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Dec. 15, 2025

City of Missoula
Land Use Planning Dept.
435 Ryman St.
Missoula, MT 59802

Attn: CFC Comments on Draft UDC

Please accept the following comments on behalf of the Clark Fork Coalition (CFC). CFC is a non-profit organization that has worked to protect and restore the Clark Fork watershed since 1985. As part of its mission, CFC has long advocated for state and local water policies that protect our most precious natural resource: water. Given the nexus between land use and water, it is vital that our state and local land use policies integrate proactive protections for both water quantity and water quality. With Missoula and much of western Montana facing unprecedented growth/development pressures, these water resource protections are more important than ever. We appreciate the opportunity to comment on the City's Draft Unified Development Code, and we offer the following specific comments:

Riparian Buffer/Development Setbacks

In our 2024 comments on the City's 2045 Land Use Plan, CFC pointed out the disconnect between the City and Missoula County when it comes to the applicable riparian buffers. City zoning codes currently tout the importance of protecting "areas of riparian resource," but lack a clear identification of these areas or standardized setbacks/buffers to protect these areas from development. Instead, buffers appear to be determined on a case-by-case basis and often rely on fuzzy "riparian resource protection" plans put forth by developers. On the other hand, Missoula County's recently revised zoning regulations designate clear, measurable riparian buffers for all waterways (i.e. many of the same waterways that bisect the City of Missoula). In our 2024 comments, **we recommended that the City adopt minimum riparian setbacks/buffers that are consistent with Missoula County's, and that these regulations should be incorporated into the City's revised plan.**

CFC appreciates the City's commitment to the protection of riparian resource areas through the identification of riparian resource areas and minimum buffers. However, we remain concerned that the Draft UDC does not contain a clear, minimum development setback from streams or rivers. Instead, the UDC again relies on the establishment of riparian resource areas on a case-by-case basis pursuant to the subdivision platting process.



Section 4.11.02-B states:

(2) “[a]reas of riparian resource are typed by site-specific soil, habitat and community types. To determine whether vegetation qualifies as a riparian resource area, consultation with a qualified professional, the Missoula Conservation District, or the Planning Administrator is recommended prior to submitting for a building permit or zoning compliance permit.”

(3) “When controversy arises concerning the presence or absence of a riparian resource, the Planning Administrator may require a report from a professional biologist, ecologist, botanist, or similarly qualified professional, documenting the vegetation community types to determine whether these rules apply.”

When a riparian resource area is identified, the UDC establishes the following minimum development buffers:

Table 4.11.02-1: 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

Depending on the size of an established riparian resource area, the minimum development buffers outlined in Table 4.11.02.-1 may or may not be protective. However, it is highly unlikely that the combined riparian resource/buffer protection areas proposed in the Draft UDC will meet the standards needed to adequately protect riparian resources and our streams and rivers. For example, Montana FWP recommends the following buffers/setbacks for streamside 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 river.

Other waterbodies: intermittent, wetlands, lakes, reservoirs; minimum 100 + 30 additional feet. Total building setback equals at least 130 feet from water body.



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Further, it is unclear whether *any* stream-side setback would be required under the UDC if existing riparian habitat has already been degraded. To err on the side of protectiveness and align with the goals articulated in Section 5.2.11-A of the UDC, CFC requests that for streamside developments within the City's limits, **the minimum setbacks/riparian buffers outlined in Missoula County Zoning Regulations Section 7.4 apply unless the City's total setback [i.e. the minimum riparian buffer plus the riparian resource area] exceeds the County's setbacks.**

CFC appreciates the opportunity to comment on this important revision, and we look forward to a final UDC that incorporates this feedback. Thank you for your time and dedication to the sustainable future of Missoula.

Sincerely,

Brian Chaffin, Ph.D.
Executive Director