



Missoula Consolidated Planning Board Minutes

April 19, 2022, 6:00 PM

ZOOM Webinar

Voting members present: Josh Schroeder (Conservation Dist Appt), Dori Gilels (Mayor Appt), Tung Pham (Mayor Appointee), Ellie Costello (City Appt), Dave Loomis (County Appt), Rick Hall (County Appt), Shane Morrissey, Vice Chair (City Appointee), Sean McCoy, Chair (County Appt)

Regular member(s) absent: Micah Sewell (County Appt)

Alternate(s) absent: Sierra Farmer (City Alt)

1. Call to Order

[YouTube Video](#)

Mr. McCoy called the meeting to order at 6:02 p.m.

2. Roll Call

Heather Powers called the roll.

3. Approval of Minutes from April 5, 2022

Mr. Hall motioned and Mr. Morrissey seconded that the minutes be approved as submitted.

The minutes were approved by unanimous voice vote.

4. Public Comment on Items Not on the Agenda

No public comment on items not on the agenda.

5. Staff Announcements

Mr. McCoy mentioned the joint City-County board training notice which was shared with all who serve on boards and committees.

6. Public Hearings

6.1 Grant Creek Village/2920 Expo Pkwy Rezoning. Dave DeGrandpre, Planning Supervisor, Community Planning, Development, & Innovation, City of Missoula

Dave DeGrandpre, AICP, Land Use Supervisor, Community Planning, Development & Innovation, City of Missoula, received a subdivision and rezoning application from Woith Engineering, Inc., representing KJA Development LLC, with the request to rezone approximately 44 acres consisting of two parcels of land from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling). The parcel is currently split zoned with four different zoning districts and the proposed rezoning would make the entire

parcel RM1-45 Residential (multi-dwelling). The RM1-45 zoning district permits all residential building types including detached house, townhouse, duplex, and multi-dwelling. The property is located in the Lower Grant Creek area west of the Rocky Mountain Elk Foundation headquarters and north of Expo Parkway. The southern portion of the property is developed with recently constructed apartment buildings and northern portion of the property consists of a reclaimed gravel pit, irrigation canal, and hillside.

With the existing zoning, the property could be developed with up to 156 single-dwelling and duplex homes and 339 multi-dwelling units (495 dwelling units total). Along with the rezoning application, KJA Development, LLC submitted a development agreement and master site plan for new residences and amenities that would limit development to a total of 700 residential units for rent, including the 166 multi-dwelling units that have already been permitted under the current zoning. This project is located in the Grant Creek Neighborhood Council.

Staff Presentation

- MCA Title 76, Chapter 2, Part 3 provides cities with zoning powers and procedures
- Missoula Title 20 Section 20.85.040 provides procedural guidelines for zoning amendments
- RM1-45 is a standard zoning district - **conditions cannot be applied**

The property consists of 2 parcels which are 44 acres, accessed by two city streets, Expo Parkway and Stonebridge Road. Prior usage was as a gravel pit, which has since been leveled out. Two apartment buildings currently exist on the southern parcel, and two others have been permitted for a total of 166 units. The parcels are well within city limits and serviced by city water and sewer.

Both properties contain more than one zoning designation - split zoned - and it is the most restrictive zoning designation which governs development - in this case, RM1-35 applies to the southern parcel and R5.4 applies to the northern parcel.

Estimated gross development potential of the current zoning after hillside density reductions:

- North parcel - 156 single dwelling units, min. parcel area and area per unit of 5400 sq. ft., max height of 35 ft.
- South parcel - 339 dwelling units, min. parcel area of 3000 sq. ft., min. unit area of 1000 sq. ft., max height of 35 ft.

Estimated gross development potential with adoption of proposed zoning:

- RM1-45 - 1185 dwelling units, min. parcel area of 3000 sq. ft., min. unit area of 1000 sq. ft., max height of 45 ft.
- this is very similar to the RM1-35 designation, except that the max height allows for 4 story buildings rather than 3 story

NOTE - these gross density estimates do not take into account the need for streets, landscaping, open space, setbacks, etc., and the actual number of units able to be developed would be lower than depicted for both the current and proposed zoning.

History: KJA Development applied to rezone to RM1-45 in 2020 - not approved due to:

- concerns about growth policy compliance
- one ingress/egress in the event of a wildfire
- lack of safe non-motorized transportation facilities
- exacerbate existing traffic issues without mitigating impacts
- single occupancy vehicle trips, emissions

What has changed since 2020:

- housing demand continues to outpace supply
- 166 dwellings permitted on south parcel
- new southbound through lane and bike lane under the I-90 interchange
- public trails coming this summer at Bluebird Recreation Area
- developer has procured Risk Analysis & Fire Prevention & Emergency Plan
- developer has refined and modified plans

Proposed Development Agreement (DA)

- a contract between the city and the applicant
- runs with the land - does not expire with change in ownership
- 700 residences maximum (fewer vehicle trips)
- includes plans for a community center, recreation areas, hiking trails, area for day care, community garden, dog park, etc.
- **Rezoning must be decided on whether the request complies with the review criteria not the DA.**
- **The DA was offered in good faith by the applicant but does not weigh into the assessment of compliance with the review criteria.**

Mr. Hall asked if the DA would be recorded in some binding form. Mr. DeGrandpre clarified that the DA is not codified nor attached to the zoning as a binding condition in the same sense a subdivision would be conditioned.

Review Criteria: full analysis of the criteria listed below may be found in the staff report, and Mr. DeGrandpre gave an overview of Growth Policy compliance.

- Compliance with Growth Policy
 - The proposed RM1-45 substantially complies with the Growth Policy Future Land Use Map
 - This proposal is in compliance with the Residential High Density and Regional Commercial and Services districts specified for this area - the commercial and

industrial districts allow residential development up to 43 dwelling units per acre with mixed use goals in mind

- Focus Inward Approach - supports housing goals with access to existing city services, though some services (transportation, parks, trails, neighborhood commercial) do not currently exist
- Public Services/Transportation
- Compatible Urban Growth
- Promotes Public Health and Safety
- District Character & Suitability of Uses
- Corrects an Error/Inconsistency or Meets the Challenge of Changing Conditions
- In the Best Interest of the City as a Whole

An analysis of whether this could be considered spot-zoning has been included in the staff report, and Mr. DeGrandpre is happy to field questions from board members on this topic.

Staff Recommended Motion:

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.

Applicant Presentation

Spencer Woith, President, Woith Engineering - The project is being proposed by Woith Engineering, Hoffmann Morgan & Associates, and Ken Ault of KJA Developers.

Mr. Woith spoke to topics in the staff presentation and offered some additional points for consideration, focusing on key Review Criteria. The DA was drafted to address concerns from the previous 2020 hearing.

In Accordance with the Growth Policy: The proposal has reasonable compliance with both the Growth Policy and the 1980 Grant Creek Area Plan; the Residential High Density designation recommends 23-43 dwelling units per acre as envisioned by the Growth Policy, and RM1-45 falls within relatable zoning districts. The request addresses the split zoning situation while meeting the development scale envisioned by the 1980 plan. The proposed site plan attempts to complement the existing zoning by grouping multifamily dwellings to the south in the existing RM1-35 zone and single family dwellings to the north in the existing R5.4 zone. The density maximum of 700 dwelling units (15.89 DU/ac.) proposed by the DA is roughly half the density recommended by the Growth Policy and is intended to address community concerns about increased density.

The voluntary DA is designed to address community concerns brought forward by Friends of Grant Creek, the Rocky Mountain Elk Foundation, and other members of the public. Some aspects of the DA and mitigation efforts include:

- Current density and user base does not justify a new bus route - they have reached out to the Missoula-Ravalli Transportation Management Association (MRTMA) to secure a ride-share agreement which will remain in place until Mountain Line bus routes are established in the area. Designated areas to serve public transit are included in the site plan.
- Hillside no-build areas with planned construction of hiking trails for use by residents and neighbors
- Large turf ed open space, playground, and a pool - planned open space will be larger than a football field
- Fenced dog park
- Covered school bus and transit shelter and location for MRTMA ride share program
- Clubhouse building with tenant working space
- 115' setback from neighboring single family development in Prospect Addition
- 30' setback from Cottonwood Condos and RMEF
- Crosswalk improvements at two locations

Safety from Fire & Other Dangers / Public Health, Safety, & General Welfare: Mr. Woith presented a statement from Bruce Suenram, President of Fire Logistics Inc., former MT State Fire Marshall, and former Chief of the Missoula Rural Fire District, that an evacuation in Grant Creek could be conducted without impacting the population of Grant Creek Village or having that population adversely impact an evacuation. An additional statement was provided from Gordy Hughes, Asst. Fire Chief, that adequate roadways exist to serve those living off paved roads in the Grant Creek drainage in the event of an evacuation, and the proposed Grant Creek Village development would not significantly impact ingress/egress in the case of an emergency; he suggested individual home ignition zones were of greater concern and suggested individual property owners partner with the Missoula Fire Dept. Prevention Bureau to address this.

Provision of Transportation, Water, Sewerage, Schools, Parks, & Public Requirements: There is ample recreational opportunities available in the area, starting with the pool and the playground, and including the existing Grant Creek Trail system and the future 124-acre Bluebird Preserve with public trail access, and the Republic Service seasonal public access conservation easement. Upgrades to pedestrian and multimodal transportation infrastructure include the crosswalk upgrades at Expo Parkway and Stonebridge Rd, the bus stop/transit shelter, and the ride-share program. City water and sewer services are available, and storm water provisions are in place - permeable pavers, hydrodynamic separators and a large underground retention system for temperature and sediment mitigation have already been installed.

Provision of Adequate Light and Air: The increased setbacks aim to alleviate the concerns of the neighbors, and it will ensure the development sits well below the

Prospect development (35' drop). The ability to go to the 45' height allows for a unit count that makes the project financially feasible as well as freeing up open space. This height also allows for the installment of elevators which will provide greater accessibility.

Compatible Urban Growth: The proposed zoning is in line with the surrounding districts.

Questions from board members

Ms. Gilels asked why "turf" was chosen. Mr. Woith explained that turf was chosen to help with the "heat island" effect and clarified that it would be real grass - not artificial turf - to provide a flatter, open space for children and families to utilize.

Ms. Gilels asked if there is room for commercial development on the property to the south. Mr. DeGrandpre stated that there are two vacant lots but plans for those lots are currently unknown.

PUBLIC COMMENT OPENED WITH TWO PUBLIC PRESENTATIONS [7:18 p.m]

RT Cox, President, Friends of Grant Creek (FGC)

They (FGC and the community) acknowledge the efforts of the developer to address concerns from the 2020 public hearings. After receiving notice of the application, FGC organized a well-attended neighborhood meeting, held on Mar 29th - 50 in person, 20 by Zoom - and people were still universally opposed to the rezoning request.

- A memo/packet was submitted addressing the zoning criteria and growth policy compliance.
- An additional memo/legal brief was submitted concerning the development agreement - there are concerns about meaning and enforceability of the DA if ownership and circumstances change; zoning cannot be conditioned yet the DA is presented as a factor to consider. It is a good faith measure, but not enforceable if circumstances change.

City Engineering requested the KJA consultant's traffic assessment report be redone, and the FGC consultant has not had opportunity to review the report. They are also waiting on additional traffic count data that City Engineering completed so that a subsequent analysis can be completed by their consultant. The proposed development under new zoning could potentially add 3000 trips per day to the daily commute, not counting additional traffic impacts from development planned at Glen Eagle and Snow Bowl. Traffic is already a concern for safe ingress/egress onto Grant Creek Rd., and accurate traffic reports are required to address decision criteria concerning transportation. FGC asks that the record be kept open to give adequate time to review the revised reports and new data - their consultant could have a complete report prepared by the 25th of April.

While the gravel pit is attractive as a housing site, this area is not appropriate for the proposed density. The land will be developed, it is just a question of how, and FGC believe single family homes to be more appropriate for the area. The location is no closer to schools, public transit, and services than it was two years ago. Grant Creek is in the Wildlife Urban Interface (WUI), not the city core. There has been an increase in

the number of traffic accidents in the vicinity of the commercial locations north of the I-90 interchange.

Mr. Cox referenced a City Club housing presentation in March at which Heather McMillan spoke; she emphasized the focus inward approach, in which housing density should happen near schools, services, and existing multimodal transportation infrastructure - one of the challenges to city planning is when an open piece of land is pushed to be developed despite not being the best fit for focus inward goals. City permitting has seen a great influx of multifamily housing projects, which only meets one segment of the housing market need - how might people be incentivized to build single family housing? One method is to deny rezoning requests, such as this one. The current zoning meets the community character and has been in place since the 1980s - there is great need for the single family housing that complies with the current zoning.

There are no crosswalks across Reserve St., there are issues with sidewalks or the lack of sidewalks in the area, and there are gaps in the trail. The city has agreed that a traffic study needs to be done on Grant Creek Rd., but Mr. Cox stated that one has not been done due to lack of funds. There are traffic and infrastructure issues that have not been addressed and will continue to go unaddressed after the proposed development would be implemented.

Mr. Cox thanked the board for their attention and service to the community.

Mike Cole, Project Leader for the Grant Creek Wildfire Risk Task Force

Mr. Cole thanked the board for the opportunity to present on the WUI and wildfire risk analysis. Grant Creek has been identified as a high-risk area of concern by federal, state, and local agencies - this information and research was not referenced in the staff report.

- increasing density in the WUI is not a good idea - fires that have burned in the surrounding area would fill the entire Grant Creek drainage
- fuel hazards in developed areas - the area proposed for development is primarily grassland
- the proposed 4 story buildings are more difficult to evacuate, and elevators may be shut down due to outages in a fire emergency
- overtaxed city fire services and long response time - limited ladder truck capacity, especially if a unit is already on call
- traffic impact study - ingress/egress in an emergency is a concern
 - quality of analysis and data is a concern, as the study has been sent back three times
 - the most hazardous time of the year is tourist season, and no data has been collected during that time in the past two years

- this project does not and cannot meet affordable housing goals due to the current market, and it will only adversely increase density in the WUI - the staff report states the area is located within the WUI, but does not provide further analysis

Mr. Cole provided an example of a Boulder County, CO grassland fire - 6000 acres burned and over 1000 structures destroyed

- ecology around the Prospect subdivision is very similar in character
- fire code compliance does not prevent homes from burning - fire size, wind speed, ember showers will take out homes, regardless

Size comparisons of land areas and wildfire

- City of Missoula: 22,180 acres
- Lolo Peak Fire (2017): 54,000 acres
- Large wildfires: 100,000 acres (no longer considered exceptional events)
- Largest wildfire: 1,000,000 acres
- Missoula County: 1,670,000 acres

What can go wrong - high winds, cooccurring emergencies restricting resources, lack of resources, traffic accidents, and/or Grant Creek Rd. cut off by wildfire. No risk is negligible. Mr. Cole said that the applicants appear to have cherry-picked the Fire Chief's statement. The full statement included the following points: wildfire is inevitable, no area in/around Missoula is immune, and citizens are placed at risk of property damage, injury, or death, and the easiest way to address that is to restrict development. The Fire Chief also stated there is not a feasible way to restrict development, so adjustments are made or a blind eye is turned; Mr. Cole pointed out that a denial of this rezone is a way to restrict development in the WUI. Fire and police agencies will not tell you that they cannot handle the situation but the risks and demands of emergencies in the WUI can overwhelm them, especially when dealing with the day to day demands on their resources. The trend of traffic accidents on Grant Creek Rd. is going up, this is highest during the peak fire season, and traffic counts were not gathered during the peak of fire season and tourist season; counts should have been completed at appropriate times of the year, specifically July and Aug. There was no mention of climate change and increased risk in analysis in the staff report, but this should have been considered. Moral hazard is a term used when people do not adequately prepare for disaster, because they feel insulated from the consequences. Policy makers and developers do not have to pay the bills when disaster happens. The term "typical" when describing use and risk implies business as usual, but that does not accurately capture the situation, and modifying the home ignition zone does not guarantee that structures will be safe from wildfire.

Mr. Schroeder asked if the property was developed to current zoning potential is there a way to quantify that risk factor to compare to the proposed zoning risk? Is it a simple a function of the number of the cars and people? How much riskier is 700 than 495?

Mr. Cole said it is also a function of the increased risk factors caused by the population in a broader view. Some risk is not just limited to this rezone, but also the surrounding developments and recreational usage increases. Evacuations are not simple or

predictable, and fire behavior, intensity, and speed are increasing with climate change. (risk is increasing but not easily quantified)

Mr. Cox added that when taking site constraints into consideration, it is closer to 325 units that could be added between both properties, rather than the 495 gross estimated.

PUBLIC COMMENT

Aaron Neilson - attorney representing RMEF: Mr. Neilson stated that the burden of proof is on the developer, and he does not feel that traffic has been adequately addressed. The current zoning is in accordance with the growth policy, but the proposed zoning is not. The focus inward approach is for the urban core, and the growth policy does not supersede the 1980 Grant Creek neighborhood plan, which is an amendment to the growth policy and more appropriate to this geographic pocket of Missoula. The efforts to provide alternative routes, preserve open space, and other improvements have not fully mitigated the substantial risks. He asks the board to deny or postpone a determination until further traffic studies are completed. One consideration is whether the zoning suits the character of the area; it is a unique area with one road in and out, comparable to the Rattlesnake. The DA is ambiguous, dwelling units are not well-defined in terms of population per unit, and the city would need to enforce the DA at its own expense. He also noted the DA does not address sidewalks, traffic improvements, use of fire-resistant materials, or public transit.

Wendell Beardsley - Grant Creek Trails Association: They wish to ensure connectivity to the existing Grant Creek Trail system and future trail additions. City public works provided comment recommending additional DA conditions to provide improved trails, easements, and additional non-motorized connections. The Trails Assoc. would like to see several improvements made, including a 10 ft. wide paved trail on a permanent 14 ft. public easement, trail connectivity between trails north and south of I-90, extension of existing sidewalks to connect with other nearby city sidewalks, installation of crosswalk signs, and improved public crossings for public safety. He expressed appreciation of the board members' service.

Grant Parker - general counsel, RMEF: The Elk Foundation has been in Grant Creek for 20 years and they relied on zoning and the neighborhood character as a decision factor when purchasing the property. Over 40,000 visitors come to the RMEF location, annually. They are having increased issues with trespass and vandalism in recent years - added population will increase security and safety concerns. The DA is not a condition for the zoning and cannot be a decision factor. Additionally, the levee in the area has not been maintained by the city and potential flood risk has not been addressed. Again, the burden of proof lies with the developer - numbers have not been adequately provided to show the impacts of the increased development potential of a rezone. He urges the board to wait until those numbers and the traffic study data are provided since there has been ample time in the past two years for the developer to gather and provide that data.

Bert Lindler - resident of Prospect Meadows neighborhood: Mr. Lindler stated that 230 families living in Prospect Meadows have only one way out, across the bridge, and he share a story of a past flood which damaged that bridge and the temporary gravel road between Old Quarry Rd. and Stonebridge Rd. which provided access during the bridge

repairs. This bridge and road offer emergency access/egress, and the city and the developer should provide permanent easement access here, via the DA.

[RECESS: 8:20 - 8:30 p.m.]

Mr. Pham asked what insight does staff have regarding potential mitigation options to address the traffic and safety concerns expressed by the public?

Mr. DeGrandpre stated that there were errors found in the developer's initial traffic assessment, and those were sent back to be addressed, so they do not have the final report, yet. Currently, two options for mitigating traffic and safety concerns have been discussed at a staff level: addressing center lane congestion by lengthening the right turn lane, and adding pedestrian crossings and signs/signal lights for those crossings.

Kim [Burk], Grant Creek resident since 1986: She has public safety and fire evacuation concerns. They have seen multiple fires in Grant Creek, and the fire season gets more intense every year. The original zoning process happened in 1989, led by the Washington family. She stated the zoning was R-1 and R-4 in 1999, and she questioned when it changed to the current RM1-35 zoning - was it Title 20 implementation? The applicant is asking for the highest of high-density zoning, which is a significant change from the intent and vision of the original zoning.

PUBLIC COMMENT PERIOD CLOSED [8:42 p.m.]

PLANNING BOARD MEMBER DISCUSSION/QUESTIONS OPEN [8:42 p.m.]

Bob Abelin, Abelin Traffic Services, representing KJA, addressed public concerns with the traffic study. Some data was gathered during the pandemic, which was difficult. The numbers have been consistent, and data in March for skier traffic was good data but didn't change the results or their conclusions. What has changed - very little - there were lane use ideas (adding left turn lanes are not recommended and increase pedestrian crossing distance). The city had questioned the lane use distribution, so they adjusted left turn estimates from 5% to 1% in assessing left turns, and that only made tenths of a second difference in intersection delays. Historic data has not changed much from Missoula City and MDT studies in the past 5-10 years. Traffic studies don't look for worst case scenarios but rather best representations for average usage.

Mr. Schroeder asked for confirmation that the majority of the larger parcel is zoned at RM1-35, but it's a legal technically of split zoning that the most restricted zoning of R5.4 applies, and he also asked for clarification of the densities of the properties and the Growth Policy recommendation. Mr. DeGrandpre confirmed that is the case in split zoning. The current applicable zoning of R5.4 does not comply with the Growth Policy. He clarified the proposed RM1-45 density is up to 43 units per acre, in compliance with the Growth Policy; the density limits specified in the DA (15 units per acre) would be in line with the Grant Creek area plan (16 units per acre).

Mr. Schroeder asked what the impact of the new southbound lane is compared to the 2020 situation, pointing out traffic concern mitigation is a critical consideration in the board's decision. Mr. Abelin stated the new lane impacts are significant, and MDT did well in planning to provide capacity for the future. The right turn lane could perhaps be longer, but only occasionally clogs up and services only 10-15% of the cars passing

through. Not much more can be done to improve how those intersections function. The intersection is working well based on normal use conditions; it is a busy intersection, yes, but it is working well for what it is.

Ms. Costello asked Mr. DeGrandpre how common is a DA used as a tool, how has it worked in other instances, and what are enforcement mechanisms for a DA? Mr. DeGrandpre stated that while DAs are used in municipalities across the country, Montana does not have an authorizing statute for DA - it happens at the local level. A DA can work, and it can provide value and assurance, but it can potentially become quite problematic if the developer changes direction. It's not ideal, especially when ownership changes. It is not as simple and clean as zoning rules.

Ms. Costello asked for the R-5.4 zoning density, and Mr. DeGrandpre answered it was a minimum lot size of 5400 sq. ft. which equates to roughly 8 dwelling units per acre.

Mr. Hall asked for clarification that the difference between the 35 and 45 density is height (3 stories vs. 4 stories), and Mr. DeGrandpre confirmed that, mentioning the value to the developer of being able to go higher. Mr. Hall stated he came from a jurisdiction where a DA could be codified; he asked for confirmation that the difference in this circumstance is that the DA here cannot be codified. Mr. DeGrandpre confirmed and stated that while it seems like a good deal, the DA is not codified and is not a slam dunk - it is not attached to the zoning change as a condition, nor can a decision be conditioned on it.

Mr. Pham asked procedurally, where does the DA live - is it a contract with the city or something else? Can it be added to or edited? Mr. DeGrandpre answered it may be edited in negotiations with the city, but it cannot be a prerequisite of the zoning. It is closer to a good faith proposal on the part of the developer.

Mr. Morrissey asked if the no-build zone on the western hillside of the property is codified or is it simply too steep to build on? Is it a no-build zone in perpetuity? Mr. DeGrandpre answered that it is not a codified, permanent no-build zone, and the city would allow development if certain conditions were met.

Mr. Loomis expressed his opinion that a DA is not a good idea, though he appreciates Mr. Alt offering the DA and its intent. He has concerns about it being a legal contract between city and landowners in perpetuity, and he has doubts about the effective enforcement of such a contract. The board should just consider the zoning by itself.

Mr. Hall asked if procedurally the board would entertain a motion for or against. Mr. McCoy mentioned it has been done both ways, but most often it is a motion for. Mr. DeGrandpre clarified that it is most helpful to staff for a board member to motion for, followed by discussion, then a vote. It is a laborious process to craft a new motion and findings of fact on the fly.

Mr. Woith offered that the DA was not their first choice, either, but it is an effort in good faith to assuage the neighbors' concerns. They are coming in as open and transparent as possible, and this is the best route given the circumstances.

The Motion, as written, was made by Mr. Hall and seconded by Mr. Schroeder.

BOARD DELIBERATIONS

Mr. Loomis: He complimented the public presentations which were given, specifically mentioning the notion of cumulative impact which Mr. Cole addressed. The Growth Policy refers to residential high density being in the core of the community, and he states that this is not the core of the community. Multiple services are not available in this area, including public parking, grocery, schools, and transit. The Growth Policy refers to infill within the urban core; this is not the urban core. Additionally, the fire safety issues are of concern. His findings show this proposal to be inappropriate for this area and inconsistent with the Growth Policy.

Mr. Hall: A four-story apartment belongs in the urban core. There is limited access in and out of Grant Creek. The proposed development is not compatible with the existing neighborhood character that is predominantly single family homes where nothing else is this tall. He agrees with density as a goal but not in a WUI area with one way in and one way out. RM1-35 is more compatible, and he would be more likely to support that as a proposal, especially since the DA is potentially not enforceable.

Mr. Schroeder: He is uncertain on how he will vote and commends the developer's design efforts to address public concerns and improve the original 2020 proposal. He feels the RM1-45 is a good choice, comparable to the density of current RM1-35 split zoning, but it allows the developer to build up to preserve open space and provide elevators for accessibility. The DA brings density in line with the medium density of the 1980 area plan, but that has to be thrown out because it can't be used in a decision, which is unfortunate. Despite the governing R5.4 zoning, the southern property is already zoned RM1-35, and the former gravel pit could accommodate more density than the applicable current zoning allows. He believes no one area of the community should have to shoulder (or not shoulder) all the density in the city, the housing crisis affects Missoula in its entirety, and the Growth Policy calls for density in this area, whether or not people agree that Grant Creek is in the urban core. The board can't condition zoning, and they have talked a lot about a DA which means nothing to the decision. One thing the board can consider is the additional southbound lane and bike path improvements which have occurred since 2020. He also asks that the board consider the equity of the situation - people who've had an uncontested chance to build far up Grant Creek in the WUI vs. a request for new development and density at the mouth of the drainage.

Ms. Gilels: She is uncertain of how she will vote, and she appreciates all work and input from the developer and citizens. Her concerns include whether this proposal is truly in accordance with the Growth Policy, security from fire and other dangers, public safety, and motorized/non-motorized transportation systems. She does not feel that the original concerns surrounding ingress/egress, fire, and climate have been adequately addressed. What they have heard about traffic is likely correct, but it is hard to believe that the addition of 1400 cars will not have significant impacts. She appreciated the comments received from public and agencies about the parks and trails system. While this gravel pit site seems appropriate for denser development, she has concerns about being pro-housing to the detriment of the values we have as a community.

Mr. Pham: He acknowledges the difficulty of the decision, but Missoula has a housing problem in which all housing types are needed, and the lack of housing will have long term effects more than anything else. Safety and traffic are concerns, but do we prevent development or encourage development to promote action to expand services - services

and development are a chicken/egg situation, since population is needed to support service expansion and a need in a developed area can promote action. The message he would like to send to the city is that development is a priority, therefore the concerns restricting development need to be addressed. He will likely vote in favor.

Mr. Morrissey: He is uncertain but leaning towards in favor. He appreciates all for coming out to speak at the hearing. The DA, which is not to be considered, gets to the core of the issues; unfortunately, it is not guaranteed. The board has discussed how to incentivize people to protect resources while encouraging development and this proposal touches on those issues.

Mr. McCoy: It is a more difficult decision than when the board last saw this in 2020. The applicants have done an outstanding job of taking previous concerns into consideration, and he encouraged the applicants not to give up, no matter the decision of the board, this evening - he likes the approach the applicant has taken and mentioned that housing of all kinds are needed in Missoula. He spoke to fire considerations - he has five years of experience as a wildland fire fighter - this development is at the very edge of the WUI, and while grassland fires move quickly, they are easy to fight compared to the fires in the surrounding forests; however, he does not wish to detract from the valid concerns presented this evening. He doesn't believe the developer has any hidden agendas and is sincere in their efforts to create a well-designed development with community concerns in mind, but he does have some concerns. The quantitative fire risk analysis was telling. He acknowledged issues with the Growth Policy and density being focused towards the core. He believes going forward with the current R1-35 zoning may be the best way forward, since the DA is no legal guarantee, and the board cannot provide conditions. He may lean toward denial.

Ms. Costello: The other board members' comments captured most of her thoughts. The proposal is just lacking a few things, such as access to public transit, and there is uncertainty in the chicken and egg situation and relying on services to follow growth. The Missoula core values conflict with auto-centric development, and the traffic/transit concerns are not fully addressed. She likes much of what the developer has presented but feeling conflicted on these issues makes it difficult to say yes to the request.

Dave DeGrandpre commented on the need for the city to tackle this chicken and the egg conundrum. You can't build density without infrastructure but you can't have infrastructure without the critical population mass to support it - the board will see big subdivisions coming in the Mullan area that tackle this "concurrency" issue.

Mr. Pham stated the underlying issue is not about traffic or the DA, it's about Missoula growth. If the board is feeling pretty good about the overall project design, then they need to say yes to these projects; otherwise, all we will see is a sprawl of single family home developments that are auto-centric and costly. It's true that addressing supply and growth takes a leap of faith that the infrastructure will come, but it's a leap that needs to be taken. He referred to the recent River Rd. project that will trigger infrastructure improvements, as well.

Mr. Hall asked for clarification concerning confirmed current density vs. proposed zoning density. Mr. DeGrandpre confirmed the RM1-35 and RM 1-45 would both allow the same density of 1185 units per acre, but this is strictly in terms of gross math, and realistic densities are significantly lower.

Ms. Costello acknowledged Mr. Pham's comments but noted that projected infrastructure developments are often far out, sometimes decades. Climate pressure and transport concerns are immediate for the residents in the area.

Ms. Gilels wondered if at some point the developer chose a rezoning approach over the subdivision process. Taking a leap of faith that infrastructure will come while having front-end car dependency is not reassuring, and she referenced urban area auto-centric subdivision examples around Los Angeles and Boston. The current proposal also creates 700 rentals without an opportunity for people to have ownership and build equity.

Mr. Schroeder said he is in favor of the proposal after listening to the discussion, though it is not an easy decision. The proposed zoning is not a bad choice, and he trusts the opinion of staff experts when uncertainties arise.

Board discussion concluded, and Mr. McCoy called the vote.

The public hearing closed at 10:00 PM.

Moved by: Rick Hall

Seconded by: Josh Schroeder

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.

AYES: (3): Josh Schroeder, Tung Pham, and Shane Morrissey

NAYS: (5): Dori Gilels, Ellie Costello, Dave Loomis, Rick Hall, and Sean McCoy

ABSENT: (1): Micah Sewell

Vote results: Failed (3 to 5)

7. Communications and Special Presentations

No communications or special presentations.

8. Committee Reports

Mr. Pham provided an update from the recent Transportation Policy Coordinating Committee (TPCC) meeting.

- procedural items to amend the [TIP] program and others - the upshot is that there is a little more money available to be allocated
- Higgins Street Corridor Plan project and issues - addressing the realities of the bridge project's intent to expand capacity vs. the Corridor Plan proposals potentially limiting capacity - there will be additional public hearings and steering committee meetings if anyone is interested

9. Old Business

9.1 US Hwy 93 letter

Due to the late hour and the need to apprise newer board members on the history of this letter, this topic was tabled until a future meeting.

10. New Business and Referrals

There was no new business.

11. Comments from MCPB Members

Ms. Costello expressed appreciation for members' thoughtful comments, such as perspectives on equity.

12. Adjournment

Mr. McCoy adjourned the meeting at 10:08 p.m.