grant Creek Trail, and crosswalks are available in this area. Transit service is not currently available and it is unclear when service might become available. The developer petitioned to annex the property into the Missoula Urban Transportation District in 2020. Per the applicant's development agreement, the developer is proposing to build a shelter for future use of residents waiting for transit and school busses.
The built environment should accommodate and be welcoming to people of all physical abilities.	The application materials state one of the purposes of seeking the RM1-45 Residential zoning is to allow four-story buildings, which make it more economical to provide elevators and accessible units on all floors.
Ensure that each community member and neighborhood has adequate access and opportunity to use parks and open space.	At present there are no developed parks within one-half mile of the property. The applicant's proposed development agreement and site plan include a central green space, playground, swimming pool, dog park, and trails. Grant Creek Trail is located nearby. City Parks and Recreation has plans for an extensive public trail network on 428 acres of open space in the Bluebird Recreation Area located within walking distance of the property to the east of Grant Creek Road. A crosswalk(s) would be necessary to provide safe access across Grant Creek Road. Bluebird Recreation Area trails are planned for construction this summer.

¹ The applicant submitted a traffic impact study (TIS) to gauge the impacts of 700 multi-family residential units on the surrounding public transportation network. The TIS states at full build-out, the development would not create any new roadway capacity problems in this area, but does recommend the developer work with the city to implement multi-modal transportation improvements to encourage pedestrian and bicycle access to the site. City Public Works & Mobility Department staff reviewed and requested revisions to the TIS. If improvements are deemed warranted by city staff, they would be installed by the developer through the building permit process.

18. The *Safety and Wellness* chapter of the City Growth Policy encourages healthy lifestyles by promoting a complete active transportation network to increase safety for all transportation systems including vehicular and active transportation.
19. The subject property has access to the Grant Creek Trail, although the trail is missing a functional link between Expo Parkway and Stonebridge Road. This substandard segment has an approximate four-foot wide paved path in fairly rough condition. City Parks and Recreation Department commented that impact fees from the construction of dwelling units on this site could be used to improve this section of trail, however widening of the trail may require a wider easement.
20. Sidewalk segments are missing along portions of Expo Parkway and Stonebridge Road, which would be required to be installed through the building permit process. The site plan submitted with the development agreement shows an extensive on-site sidewalk and trail network. City Parks and Recreation Department commented that pedestrian facilities could be enhanced if the applicant linked to the Grant Creek Trail Spur at the northeastern edge of the property. City Parks and Recreation staff is having discussions with Rocky Mountain Elk Foundation regarding purchasing property to facilitate this link. The applicant's development agreement does not include an easement or trail at the northeast edge of the property that could link to the Grant Creek Trail Spur.
21. The North Reserve / Scott Street Master Plan includes major bike and pedestrian improvements that would link the Grant Creek area to facilities and services including a southerly extension of Grant Creek Trail and a linear greenway corridor south of I-90 linking east to the Scott Street District and Northside Greenway. These facilities are not in place today, and it is not clear when the improvements will be made.
22. The *Economic Health* chapter of the City Growth Policy includes statements that apply to this application including supporting compact development and mixed-use developments to reduce costly expansion of infrastructure and ensuring an adequate supply of affordable housing to maintain a quality labor pool. The proposed zoning allows for a compact development pattern and additional multi-dwelling housing providing new dwellings for the local workforce.
23. The *Economic Health* chapter also encourages a full range of viable transportation choices including transit and multi-modal accessibility. Transit does not currently serve this area and it is unclear whether / when transit service might be available. The developer petitioned the Missoula Urban Transportation District to include the property. Establishing fixed bus routes depends on multiple factors including funding, demand, ridership potential, equity considerations, land use and development patterns, and others, and Mountain Line will soon be updating a strategic plan with recommendations on service to the Missoula area.
24. The *Housing* chapter identifies that by 2035, population projections indicate the urban area will grow by 18,500 residents, which presents a need for approximately 9,000 new housing units. This chapter emphasizes creating a range of housing development for the workforce, lower income residents, and seniors. It describes the Focus Inward approach as designating appropriate areas for higher density housing combined with commercial uses near existing infrastructure and services, which has the added benefit of decreasing household expenses like transportation and limits impacts on open space and agricultural resources. The vast majority of this property is designated for residential high-density development on the Growth Policy Future Land Use Map, with a portion designated Regional Commercial and Services. This chapter also states that designation of multi-dwelling development is appropriate in areas primarily established for commercial development to create important relationships between places where people live and work with the appropriate services and amenities. Modifying the zoning on this property to allow for increased housing supply in relatively close proximity to a range of services would help to support adopted housing goals.
25. The *Environmental Quality* chapter of the Our Missoula Growth Policy includes several policy statements that apply to this application including the following:

Growth Policy Statement	How This Proposal Complies or Does Not Comply
Reduce reliance on single-occupancy vehicles and continue support for the expansion of	Currently there is no transit available to the site. The developer has proposed some steps to address this, including having petitioned to bring the property into the

public transportation and cycling / walking systems. Expand and improve the public transit system, including bus stop infrastructure that makes the system more efficient.	Missoula Urban Transportation District. The applicant has included the construction of a bus shelter along Expo Parkway for future bus riders in the proposed development agreement. The application materials state the developer is working with the Missoula Ravalli Transportation Management Association to create a van share and carpooling program to provide opportunities for the residents to have an alternative to single-occupancy trips. Sidewalk improvements along Expo Parkway and Stonebridge Road would be constructed through a building permit process, improving the pedestrian and bicycling transportation infrastructure in the area. Reserve Street, where all types of commercial services are available, includes pedestrian sidewalks and bike lanes. The nearest transit stop is approximately a mile away and runs infrequently.
Discourage encroachment into the Wildland-Urban Interface (WUI).	The subject property is a reclaimed gravel pit that abuts wildland fuels (hillside to the west). A Risk Analysis and Fire Protection & Emergency Plan submitted with the application states the site is located within the WUI.
Explore policies and incentives to discourage sprawl and leap frog development.	This property contains multi-dwelling structures and is surrounded on three sides by urban development. It is a previously used gravel mine as opposed to open farmland or forestland.
Ensure that bike/pedestrian trail system access is within close proximity of every residence.	The Grant Creek Trail bike/pedestrian trail system is readily available to the property. Pedestrian facilities would be required within the development, and would be improved with sidewalks on Expo Parkway and Stonebridge Road. Sidewalks and bike lanes exist on Reserve Street.
Protect and enhance Missoula's surface and ground water quality and quantity.	The property is located approximately 500 feet from Grant Creek and as such, high density development has the ability to impact water quality if runoff is not adequately managed. Application materials state the development will utilize hydrodynamic separation, settling basins, permeable concrete paver parking lot sections, and trash baffles to treat storm runoff prior to discharge. Underground storm water detention facilities are also currently being utilized to assist with flood control and water temperature control. The City of Missoula also requires storm runoff to be managed in accordance with state and city requirements through the building permit process.

Zoning

Zoning and Land Uses

26. The two parcels are currently split-zoned. The north parcel contains area zoned R5.4 Residential, RM1-35 Residential (multi-dwelling), and C1-4 Neighborhood Commercial. The south parcel contains areas zoned RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial.

27. Title 20 Section 20.01.100.E – Split-Zoned Parcels states that for existing and proposed uses and structures, the more restrictive provisions of the applicable zoning districts apply to the entire parcel (except when one base zoning district applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area, which is not the case on either parcel here). The more restrictive and therefore applicable current zoning for the north parcel is R5.4 Residential (single dwelling) and the south parcel is RM1-35 Residential (multi-dwelling).
28. The minimum parcel area and the minimum parcel area per unit in the R5.4 zoning district is 5,400 square feet. The R5.4 zoning district permits detached houses and lot line houses. The setbacks are: 20-foot front and rear setback, 10-foot street-side setback, and 7.5 feet or at least 33% of the height of the building (whichever is greater) on any interior side yard setback. The maximum building height permitted in this district is 30 feet, or up to 35 feet with a roof pitch steeper than 8 in 12.
29. The minimum parcel area in the RM1-35 zoning district is 3,000 square feet, and the parcel area per unit is 1,000 square feet. The RM1-35 zoning district permits detached houses, lot line houses, townhouses, two-unit houses, multi-dwelling houses/buildings, and mixed-use residential building types. The setbacks are: 20-foot front and rear setback, 10-foot street-side setback, and 5 feet on any interior side yard setback. The maximum building height permitted in this district is 35 feet.
30. The applicant is proposing to rezone both parcels to RM1-45 zoning district, which also requires a minimum parcel area of 3,000 square feet and a parcel area per unit of 1,000 square feet. The RM1-45 zoning district permits all residential building types. The setbacks are: 20-foot front and rear setback, 10-foot street-side setback, and 5 feet on any interior side yard setback. The maximum building height permitted in this district is 45 feet.
31. The rezoning to RM1-45 would allow up to 1,185 gross dwelling units following hillside density reduction calculations, although this figure does not account for the space needed for streets, parking, and activity area so is an upper limit. The applicant's proposed development agreement limits development to 700 total dwelling units on the subject property, including the 166 dwelling units that have been permitted to date.
32. Any new development on the subject property will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code.

Surrounding Land Uses	Surrounding Zoning
North: Open Space and Single Dwelling Residential	Prospect PUD
South: Hotels, Restaurant, and Vacant	C1-4 Neighborhood Commercial
East: Warehouse, Cultural Facility, and Multi-Dwelling Residential	Rocky Mountain Elk Foundation Special District / RM1-35 Residential (multi-dwelling) / B2-2 Community Business
West: Vacant	Unzoned

Transportation

33. The Montana Department of Transportation recently upgraded the intersection of Grant Creek Road and I-90 to include three south-bound lanes, a bike lane, and signal timing upgrades to maximize safe traffic flow. The applicant submitted a traffic impact study that has been vetted by city staff, who requested changes. Future transportation facility upgrades will be required to be made by the developer. This is a process that takes place under Title 20 at the time of building permit review.
34. As part of the existing multi-dwelling development permit process, the developer built boulevard and sidewalk along the north side of Expo Parkway on the southern parcel. There is a missing sidewalk segment between the subject property and Grant Creek Trail. Sidewalk is also intermittent along Stonebridge Road. The missing segments can be required through future building permit reviews.
35. The developer has petitioned for the property be added to the Missoula Urban Transportation District as per Title 20, Section 20.40.090.G. There are no transit lines currently adjacent to the parcels. Mountain Line's Route 11 is available about a mile south at Expressway and Reserve Street. Mountain Line's 2043 Long-Term Network plans

to serve this area via Route 15A, which would potentially provide 30-minute transit service to North Reserve, but the implementation of this route is contingent on several factors including future funding.

Safety Services:

36. The subject property is located within an established service area for Missoula hospitals and City Fire and Police Departments. The nearest fire station is located at 3011 Latimer, approximately 2.5 miles away via Reserve Street. The nearest police station is at 435 Ryman, approximately 4.7 miles away.
37. Future development, including all structures, fire fighting water supplies, drive aisles, signage, and access, must comply with the International Fire Code through the building permit process.
38. The application submittal includes a Risk Analysis and Fire Protection & Emergency Plan providing an analysis, in general terms, of the fire protection issues associated with the site and surroundings. The report characterizes the wildland fire risk at the site as 'low to moderate' and within the development as 'negligible,' particularly if the recommended fire-resistant building materials and construction techniques are used. The report states it was reviewed by the Missoula Fire and Police Departments, Missoula County Emergency Management, and Missoula County Sheriff's Department for its accuracy.
39. Assistant Fire Chief Gordy Hughes provided extensive comments on the project in an email dated June 29, 2021. In part, the comments state, "The Missoula County Sheriff's Office is tasked with evacuation and employs many options and resources to facilitate this endeavor. With regards to the Grant Creek drainage, adequate (code compliant) roadways serve all inhabitants from Interstate 90 to the terminus of the black top in the upper reaches of the drainage (I can't speak to residents living off dirt roads). The proposed Grant Creek Village development will not significantly impact the ability of inhabitants to egress to a safe location in the event of a wildfire. Nor will it impact the ability of emergency responders to ingress for emergency purposes. The real discussion that needs to take place, in virtually every Wildland Urban Interface region, is whether enough preparation is taking place at the property owner level, i.e., treating the 'Home Ignition Zone'. The Missoula Fire Department Fire Prevention Bureau would be happy to work with any of the homeowners to address this."

Water, Sanitation, and Utilities:

40. The subject property is served by City sewer and water, which is proposed to serve additional residences, with review and approval of the City Public Works & Mobility Department.
41. Storm water would be managed on-site and reviewed and approved by City Public Works & Mobility Department staff, as discussed above.

Conclusions of Law:

Title 20, Section 20.85.040.G; In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:

1.a. Whether the zoning is made in accordance with a growth policy;

1. The rezoning is made in accordance with the Growth Policy Future Land Use Map because approximately 87% of the subject property is designated as Residential High Density – Greater Than 24 Dwelling Units Per Acre and because RM1-45 is one of the appropriate implementing districts of the Residential High Density map designation. Further, the allowed residential density in the RM1-45 district is the same residential density allowed in the implementing districts under the Regional Commercial and Services Future Land Use Map designation. These districts (C1-4, C2-4, and M1R-2) also permit residential density up to 43 dwelling units per acre in similar building types.
2. The rezoning complies with many of the policy statements, goals, and objectives of the growth policy

1b. Whether the zoning is designed to secure safety from fire and other dangers;

1. Emergency services are available to the site. Law enforcement personnel and procedures are available to address potential problems of noise, property damage, or personal injury with no unusual impacts anticipated. Fire protection is also available to the site.

2. Specific fire protection requirements of the International Fire Code, such as fire resistant building materials, use of sprinklers inside structures, and other design elements are addressed at the building permit stage.
3. The zoning amendment will not significantly impact the ability of inhabitants of the Grant Creek drainage to egress to a safe location in the event of a wildfire. Nor will it impact the ability of emergency responders to ingress for emergency purposes.
4. The property is not located within a special flood hazard area and no other dangers are apparent.

1c. Whether the zoning is designed to promote public health, public safety, and the general welfare;

1. The rezoning will promote public health, public safety, and the general welfare by providing for workforce, senior, and other types of housing in an area with access to sewer, water, emergency services, streets, recreational facilities, and other urban services in substantial compliance with the City Growth Policy.
2. Future development will be subject to all applicable local, state, and federal regulations ensuring the protection of public health, safety, and welfare.

1.d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

1. The subject property is served by motorized and non-motorized transportation facilities. Street and sidewalk improvements will be required through the building permit process based on the findings of an approved traffic impact study. Although the property is not currently served by transit, the owner petitioned for the property to be included within the Missoula Urban Transportation District, which is the first step toward expanding transit service.
2. The property is served by water, sewer and public schools.
3. There are no developed parks within one-half mile of the subject property. Missoula Title 20 Section 20.65.020.C requires multi-dwelling complexes to provide at least 20% of the parcel as activity area. Grant Creek Trail is located close to the site. City Parks and Recreation has plans for a public trail network on 428 acres of open space located within walking distance of the property. Impact fees from future development can be used to improve public services in the area.
4. The rezoning facilitates the adequate provision of public services including transportation, water, sewer, schools, parks, and other public requirements because the property is inside the Urban Growth Area and the Sewer Service area and is served by water, sewer, motorized, and non-motorized infrastructure.

1e. Whether the zoning considers the reasonable provision of adequate light and air;

1. This rezoning would provide for adequate light and air as all future development would be required to meet building code standards for windows and ventilation and zoning code height limitations, building setbacks, and activity area requirements.

1.f. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

1. Rezoning and subsequent development will add sidewalk improvements to Stonebridge Road and is expected to have a marginal impact on the city's motorized and non-motorized transportation systems.

1.g. Whether the zoning considers the promotion of compatible urban growth;

1. The Growth Policy Future Land Use Map is adopted public policy that provides a guide to compatible urban growth. The map designation for 87% of the property is Residential High Density – Greater Than 24 Dwelling Units Per Acre. The RM1-45 district provides for high density residential development in accordance with the Future Land Use Map. Additionally, the implementing commercial zoning districts applicable to the Regional Commercial and Services land use designation provide for a residential density that also accords with the density provided in the RM1-45 district.
2. The rezoning promotes compatible urban growth because it allows development that is very similar to the existing multi-dwelling development on the southern parcel, and provides a transition between highway

oriented commercial development along the I-90 corridor and single-dwelling residential development to the north. Additionally, Title 20 requires landscaping along property boundaries designed to provide a visual and auditory buffer.

1.h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

1. The rezoning to RM1-45 is suitable for the subject property and considers the character of the district and its peculiar suitability for particular uses because it provides for compatible urban development in accordance with the Growth Policy, is supported by urban water, sewer, public safety, and other services, is in close proximity to a variety of commercial services, employment, and recreational opportunities, is supported by motorized and active transportation facilities, and provides a transition from highway commercial to single-dwelling residential development.

1.i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

1. Two multi-dwelling buildings are currently located on the property. Additional structures allowed under the RM1-45 zoning are similar in terms of building types and scale, so no conflicts are anticipated. Future development would be required to meet property line setback and buffering requirements.
2. There is no evidence to indicate the zone change would negatively impact the value of surrounding buildings. The Growth Policy Future Land Use Map provides guidance on the most appropriate use of the land, which in this case is primarily Residential High Density – Greater Than 24 Dwelling Units Per Acre. This rezoning encourages the most appropriate use of the land because it would apply an appropriate implementing zoning for the Growth Policy designations as described in this report.

2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;

1. The Growth Policy Future Land Use Map is adopted public policy that provides a guide to compatible urban growth. The map designation for 87% of the property is Residential High Density – Greater Than 24 Dwelling Units Per Acre. Under Title 20 Section 20.01.100.E – Split-Zoned Parcels, the current applicable zoning on the majority of the property is R5.4, a residential district which does not provide for high density residential development as called for in the City Growth Policy. Therefore, the proposed zoning is more in accordance with the Growth Policy, and therefore corrects an inconsistency.
2. The proposed zoning allows for high density residential development which could help to meet the challenge of changing conditions in Missoula related to the great demand for and limited supply of housing.

3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

1. The proposed zoning amendment is in the best interest of the city as a whole because it promotes the most closely aligned types of development contemplated in the City Growth Policy, it would help to meet both an urgent and steady need for additional housing, and because future development can be accommodated through the expansion of public facilities and services in accordance with city policies.

III. AGENCY COMMENT

City Fire

“Wildfire is an inevitable occurrence, and virtually no area in and especially around the city of Missoula is immune to such. Our ability to live with wildfire is dependent upon many factors, with each factor impacting the outcome in the event of a wildfire. With the development of the drainages around the Missoula Valley, citizens are placed at risk of property damage and physical injury/death. The easiest solution to this dilemma would be to restrict development and overall access to these regions. However, this is not feasible. So we make adjustments, or perhaps turn a blind eye and do nothing at all and live with the opinion that ‘wildfire won’t impact me’. The next best option to limit the danger fire poses to an individual is to get people out of harms way. Timely and coordinated egress is the solution to avoiding the threat. Many variables must be considered when emergency responders initiate the evacuation order, i.e. location of the fire, weather (primarily wind), and topography, just to name a few. Typically evacuations occur by regions most at risk first followed by those least impacted. The Missoula County Sheriff’s Office is tasked with evacuation and employs many options and resources to facilitate this endeavor. With regards to the Grant Creek drainage, adequate (code compliant) roadways serve all inhabitants from

Interstate 90 to the terminus of the black top in the upper reaches of the drainage (I can't speak to residents living off dirt roads). The proposed Grant Creek Village development will not significantly impact the ability of inhabitants to egress to a safe location in the event of a wildfire. Nor will it impact the ability of emergency responders to ingress for emergency purposes. The real discussion that needs to take place, in virtually every Wildland Urban Interface region, is whether enough preparation is taking place at the property owner level, i.e. treating the 'Home Ignition Zone'. The Missoula Fire Department Fire Prevention Bureau would be happy to work with any of the homeowners to address this." Let me know if you need any clarification or more information on any of this." Assistant Fire Chief Gordy Hughes, June 29, 2021

"The road running through the development needs to be properly sized and signed/marked and the dead-end parking lots need to be less than 150' in length. Also, according to the Risk Analysis, Fire Protection and Emergency Plan they submitted everything in the development is going to be fire sprinkled. Would surprise me if they actually plan on fire sprinkling their town homes (#2 on site map), although underground parking may be driving fire sprinklers in them since they don't appear to be providing off street parking along the entirety of the road." Fire Marshall Dax Fraser, March 7, 2022

City/County Health Department – Air Quality Division

"The Air Program at the Missoula City-County Health Department supports the trails and sidewalks proposed with this masterplan that appear to connect or provide potential for future connects to other non-motorized facilities. We have no other comments currently." Air Quality Specialist Benjamin Schmidt, March 7, 2022

City Parks and Recreation

"The proposed rezone and development agreement will add new residents and thus increase demand for parks, trails, open spaces, and community forestry improvements and services. At present there are no developed public parks within a ½ mile of the property to serve it. The proposed private active recreation improvements are appropriate and necessary, as such. The development will be served by Grant Creek Trail; however, there are no existing sidewalks or trails that connect to the development parcel. In addition, there is a missing gap in the Grant Creek Trail that is located between Stonebridge Dr and Expo Parkway. The City owns several open space parcels in the general area that will benefit proposed new residential development. Grant Creek is nearby and is likely to be affected by sediment and erosion from the project and residential uses. Downstream segments of Grant Creek are already water quality limited. In addition, the Grant Creek area is known to contain clay soils that can inhibit infiltration. As such, this development should provide for higher level of stormwater treatment that will help remove sediment and minimize water temperatures. Use of treed swales and boulevards is recommended to mitigate the development's water quality impacts. The bioswale area should be designed with appropriate soil volume for a class 2 tree.

Recommended conditions to add to the Development Agreement:

- A. Build a 10' wide paved public trail and grant a 14' wide easement over it to provide for a future public trail connection from the development to the Grant Creek Trail spur (located NE of the property, north of Rocky Mountain Elk Foundation)).
- B. Extend new sidewalks from the development property, east and off-site, to connect to existing sidewalks on both Expo Parkway and Stonebridge Dr.
- C. Provide for higher level of stormwater treatment by using "green" stormwater infrastructure to remove sediment and minimize increased temperature of stormwater runoff. The project shall incorporate and use well sized treed boulevards and swales to mitigate the development's water quality impacts as well as provide for snow storage on adjoining public streets.

As the project advances, it will be important to review activity areas in phase 2 to ensure they were not built or modified with future phases or counted twice. The whole project will still need to meet activity area requirements.

Missoula's open space ordinance dictates that any hillside with a slope greater than 25% does not meet open space /parkland dedication requirements. There are portions of the proposed open space dedication on the hillside that exceed this 25% limit." Missoula Open Space Program Manager Grant Carlton, March 18, 2022

"We're suggesting that the developer build a 10' trail and grant a 14' easement on that same corridor on developer-owned property that will provide for a connection to the RMEF property. I'm working with RMEF personnel to explore the potential acquisition (in fee or an easement across) of the northern portion of its property and the RMEF-owned portion of the Grant Creek Trail. We're hoping for a connection from Grant Creek Village to the Grant Creek Trail and beyond, while also preserving the potential/future ability to connect users from the Grant Creek Trail to a future I-90 underpass or to not-yet-acquired open space to the west." Missoula Open Space Program Manager Grant Carlton, March 18, 2022

Missoula Urban Transportation District

"The Rezone and Development Agreement request contains a map and summary of proposed Mountain Line routes that would serve this area, but I would like to stress that Mountain Line does not have immediate plans to serve Lower Grant Creek Rd. The included map was primarily created for a mode shift study as part of the Mullan BUILD Grant planning effort; the route alignments and bus stop locations shown are preliminary, and it is not guaranteed that this area will be served by fixed-route transit. Mountain Line's 2043 Long-Term Network does plan on serving North Reserve and potentially Lower Grant Creek Rd., but this service is contingent not just on funding and increased demand, but also on a shift in development patterns along North Reserve St that favor increased density, walkability, and safe pedestrian infrastructure." Missoula Urban Transportation District Transit Planner Dan Stone, March 17, 2022.

"Determining where and when we provide new service depends on a lot of factors – funding, demand, ridership potential, equity considerations, land use and development patterns, etc. We do not have minimum population or density requirements for providing fixed-route service, but we encourage development to occur in ways that are supportive of existing and future transit service (see our Transit Guidelines in Project Development publication for more info). With this development in particular, designing it to be dense, walkable, and pedestrian friendly does help move the needle in potentially providing fixed-route service there someday, but it will remain difficult to serve if conditions along North Reserve St. do not change and it remains an island of dense residential development far from other nodes and high-transit demand areas. Adding new transit routes is expensive and requires either a substantial increase in funding or that we divert resources from other areas of our community, which is why the best way to ensure that new development is served by public transportation is to build near existing transit lines. That being said, we realize the need for us to respond to new developments occurring outside of our current service area, and we will be diving deeper into planning for these areas next year as we update our Strategic Plan." Missoula Urban Transportation District Transit Planner Dan Stone, March 23, 2022.

Regarding a petition to annex the property into the Missoula Urban Transportation District: "We received a petition in 2020 for 2900 & 2920 Expo Parkway (attached), so no further action is needed from the developer on this." Missoula Urban Transportation District Transit Planner Dan Stone, March 28, 2022.

City Public Works and Mobility Transportation Division

"1. Whether the zoning is designed to promote public health, public safety, and the general welfare;

a. Public Works & Mobility recommends that the developer investigate the irrigation ditch and mitigate the effects of leakage on nearby residences if needed.

2. whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

a. Grant Creek Village has submitted a traffic impact study. Based on the TIS the development will have impacts to the immediate streets and to Grant Creek Road. The signalized intersections of Grant Creek Road and I-90 have recently been upgraded. Engineering has asked for additional TIS items which might show a need for improvements to Grant Creek Road at Expo Parkway and/or Stonebridge Road. If improvements are warranted, they would be installed by the development.

6. whether the zoning considers the effect on motorized and non-motorized transportation systems;

a. Grant Creek Village has shown adequate motorized and non-motorized infrastructure within the development. However, Public Works & Mobility would recommend additional non-motorized connections, especially across the center of the development and to continue those facilities across the parking areas connecting to Stonebridge and widen the eastern sidewalk to allow for both bicycle and pedestrian use." City Engineer for Development Review Troy Monroe, March 21, 2022

Blackfoot Communications

"Blackfoot does not have any comments on this rezoning." OSP Project Engineer Jordan Johnson March 8, 2022

City Police Department

No comments have been received.

Missoula Valley Water Quality District

No comments have been received.

Missoula Redevelopment Agency

No comments have been received.
Missoula County Weed District
No comments have been received.
Missoula County Office of Emergency Management
No comments have been received.
Montana Department of Transportation
No comments have been received.
Montana Department of Revenue
No comments have been received.
Missoula County Airport Authority
No comments have been received.
Missoula Irrigation District
No comments have been received.
Hellgate Irrigation District
No comments have been received.
Montana Department of Natural Resources and Conservation
No comments have been received.
Montana Department of Fish, Wildlife & Parks
No comments have been received.
US Fish & Wildlife Service
No comments have been received.
Missoula Community Planning, Development & Innovation Long Range Planning Division
No comments have been received.
Missoula Community Planning, Development & Innovation Office of Neighborhoods
No comments have been received.
Missoula Housing Authority
No comments have been received.
Republic Services
No comments have been received.
Northwestern Energy
No comments have been received.
Century Link
No comments have been received.
Yellowstone Pipeline Company
No comments have been received.
Missoula Electric Cooperative

No comments have been received.
Confederated Salish & Kootenai Tribes
No comments have been received.
Hellgate Elementary School
No comments have been received.
Missoula County Public Schools
No comments have been received.