



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 case against the City regarding the Aspire Subdivision, and a dedicated advocate for her East Missoula community.

As an aside, I was incredibly impressed by the brain trust and dedication of your volunteer Missoula Consolidated Planning Board (Planning Board). East Missoula residents gave robust public comment, and planning board members held additional and meaningful hearings resulting in recommendations that improve the Our Missoula 2045 Land Use Plan (Land Use Plan) and Zoning Framework of the UDC. I want to make clear that I, in no way, mean to disparage staff. Staff has worked hard to draft the Land Use Plan and proposed UDC. This is how these processes are meant to work to provide the best product for the greater Missoula community; staff provide the first draft, which is improved through public scrutiny, volunteer community member review and amendment, public comment, and ultimately, your review, amendments, and adoption.

The Planning Board recommended the following two amendments regarding the Aspire Subdivision parcel, in response to robust public comment and consideration:

- (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; and**
- (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).**

My client agrees with the Planning Board's proposed amendments. I was disappointed by staff's response to the substantial amount of thought and time that went into the Planning Board's proposed amendments regarding the Aspire Subdivision parcel. The responses feel dismissive and insincere.

I was further disappointed by staff's presentation summarizing amendments, etc., at the January 7, 2026 Land Use & Planning Committee Hearing. Staff avoided any discussion of the Aspire Subdivision parcel and failed to provide any transparent reasoning explaining staff's decision to reject the Planning Board's proposed amendments for the Aspire Subdivision parcel. For those of you who did not attend the Planning Board hearings, the place type and zoning map designations for the Aspire Subdivision parcel occupied much of the public comment and discussion. Respectfully, considering the time East Missoula community members and Planning Board members have put into the proposed amendments, Staff should provide more meaningful and transparent analysis explaining their position to maintain Urban Residential High and U-R3 in East Missoula.

The Aspire Subdivision was approved in fall 2024. East Missoula residents are *still* showing up in force, voicing the same concerns, not because they fear development in East Missoula, but because they authentically care about incrementally and responsibly adding density to their community in line with transportation infrastructure capacity and environmental constraints. While you have heard from staff that the City cares about the same things, East Missoula residents are left wondering how their community can possibly be slated for the Urban Residential High place-type in the Land Use Plan, and how the City-annexed Aspire Subdivision parcel can be zoned U-R3 on the Zoning Map. It is particularly disparaging that staff begin every hearing by detailing how well they have listened to and applied public comment to staff recommendations.

Indeed, East Missoula residents were sent the notice post-card indicating the UDC update process was underway. When Ms. Bridges called the City, she was told postcards were sent to East Missoula residents in error and that changes would not impact her as her property is not in the City. At an October 8, 2025 Land Use & Planning Board Committee Meeting, staff further informed the City and public: "(staff wants) to be clear that the new zoning applies to property within City limits. So if folks in the County received a postcard and don't own property in City limits they don't have any properties impacted by this project(—the UDC update)." I'm glad my client and her community did not listen to staff, because the Urban Residential High place-type and corresponding zoning map designations, including U-R3, will dramatically impact development in East Missoula moving forward, which will impact their properties. Furthermore, constituents in the Rattlesnake and fort Missoula areas can call their representatives to ask questions of staff. You have represented your constituents by answering their questions and considering their concerns. My client and her neighbors are not afforded such consideration. They therefore rely heavily on communications and representations made by staff, which has been less than clear.

Tonight, I hope you can listen beyond the frustration you may hear from East Missoula residents to the substance of their comments, and the very real concerns they have with staff's proposed place-types and zoning map designations for East Missoula.

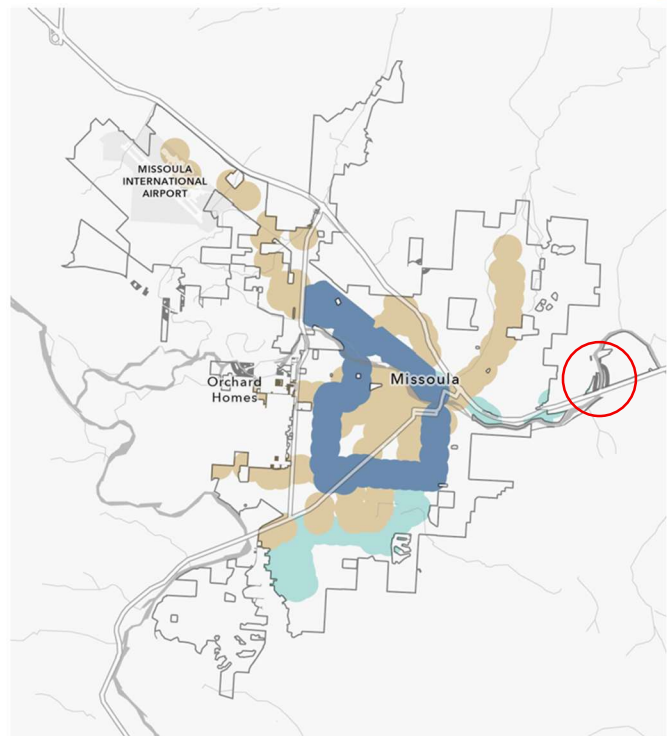
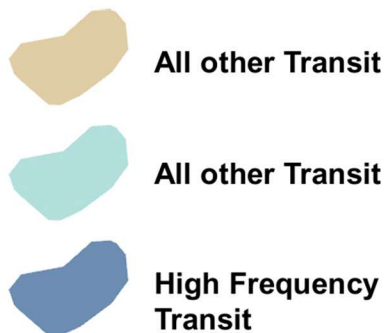
For the following reasons, and on behalf of my client, I ask you to amend the Land Use Plan and Zoning Map consistent with the Planning Board’s proposed amendments stated above. Final approval sits with you. You are empowered by law and code to amend the Land Use Plan and Zoning Map consistent with the Planning Board’s proposed amendments. As City Commissioners planning what future development will look like when East Missoula properties are annexed and developed, I ask you, in fairness, to represent East Missoula neighbors as you would your own City constituents.

I. BY THE CITY’S OWN METHODOLOGY, THE URBAN RESIDENTIAL HIGH PLACE-TYPE IS NOT APPROPRIATE FOR EAST MISSOULA.

Staff has described at several public meetings its methodology regarding its selection of place-types in the Land Use Plan, including that its zoning is amenity based. The City mapped different amenities: access to grocery stores, multimodal transportation connection points, etc. The City, in its slides explaining its methodology, depicted these data layers. It then made a cumulative map of these different amenity-based data layers, purportedly depicting areas where the Urban Residential High place-type is appropriate per its methodology. This method makes sense. What does not make sense is that the City determined the place-type Urban Residential High is most appropriate for East Missoula. East Missoula did not score high for any of the methodology amenities:

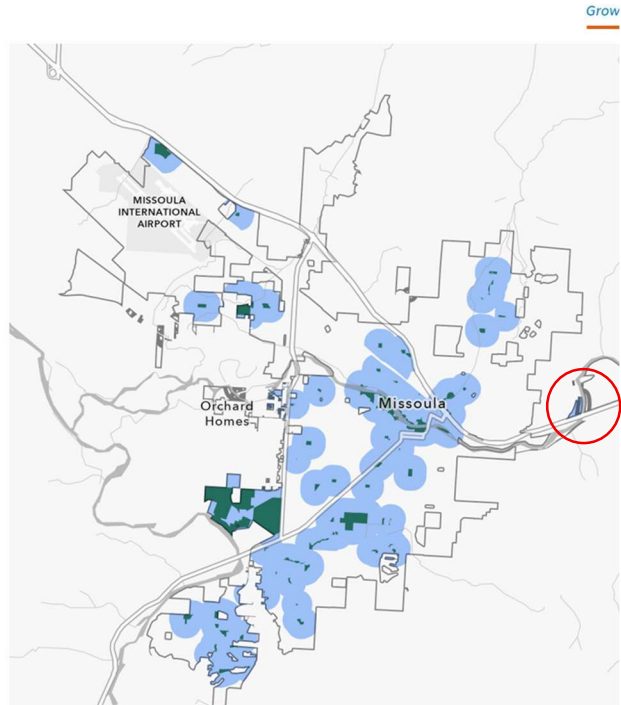
Transit Routes

- 15-minute Transit Line
- ½ hour Transit Line
- 1 hour Transit Line



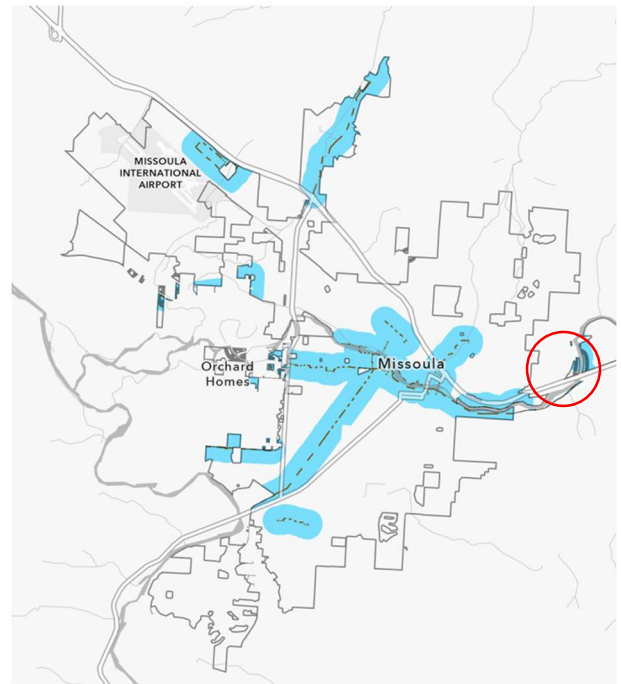
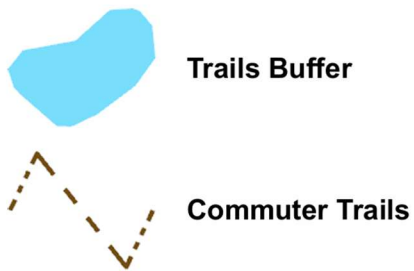
Developed Parks

- Within 15-minute walk of a Developed Park



Commuter Trails

- Within 15-minute walk of a Commuter Trail



Grocery Stores

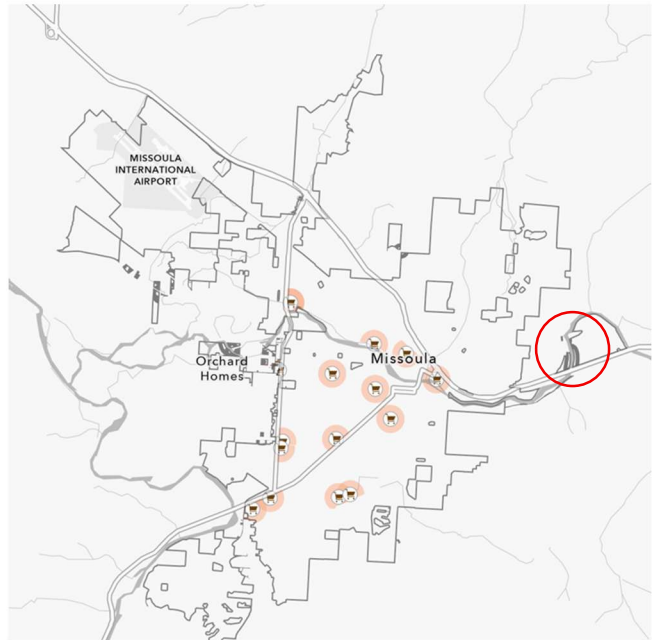
- Within 15-minute walk of a Grocery Store



Grocery Stores Buffer



Grocery Stores



Local Food

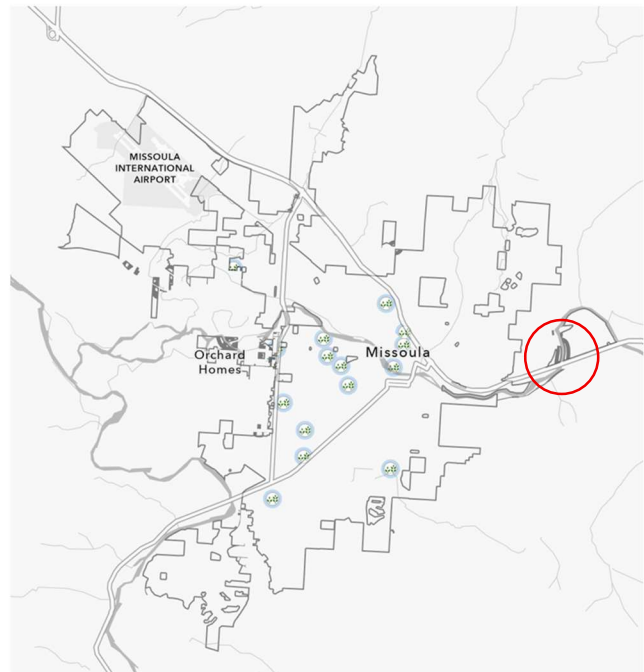
- Within 15-minute walk of a Local Food Source



Local Food Buffer

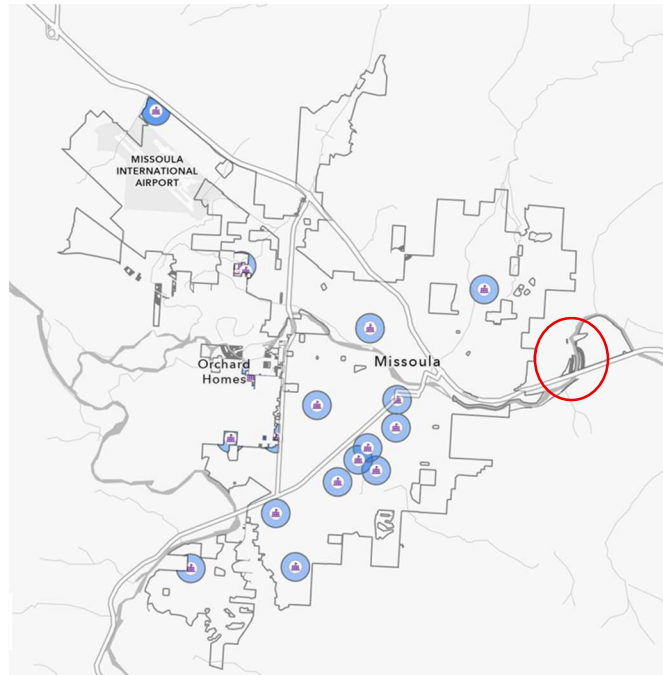


Local Food Locations



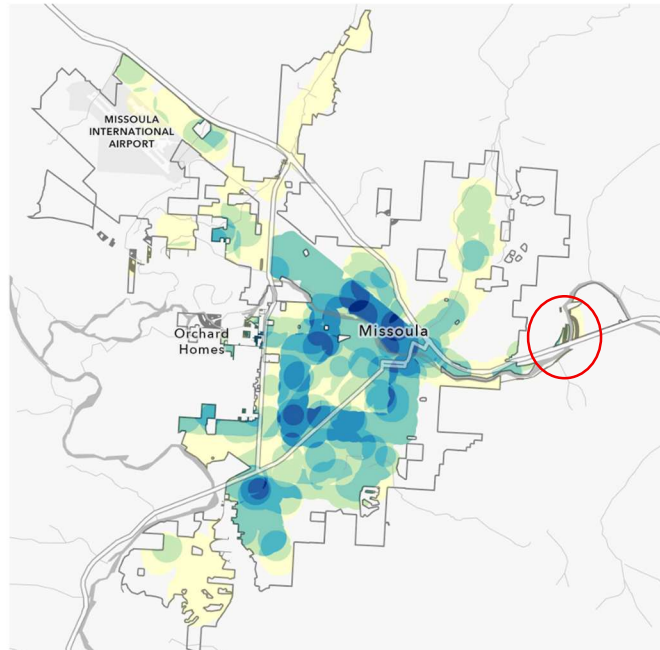
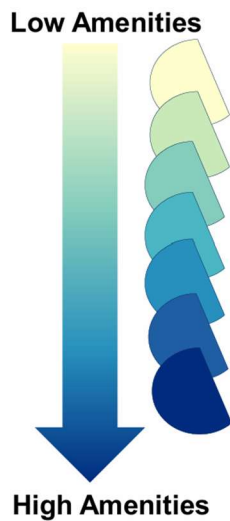
Public Schools

- Within 15-minute walk of a Public School



The cumulative map shows an amenity desert in East Missoula, compounded by revoked \$24 million in funding for infrastructure improvements to the East Missoula corridor. The City reserves the place-type Urban Residential High for Missoula’s most-connected, amenity rich residential neighborhoods. The City has not provided justification for this place-type in East Missoula.

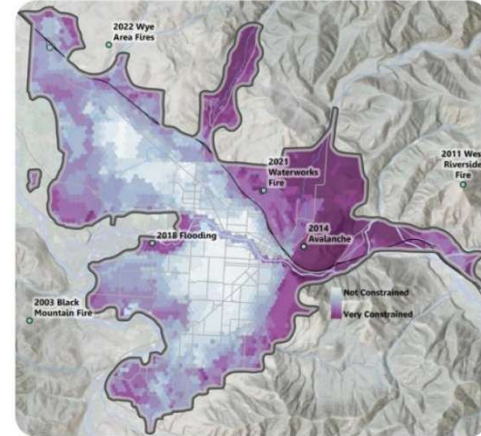
Total Services/Amenities



The place-type methodology further maps constraints as follows, and incorporates constraint mapping into its place-type analysis:

the cultural identity of Missoula's diverse populations.
The emphasis on collective responsibility and collaboration underscores a significant challenge in land use planning. The proposed policy objective of engaging

Figure 17.
Environmentally
Constrained Lands



Chapter 2: Constraint Mapping

Constraint mapping delves into environmental and built environment constraints that necessitate a closer evaluation of zoning district mapping and potentially lower the intensity of the zoning district. The constraints evaluated in the zoning district mapping are listed below with sources:

- Floodway/Floodplain (Source: Clark Fork & Bitterroot Rivers from new DNRC mapping; Rattlesnake Creek, Grant Creek, and Pattee Creek from FEMA floodplain mapping)
- Street Connectivity (Source: Street pattern analysis from Our Missoula 2045 Land Use Plan)
- Street Width (Source: Missoula Maps and City of Missoula Fire Department)
- Neighborhood Gentrification Typologies (Source: Our Missoula 2045 Land Use Plan Appendix B: Our Missoula Equity in Land Use Report)
- Avalanche Prone Slopes (Source: Slope Maps and 2014 Mt Jumbo Avalanche Report)

East Missoula is severely constrained from both an environmental and built-environment perspective, by the City’s own metrics. It is physically separated from the City by Mount Jumbo and the Hellgate Clark Fork Corridor. It is physically constrained by Mount Jumbo and the Clark Fork River. The East Missoula Corridor Project secured funding based on factual findings that County infrastructure in East Missoula and HWY 200 are too narrow, need repair, and cannot safely support traffic flow. This funding (\$24 million) has since been revoked. Finally, much of East Missoula, including the approved open-filed development that will occur on the Aspire Subdivision parcel, is underdeveloped; density infill will not be incremental over time like in the already built out areas of the City slated for U-R3. Density infill will happen at a much faster rate in a community that is inarguably susceptible to neighborhood gentrification. It is unclear from the City’s Appendix B. Equity in Land Use Report, whether its analysis captures East Missoula, as East Missoula is largely not within the mapped City limits referenced in the document.

Moreover, Urban Residential High was not a place-type the City identified as compatible with the parcel’s existing zoning—RT5.4—despite presentation materials indicating Staff’s priority to select Land Use Plan place-types compatible with existing base zoning. Consistent with the City’s table identifying compatible zoning districts for RT5.4, LU-R1 and LU-R2 are appropriate zoning districts for the Aspire Subdivision parcel, and other East Missoula residential properties.

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	

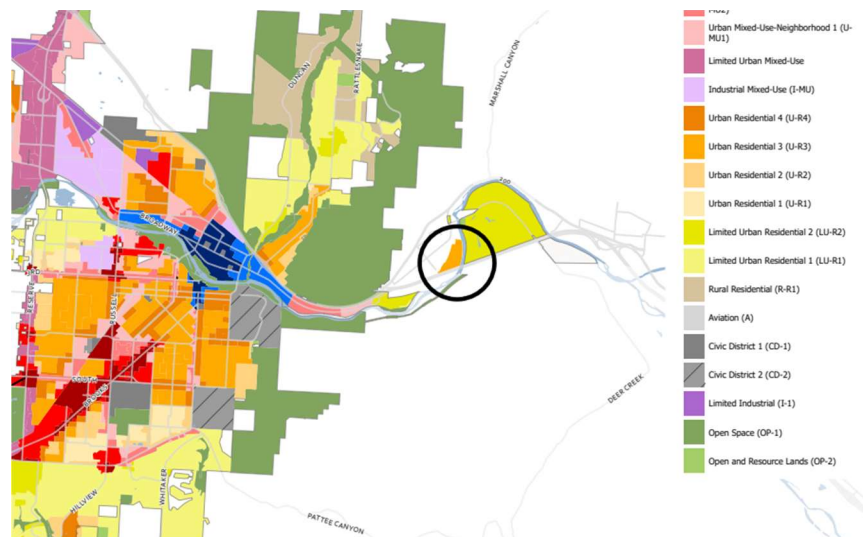
Attached, please find the City’s memo explaining its amenity and constraint mapping methodology for identifying appropriate place-types in the Land Use Plan. Please consider whether you would assign the Urban Residential High place-type to the Aspire Subdivision parcel, or to the greater East Missoula. If you would not, and find that Limited-Urban Residential is more context appropriate, then I recommend you make and vote in favor of the following motion:

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.

Finally, the City’s only justification for denying the Planning Board’s recommendation is that assigning Limited Urban Residential to the Aspire Subdivision parcel creates an inconsistency with the Urban Residential High place type for the rest of East Missoula. In response, I would argue that the golf course properties across the river were assigned the Limited-Urban Residential place type, despite existing adjacent to the Aspire Subdivision parcel. Moreover, Limited-Urban Residential is a better fit for all of East Missoula. Delineating those boundaries may call for more work, but that is the purpose of the UDC rewrite and all of the effort that has gone into this process—to equitably map all of future Missoula for future development.

II. THE ASPIRE SUBDIVISION PARCEL DOES NOT MEET THE STANDARDS SET FORTH IN ARTICLE 4.2 OF THE PROPOSED UDC TO BE ZONED U-R3 ON THE CITY’S ZONING MAP.

Please review the map below and locate the circled Aspire Subdivision parcel.



Considering the visual lack of amenities and walkability, lack of multi-modal interconnectedness to the City’s urban center, physical constraints, and aging, narrow, and insufficient infrastructure to meet current density needs in East Missoula, please consider which of the proposed UDC’s

place-type districts (excerpted below) is more compatible with the Aspire Subdivision parcel’s—U-R3 or LUR-1/LU-2?

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 Aspire Subdivision parcel is not an area of the city core. It is not well-served by transit, sidewalks, or multimodal connections. There are no alleys, no grid blocks, and there is no “service-rich” urban fabric in sight.

In considering whether the City’s new urban residential district is appropriate for the property at issue, the only logical conclusion is that the City must have made a mistake; the U-R3 (the second highest residential density permitted in the entire City) is clearly not appropriate for the Aspire Subdivision parcel, based on the City’s own description of the purpose, description, and standards for a U-R3 zoning district.

The Aspire Subdivision parcel is located in an area with very limited infrastructure, surrounded by a low-density residential county neighborhood, sub-standard County roads, and significant barriers such as the Clark Fork River, interstate, and Mount Jumbo. That the City considers U-R3 “context-sensitive” planning for this parcel is insincere; this designation is not “context-sensitive.” As you will hear tonight, the entire community opposes it. Please listen to their legitimate concerns.

For the sake of transparency, I’d ask Commissioners to have staff explain their process first to assign the Urban Residential High place-type for the parcel, and second to assign U-3 to the parcel, using staff’s methodology and the UDC provisions of 4.2 as guideposts. If staff cannot offer an adequate and transparent explanation, I urge you to make and support the following motion:

MOTION 2: To amend the zoning map designation for the Aspire Subdivision parcel from Urban Residential 3 (U-R3) to Limited Urban Residential 1 (LU-R1).

Simply put, pursuant to the draft UDC proposed by the City, LU-R1 is the appropriate zoning designation for the Aspire Subdivision parcel. LU-R1 is consistent with the Limited Urban Residential place-type. The Commission will need to amend the Land Use plan to amend the parcel's zoning from ~~U-R3~~ to LU-R1.

III. PRACTICAL CONSIDERATIONS

My client's concerns and proposed amendments here tonight are not in opposition to the Aspire Subdivision's approval. While we believe the City erred in approving that project, we are pursuing that complaint in court.

We provide the following analysis to contextualize staff's decision to rezone the Aspire Subdivision parcel U-R3.

One of my client's substantive arguments in district court is that City misused the overlay zoning tool to create an illegal overlay zoning district (the /NC-A) for the parcel. Overlay zoning applies to unique neighborhoods, like historic downtown, etc. and are used to add neighborhood agreed upon protections—not to allow one developer on one parcel the ability to strip base zoning requirements. The Aspire parcel's base zoning is RT5.4, which does not allow certain uses. The City created the overlay to allow uses not permitted in RT5.4. The /NC-A zoning district enabled the City to approve the Aspire Subdivision, despite its RT5.4 base zoning, so long as the City approved 8 variances from then applicable code.

The result is the approved Aspire Subdivision, which, from a pedestrian's point-of-view, is not walkable—there are no alleys; large block sizes combined with no alleys create dangerous sidewalks; sidewalks are intersected by the many driveways (no alleys) accessing the tightly packed subdivision lots and units. The design is poor, and from a planning perspective is in the wrong place—aging county infrastructure won't be able to support the added vehicle trips particularly with the funding revoke for HWY 200 improvements.

Again, we are opposing this subdivision's approval in court, but what is interesting here is that the City is using the UDC process to double-down on bad design and poor planning, rather than equitably plan for East Missoula's future development in the context specific manner it emphasizes at every hearing. It is clear from the City's own methodology and UDC 4.2 language that LU-R1 is appropriate for the Aspire Subdivision parcel, yet the City has chosen to shield its former decision from review. How?—you may be wondering...one of the City's goals in updating the UDC is to eliminate overlay zoning districts by upzoning parcels across the City (I think this is generally great). However, the overlay zone /NC-A already allowed uses and density not allowed per the RT5.4 base zoning. Instead of choosing zoning compatible with the Aspire parcel's base zoning RT5.4 (LU-R1 or LU-R2) per its stated methodology and materials, staff chose zoning (U-R3) compatible with the unlawful uses allowed by the /NC-A overlay zoning district.

The City's hope is that upzoning the parcel to eliminate the overlay zoning district will moot my client's claims in court. I ask you, is creating a zoning map to avoid litigation over an approval the City made regarding one property a fair way to plan future development for the entire East Missoula community? The City made its decision regarding the Aspire Subdivision and now its being litigated. Litigation should not drive the City's zoning map designations. Indeed, the rest of unannexed East Missoula will grow up in the context of the Aspire parcel's U-R3 zoning.

Moreover, the Aspire Subdivision is not compliant with the specifications of the new UDC. Its lot widths are too narrow (less than 40 feet wide) for blocks without alleys. Aspire sidewalks are not walkable or safe pursuant to the new UDC. While there is a non-conforming use provision that will likely shelter the subdivision's approval, I want to point out that this subdivision needed an illegal overlay and 8 variances to make it conform with Missoula's current code, and will need to be a protected non-conforming use to conform with the proposed UDC. Is this the kind of design we want to model the rest of East Missoula's future development upon? If your answer is no, I urge you to support the two motions above.

IV. RIPARIAN CONSIDERATIONS:

Article 4.11 of the Draft UDC deals with Natural Resource Protection. Division 4.11.02 specifically deals with Riparian Resource Protection. I am going to excerpt my public comment to the Planning Board here:

Having just read through this section, I am surprised and disappointed that riparian resource protection appears as an afterthought in the Draft UDC. I've attached the relevant pages of the Draft UDC—where the Draft UDC references riparian protections—for convenience, as well as “The Watercourse Commons Report,” a Gallatin Water Collaborative document synthesizing science-driven riparian setback recommendations from MT DEQ and MT FWP for Montana.

As a water resource professional, my conclusion is that:

The Draft UDC's riparian buffer for development adjacent to the Clark Fork and Bitterroot Rivers goes against agency recommendations and readily available science for protecting riparian resources: **a 50ft setback from the Clark Fork is too small.**

My comments follow, but I am left with the following questions, which I hope [Commissioners] will ask Staff tonight:

Questions to Ask Staff:

- How and why was the 50foot buffer selected for the Clark Fork and Bitterroot Rivers?
- What methodology did the City employ to include these setbacks in the Draft UDC?
- Did Staff consult with TU, CFC, MT FWP, MT DEQ, the conservation district, in putting forward the setbacks listed in Table 4.11.02-1 for adoption? Why/why not?
- Did staff select 50ft to legitimize the distance it allowed the annexed Aspire Subdivision to be developed to the Clark Fork?

Riparian zoning in the Draft UDC appears as follows:

ARTICLE 5.2 – SUBDIVISION DESIGN STANDARDS

Section 5.2.11-D. Riparian Buffer Width

1. The riparian buffer extends landward or upland from the edge of the delineated riparian resource. The riparian buffer widths specified in Table 5.2.11-1 shall be delineated on the vegetation map in riparian resource management plan.

Table 5.2.11-1: Riparian Buffer Widths

Water Body	Buffer Width (Feet)
Bitterroot River	50
Clark Fork River	50
Butler Creek	10
Grant Creek	30
LaValle Creek	10
Miller Creek	10
Pattee Creek	10
Rattlesnake Creek	30
All others	10

The Draft UDC’s Riparian Buffer Width for the Clark Fork and Bitterroot Rivers is too small, and does not achieve the purposes stated by the Draft UDC:

ARTICLE 5.2 – SUBDIVISION DESIGN STANDARDS

Division 5.2.11 Riparian Resource Areas

Section 5.2.11-A. Purpose

1. The riparian resource protection regulations of this division are intended to promote resource conservation when a parcel containing or near a riparian resource is subdivided.
2. Protecting areas of riparian resource promotes the public health, safety, and welfare of residents. More specifically, it is the purpose of these regulations to ensure that:
 - (a) Areas of riparian resource remain available to support diverse and productive aquatic and terrestrial riparian systems and habitats;
 - (b) Stream channels and banks are protected;
 - (c) Areas of riparian resource are preserved to act as an effective sediment filter to maintain water quality and quantity;
 - (d) Areas of riparian resource are protected to preserve large, woody debris that is eventually recruited into a stream to maintain riffles, pools and other elements of channel structure and provide shade to regulate stream temperature;
 - (e) Areas of riparian resource are protected to preserve connectivity corridors for wildlife;
 - (f) Areas of riparian resource are preserved to promote floodplain and channel stability;
 - (g) Any allowed disturbance within the riparian buffer area protects and maintains the integrity and function of riparian resource areas; and
 - (h) The area of riparian resource is preserved to promote the high quality of life in the city, for a healthy natural environment.

The Gallatin Water Collaborative recently produced the attached Watercourse Commons Report. The report indicates the following science-driven development setbacks from riparian areas:

[Montana Fish Wildlife and Parks Recommendation for Subdivision Development in Montana:](#)

- **Rivers:** A minimum of 250 feet of vegetated buffer plus 50 additional feet of building setback. Total building setback equals at least 300 feet from each side of a river.
- **Perennial Streams:** A minimum of 150 feet of vegetated buffer plus 50 additional feet of building setback. Total building setback equals at least 200 feet from each side of a perennial stream.
- **Other waterbodies:** intermittent, wetlands, lakes, reservoirs. Minimum 100 + 30 additional feet of building setback.

Montana Department of Environmental Quality Scientific Recommendations on the Size of Stream Vegetated Buffers [Part 1](#), [Part 2](#), and [Part 3](#):

- **Water Quality:** 100 ft setback. For significant removal of nitrates, sediments, and pathogenic bacteria, at least 100 feet is recommended.
- **Fish and Aquatic Life:** 100 ft setback. In order to maintain fish and aquatic habitat, scientific studies recommend that a minimum of a 100 ft riparian vegetated buffer should be maintained.
- **Wildlife and Wildlife Habitat:** 300 ft setback. In order to protect wildlife and wildlife habitat, 300-foot stream vegetated buffers should be maintained. Certain wildlife species need a larger vegetated buffer.

The 50ft riparian setback in the Draft UDC is at odds with the science-driven information found in these State Agency reports. The City should increase the City's riparian zoning setbacks consistent with agency recommendations.

The City has provided no report or evidence explaining why it has chosen a 50-ft setback. Given the agency recommendations and body of science supporting a greater riparian setback to protect riparian resources, this distance appears wholly arbitrary. Furthermore, there is little to no positive impact in terms of protecting a creek and riparian vegetation where there is only a 10-ft riparian setback as designated for Butler, Pattee, LaValle, and Miller Creeks. Such a limited setback means future development could eliminate stream rehabilitation efforts and investments made by CDC and TU within City limits.

At very least, the City should commission a study group, and include well-known community partners, like TU or the CFC, to help establish riparian setbacks that will positively impact the City's riparian resources. Missoula is a river town.

The new Land Use Plan spends ample time discussing the importance of the Clark Fork, and yet the City in the Draft UDC has set forth an arbitrary, un-scientific riparian setback that is too small to protect riparian resources from the harms of development. Protecting sensitive lands, including the riparian resource, from development and sprawl is at the center of the Land Use The County has adopted riparian zoning along the Clark Fork based on scientific recommendations from these agencies. To protect riparian resources, the City should apply Where the City annexes new formerly county property, it should apply the County's zoning until the City has adopted science-driven riparian setbacks

The current UDC does not have quantified riparian setbacks. I would surmise that the City chose 50 feet, rather than 100 feet (consistent with the lowest of the science-driven guidelines) to accommodate the fact that the City has already approved Aspire Subdivision's development within

50 feet of the river. While the City has explained that 50 feet is merely a bookmark, I recommend we increase the bookmark to 100 feet for the Clark Fork and Blackfoot Rivers, and 50 feet for all other “Creeks” within the City.

Accordingly, I recommend the Commission to make and support the following motion:

MOTION 3: To edit Section 4.11.02-D of the draft UDC to include 100-foot buffers for the Clark Fork and Blackfoot Rivers, and 50-foot buffers for all other Creeks within City limits.

In the alternative, I recommend the Commission to require staff to update its riparian setbacks based on agency and stakeholder recommendations within one year.

Thank you, as always, for your time and service,

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Gulley". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.