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September 11, 2020

VIA EMAIL ONLY

Bryan von Lossberg, Council President
Missoula City Council
435 Ryman
Missoula, MT 59802
council@ci.missoula.mt.us

RE: Rezoning for 2920 Expo Parkway

Dear Council Members:

Our office represents KJA Development, LLC, the applicant for rezoning 2920 Expo Parkway, and we write to provide comments regarding the application and associated review and public reaction.

As is evident from the many projects that come before the council, all developments create impacts and whether such impacts are acceptable is determined by a combination of careful study and compliance with the City's planning documents.

Since 2015, the City of Missoula has told the community this property is appropriate for high density residential development and commercial development via the City's 2015 Growth Policy. Per the City's own words, the 2015 Growth Policy is "is the fundamental policy document that guides growth and development in Missoula." High density residential development is defined in the Growth Policy as greater than 24 dwelling units per acre. The City's decision to designate this property for such densities was a conscious one after significant public involvement.

Even prior to 2015, the city determined high density residential development is appropriate for the majority of the property via existing zoning designations. The majority of the property was zoned the equivalent of RM1-35 and R5.4 in 1989. The Council enacted its current zoning code, Title 20, in 2009, designating the majority of the property as RM1-35. In enacting Title 20, the Council made it clear it was not rezoning property as a function of adopting Title 20. Rather, it was updating the text of the regulations without rezoning. Thus, for far longer than 2009, the City has designated the majority of this property for high density residential development. The portion that remains zoned as R5.4 is now out of compliance with the 2015 Growth Policy.

Unfortunately, an administrative provision of Title 20 has created an interesting quirk. It was designed as a means of explaining how to interpret the effect of the regulations on a parcel with two zoning designations – split zoning. Section 20.01.100(E) requires the city to apply the R5.4 zoning to the entire northern parcel of the property despite it affecting less than 20% of that parcel and less than 13% of the property as a whole. This is a defacto rezoning which changed the R1-35 to R5.4 without having undertaken the proper process to change the zoning designations.

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The proposed rezoning helps correct this problem and bring the zoning into compliance with the current 2015 Growth Policy, something which is required by state law.

It is no secret Missoula has a major housing stock problem. Single-family dwelling inventory is scarce and multi-family vacancy rates have plunged to historic lows. We continue to invite new companies to relocate to town and, fortunately, continue to have the kind of quality of life that attracts people to Missoula. That does not mean the Council should rubber stamp every rezoning and development project, but it does mean the City should take appropriate action to help increase the housing stock.

This proposed rezoning checks the right boxes. As noted, the City has told the community for many years the property is appropriate for and expected to be developed as high density residential and commercial development. The property is served by city water and sewer. It is adjacent to the City's transit system. It does not have an ounce of important agricultural soils. Environmental issues are few. It is not located further up Grant Creek where impacts to agricultural soils, wildlife habitat, wildland-urban interface, riparian resources, and low density planning designations all come into play. Hillside regulations reduce the maximum development potential of the property. Switching from RM1-35 to RM1-45 to allow structures of increased height allows for additional greenspace within the development without materially affecting the realistic development density.

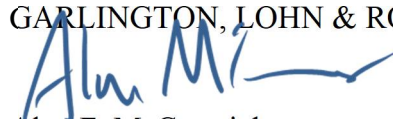
Expected development does present increased traffic. Improvements to the I-90 intersection are underway. The traffic study prepared by Abelin Traffic Services demonstrates expected development of the property will not have a material impact on the level of service for the road network. The study has been peer reviewed by the City's contracted engineering firm which agreed with the analysis. As confirmed by the County's Office of Missoula County Emergency Management, in the event of a mass evacuation, traffic signal controls would be replaced by law enforcement overrides helping to provide a quick exit. Wildfire risks and the possible need for evacuation have long been evaluated in the Grant Creek area and emergency management plans developed as a result. In full knowledge of these risks, the City continued to designate the property as appropriate for high density development.

Agency comments support the proposed rezoning, including the Office of Housing and Community Development which notes the expected development aligns with many goals of the City's recently adopted housing policy, A Place to Call Home. We agree with the conclusions reached in the City's Staff Report and its thorough analysis of the relevant criteria.

If you have questions or need additional information, please do not hesitate to ask.

Sincerely,

GARLINGTON, LOHN & ROBINSON, PLLP



Alan F. McCormick

Direct Line: (406) 523-2518

Email: afmccormick@garlington.com