



WESTERN ROOTS LAW PLLC

BREEANN M. JOHNSON | 406.600.9389 | JOHNSON@WESTROOTSLAW.COM

ALISON P. GARAB | 406.579.9584 | GARAB@WESTROOTSLAW.COM

KIRSA A. SHELKEY | 406.599.2087 | SHELKEY@WESTROOTSLAW.COM

Public Comment in Opposition to the Urban Residential High Place-Type for East Missoula and the U-R3 Zoning Map Designation Proposed by Staff for the Aspire Subdivision Parcel.

To: Members of the Missoula City Council

From: Kirsa Shelkey, Counsel for Ms. Lee Bridges

Date: January 12, 2026

Dear Missoula City Council Members:

My name is Kirsa Shelkey. I represent Lee Bridges, the Petitioner in the pending litigation regarding the Aspire Subdivision, and I am also an advocate for East Missoula residents who have engaged deeply and in good faith throughout the UDC update process.

At the outset, I want to acknowledge the substantial work completed by City staff and to commend the Missoula Consolidated Planning Board. East Missoula residents provided extensive public comment, and the Planning Board held additional hearings, deliberated carefully, and produced targeted recommendations that meaningfully improve the Our Missoula 2045 Land Use Plan and the proposed Zoning Framework of the UDC. This is precisely how a planning process should function: staff proposes, the public and volunteer boards refine, and Council ultimately determines policy.

Planning Board Recommendations at Issue

In direct response to public testimony and record evidence, the Planning Board recommended two amendments for the Aspire Subdivision parcel in East Missoula:

1. Amend the Land Use Plan place type for the Aspire Subdivision parcel from Urban Residential High to Limited Urban Residential; and
2. Amend the Zoning Map designation for the Aspire Subdivision parcel from Urban Residential 3 (U-R3) to Limited Urban Residential 2 (LU-R2).

My client supports these recommendations in full.

Need for Council Review and Clarification

Staff's written responses to the Planning Board's recommendations do not meaningfully engage with the Board's findings or the record developed through public comment. Likewise, during the January 7, 2026 Land Use & Planning Committee hearing, staff did not explain—using its stated methodology—why it rejected the Planning Board's recommendations for this specific parcel.

For Councilmembers who did not attend the Planning Board hearings, I want to underscore that the Aspire Subdivision parcel was a central focus of testimony and deliberation. Given the time invested by the community and the Planning Board, Council should insist on a transparent explanation tied to staff's own methodology before accepting staff's position.

East Missoula Participation and Reliance on Staff Representations

East Missoula residents have participated consistently and constructively. Many received UDC notice postcards and sought clarification from the City, only to be told that the UDC would not affect them because their properties are outside City limits. At the October 8, 2025 Land Use & Planning Committee meeting, staff publicly stated that the UDC zoning would apply only to properties within City limits and would not impact county residents.

Those representations materially shaped how East Missoula residents understood the process. In reality, the Land Use Plan place types and zoning map designations proposed for East Missoula—including Urban Residential High and U-R3—will directly shape future annexation and development patterns. East Missoula residents therefore reasonably rely on the accuracy and completeness of staff communications and on Council to ensure fairness in future planning decisions.

Tonight, I ask Council to look past the understandable frustration expressed by East Missoula residents and focus on the substance of their concerns—concerns grounded in the City's own planning framework.

I. BY THE CITY'S OWN METHODOLOGY, URBAN RESIDENTIAL HIGH IS NOT APPROPRIATE FOR EAST MISSOULA

Staff has repeatedly explained that place types in the Land Use Plan were assigned using an amenity- and constraint-based methodology. The City mapped amenities such as grocery access, multimodal transportation, and connectivity, overlaid constraint layers, and produced cumulative maps to identify areas appropriate for higher-intensity place types. This methodology is reasonable and well-explained.

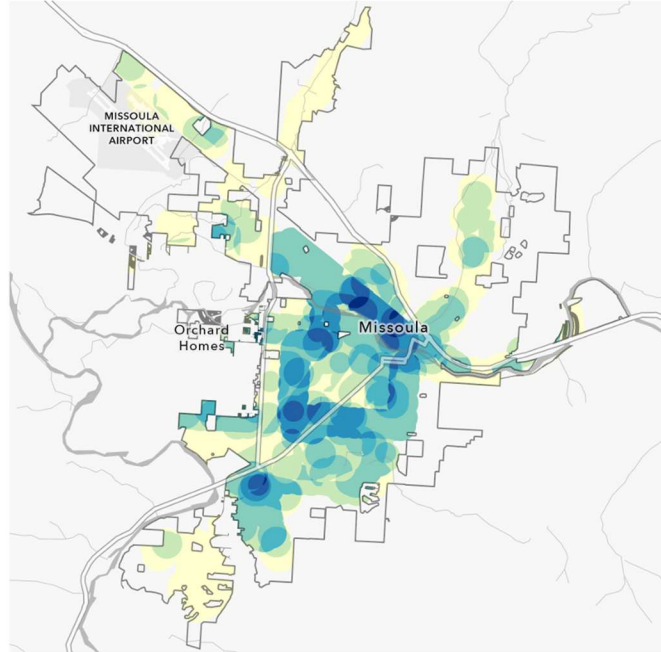
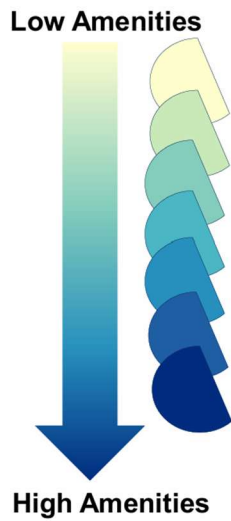
However, the methodology does not support assigning Urban Residential High to East Missoula.

Amenity and Constraint Findings

By staff's own maps:

- East Missoula scores low on amenities;
- The cumulative map identifies East Missoula as an amenity-poor area;
- The area is physically constrained by Mount Jumbo, the Clark Fork River, and the interstate;
- East Missoula corridor infrastructure was deemed inadequate to support traffic flow, leading to a funded corridor project that has since lost approximately \$24 million in funding.

Total Services/Amenities



In addition, East Missoula is largely underdeveloped. Density here will not occur incrementally through small infill projects, as in built-out core neighborhoods. Instead, development will occur rapidly on large parcels, intensifying impacts on infrastructure and increasing displacement pressure in a community already vulnerable to gentrification. It is also unclear whether East Missoula was meaningfully captured in the City’s Appendix B Equity in Land Use analysis, which is limited to City-mapped areas.

Moreover, Urban Residential High was not identified by the City as compatible with the parcel’s existing RT5.4 zoning, despite staff’s stated priority of aligning place types with existing base zoning. According to the City’s own compatibility tables, LU-R1 and LU-R2 are the appropriate zoning districts associated with RT5.4.

4. Section 3. Place Types.

Amend all Place Types’ Comparable Zoning Districts to relate to Title 22 Zoning Districts (the Unified Development Code and related Zoning Map).

Urban Residential High		Urban Residential Low	
City Comparable Zoning	Page 69	City Comparable Zoning	Page 71
RM0.5	<u>U-R2</u>	RM2.7	<u>U-R1</u>
RM1	<u>U-R3</u>	RM2	<u>U-R2</u>
RMH	<u>U-R4</u>	RT2.7	
RM1.5		R3	
B1		RMH	
B2			
Limited Urban Residential		Rural Residential	
City Comparable Zoning	Page 73	City Comparable Zoning	Page 75
R5.4	<u>LU-R1</u>	RT10	<u>R-R1</u>
RT5.4	<u>LU-R2</u>	R20	
R8		R40	
RMH		R80	
		R215	
		RMH	

For these reasons, Council should adopt the Planning Board’s recommendation.

Requested Motion #1

To amend the Land Use Plan’s place type designation for the Aspire Subdivision parcel in East Missoula from Urban Residential High to Limited Urban Residential.

Staff has suggested that changing the Aspire parcel would create inconsistency within East Missoula. However, properties across the river—including the golf course lands—were assigned Limited Urban Residential, despite adjacency. More importantly, consistency should follow context and methodology, not convenience. If Limited Urban Residential is the appropriate place type for East Missoula, then delineating that boundary is precisely the work the UDC update is intended to accomplish.

II. THE ASPIRE SUBDIVISION PARCEL DOES NOT MEET ARTICLE 4.2 STANDARDS FOR U-R3 ZONING

Article 4.2 of the proposed UDC describes Urban Residential zoning as supporting:

- Walkable, transit-accessible neighborhoods;
- High connectivity street grids;
- Alleys and service access;
- Development intensity supportive of transit and services;
- Context-sensitive infill near the city core.

The Aspire Subdivision parcel meets none of these criteria. Compare UDC 4.2.02 Urban Residential district standards with Limited Urban Residential district standards; the Aspire Subdivision parcel meets the purpose, description, and overview standards for a Limited Urban Residential district like LU-R1 or LU-R2.

ARTICLE 4.2 – RESIDENTIAL DISTRICTS

Section 4.2.02-B. Limited Urban Residential Districts

Limited Urban Residential Districts

- LU-R1 Limited Urban Residential 1
- LU-R2 Limited Urban Residential 2

1. Purpose

The Limited Urban Residential districts support the City’s goals for housing diversity, incremental growth, and context-sensitive development at the edges of urban neighborhoods. Moderate intensity residential development is allowed to provide a range of housing options while responding to environmental or topographical constraints.

2. Description

Development patterns in Limited Urban Residential areas are likely car-dependent, with limited transit access and moderate walkability. Existing street and block patterns provide limited connectivity and often include large blocks, curvilinear roads, cul-de-sacs and irregular-shaped parcels. Some blocks do not have existing sidewalks or alleys, and it is not uncommon for driveways and garages to be accessed directly from the street. Buildings typically have medium-to-large street setbacks with driveways that provide on-site parking.

3. Standards Overview

The Limited Urban Residential standards support, maintain, and promote a variety of moderate-intensity housing opportunities—primarily single-family homes, duplexes, and “missing middle” options—while preserving a suburban character.

ARTICLE 4.2 – RESIDENTIAL DISTRICTS

Section 4.2.02-C. Urban Residential Districts

Urban Residential Districts

- U-R1 Urban Residential 1
- U-R2 Urban Residential 2
- U-R3 Urban Residential 3
- U-R4 Urban Residential 4

1. Purpose

The Urban Residential districts support the City’s goals for housing diversity, sustainable and compact growth, context-sensitive development, and walkable, transit-accessible, and complete neighborhoods within or near the City core. Moderate to high residential intensities are allowed to provide a full range of housing options in well-connected, service-rich environments that include Missoula’s oldest, and newest, neighborhoods.

2. Description

Development patterns in Urban Residential areas are typically compact and multimodal in ways that are walkable, with development intensity supportive of public transit. Street and block patterns provide high connectivity in rectangular grids of small to medium-sized blocks comprised of small to medium-sized rectangular parcels. Blocks are often tree-lined with sidewalks and include alleys that provide rear access to parking and garages. Buildings typically have small and varied setbacks that shape the public realm.

3. Standards Overview

The Urban Residential standards support, maintain, and promote a wide variety of housing opportunities to encourage affordability, walkability, and neighborhood vibrancy. These districts enable context-sensitive infill and redevelopment. The U-R1, U-R2, districts support smaller scale infill and development while the U-R3 and U-R4 districts allow larger, yet still context-sensitive buildings.



The parcel:

- Is not near the city core;
- Lacks transit service;
- Lacks a connected street grid or alleys;
- Is surrounded by low-density county neighborhoods;
- Is separated from the City by major physical barriers.

U-R3 is the second-highest residential density district in the City. Applying it here is inconsistent with the purpose, description, and standards of the district. This is not a judgment call—it is a direct comparison between codified standards and existing conditions.

Council should require staff to explain, step-by-step, how the Aspire parcel satisfies Article 4.2. If that explanation cannot be provided using staff’s methodology and the UDC’s own language, Council should act.

Requested Motion #2

To amend the zoning map designation for the Aspire Subdivision parcel from Urban Residential 3 (U-R3) to Limited Urban Residential 2 (LU-R2).

LU-R2 is consistent with the Limited Urban Residential place type, compatible with RT5.4, and aligned with infrastructure capacity and neighborhood context.

III. PRACTICAL AND SAFETY CONSIDERATIONS

My client’s comments tonight do not relitigate the Aspire Subdivision approval, which is properly before the District Court. Rather, they provide necessary context for evaluating staff’s zoning recommendation.

The Aspire Subdivision required:

- A special overlay zoning district (/NC-A);
- Eight variances from then-applicable code;
- Design features that reduce pedestrian safety, including large blocks, no alleys, and frequent driveway-sidewalk conflicts.

Under the proposed UDC, Aspire would function as a legally non-conforming development. This raises an important policy question: *Is this the development model the City intends to replicate across East Missoula?*

Upzoning the parcel to U-R3 does not correct past planning errors—it entrenches them. It also sets the baseline for future annexation and development in surrounding East Missoula neighborhoods that did not receive variances, overlays, or infrastructure upgrades.

IV. RIPARIAN CONSIDERATIONS

Article 4.11 of the Draft UDC establishes riparian buffers, including a 50-foot setback for the Clark Fork and Bitterroot Rivers. As a water resource professional, and based on state agency guidance synthesized in the *Watercourse Commons Report* (MT DEQ, MT FWP), I conclude that this setback is insufficient to protect riparian function.

The City has not produced documentation explaining how the 50-foot buffer was selected or how it aligns with agency recommendations. Of particular concern is whether the buffer was calibrated to accommodate previously approved development rather than science-based protection standards.

At minimum, Council should require staff to explain:

- How the 50-foot buffer was derived;
- Whether state agencies or local partners (TU, CFC, Conservation District) were consulted;
- Whether larger buffers were evaluated and rejected, and why.

Requested Motion #3

To amend Section 4.11.02-D of the Draft UDC to establish 100-foot buffers for the Clark Fork and Blackfoot Rivers and 50-foot buffers for all other creeks within City limits.

Alternative Motion:

Require staff to update riparian setbacks within one year based on agency and stakeholder recommendations.

Missoula’s rivers are foundational to its identity and ecological health. Interim buffers should err on the side of protection.

CONCLUSION

Council has both the authority and responsibility to amend the Land Use Plan and Zoning Map. The Planning Board’s recommendations for the Aspire Subdivision parcel are supported by the

City's own methodology, the proposed UDC standards, infrastructure realities, and community input.

I respectfully urge Council to adopt the three motions identified above.

Thank you for your time, attention, and service.

Sincerely,
Kirsia Shelkey