



MEMO

HOFFMANN MORGAN & ASSOCIATES

265 West Front Street • Missoula, MT 59802

Date: 9/11/20

Re: 2920 Expo - Gravel Quarry RM1-45 Re-zone

Subject: Applicant Clarifications to LUP and Public Comments/Questions from Sept. 2, 2020 LUP hearing

LUP Board Members Land Use Question/Comments:

Amber Sherrill:

1. Wildfire concerns. Amber referred to a letter submitted from three retired Missoula Fire Department residents that live in upper Grant Creek and raised questions pertaining to Emergency Evacuation and referred to fire emergencies in California for reference.

Response:

See 'Exhibit A' email comments from Adriene Beck-Office of Emergency Management.

See 'Exhibit B' email comments from Adam Sebastien-Missoula City Asst Fire Marshal.

See 'Exhibit C, Public Comment 2' from Abelin Traffic Services.

Please consider attached comment from the directors of leading governing agencies for proper accuracy and reliability regarding Emergency Evacuation. Their comments state no issue of concern for emergency evacuation in Grant Creek. To refer to circumstances from natural disasters and Emergency Evacuation problems in other states is not a reliable assessment for Missoula. The one-way in-and-out issue for Upper Grant Creek is not an issue that applies to this rezone application, which has been verified from Abelin Traffic Services Traffic impact Study based on MDT traffic data. The TIS concludes that traffic entering from this proposed development onto lower Grant Creek Rd from Expo Parkway is not a measurable level of difference, therefore, no issue. Abelin's comment in 'Exhibit C' states that with the added lanes currently being installed by MDT, all Grant Creek residents including 950 residents from the proposed Expo Prkwy development can evacuate by vehicle in 30 minutes. This considers a worst-case scenario if all vehicles in Grant Creek were to exit simultaneously. The chance of this is practically impossible. Current conditions of evacuation with the single lane at lower Grant Creek is also estimated at 30 minutes, therefore, no change in evacuation time caused by this proposed rezone.

2. Amber asked for documentation of new additional hotels in Expo as claimed by neighbors

Response: No pending hotel projects exist

3. Amber asked about traffic impact relative to existing zoning

Response: The Abelin TIS demonstrates that the difference in traffic queuing delays between existing zoning and proposed rezoning is less than 1 second. The difference in traffic delay from current Grant Creek population and added population from the proposed development is less than 3 seconds. These are verifiable facts based on MDT traffic data. There is no issue of mis-interpretation.

Mirtha Becerra questions:

1. Current allowed density vs proposed rezone density?

Response: Current zoning allows 500 units due to ‘split-Zoning’ restrictions. This is a resultant hardship caused by the Title 20 Zoning Ordinance which was adopted in 2009. The four different split zoning designations were placed on the property in 1989 when Split-Zoning was allowed. At that time 1,185 units of density was allowed (see Exhibit D). Split zoning restrictions were not established until 2009 following adoption the Title 20 Zoning Ordinance.

2. What dwelling types are allowed under Growth Policy Residential High land use?

Response: All dwelling types including high density multi-story multi-dwelling buildings.

3. Under current R5.4 zoning, how many units are allowed and can that density be reached on the land?

Response: Current R5.4 zoning allows about 300 units on the North parcel. The North parcel has two splits zones established, R5.4 and RM1-35. The R5.4 zone covers 14% of the parcel area and the RM1-35 zone covers 86% of the parcel area. Title 20 Split zoning restrictions cause R5.4 to dictate the entire North parcel, thus allowing about 300 units of single family and duplex residential types only. Amenity type buildings, such as clubhouses and Gymnasiums, are not allowed in R5.4. That density can be reached. The purpose of the RM1-45 rezone request is a parallel solution to correcting a split zoning error caused by the Title 20 zoning Ordinance and compliance with Growth Policy designations, not for density increase purposes. If the current boundary line was relocated to the current R5.4 zoning line, 1,105 units would be allowed before any density reductions. RM1-45 rezoning over both parcels would allow 1,185 units before any zoning density reductions. Under both of these scenarios, when all other zoning regulations are applied (hillside reduction, parking, landscape, recreation) 950 units are allowed. Actual feasible density is about 800 units.

4. Mirtha asked DeGrandpre to describe differences between each Residential high zone.

DeGrandpre answer: RM1-35 with 35’ height limit, RM1-45 with 45’ height limit, RM1.5 with 45’ height limit, RM0.5. with 125’ height limit. All RM zones allow 1,000sf land area per unit of density with exception of RM0.5 which allows 500sf land area per unit of density (double the density).

5. Mirtha stated that the R5.4 zone showing on the zoning map was planned as a transitional zone.

Response: This is a non-verified opinion from Ms. Becerra with fragmented considerations, but we agree with her opinion. However, additional important facts were not addressed by Ms. Becerra. The Growth Policy verifiably demonstrates that the entire 44 acres of this two-lot parcel is a Transitional Zone from high intensity Commercial use to the South to high density residential on this 44 acre parcel, to Medium density residential to the North. It is verifiable incorrect to believe that only the R5.4 zoned portion of the parcel is the transitional zone. Here are the remaining facts that need to be understood: The four different zones were placed on this property around the year 1989. When the zones were established, the City of Missoula did not have a “split zoning” restriction, meaning development was to follow different split zones cast over one property. But current zoning does not allow this anymore, which then causes a hardship where old zoning designations placed on properties do not comply with current zoning regulations and Growth Policy directives. The solution provided by the Title 20 Zoning Ordinance is to apply for a Rezone to fix the regulatory error.

Bryan Von Lossberg

1. What zones qualify in zoning as Residential High?

Response: See Ms. Becerra response #4.

Gwen Jones

1. Expressed concern about wildfires and emergency evacuation and asked what procedures are in place for

emergency evacuation

Response: See Ms. Sherrill response #1.

Julie Merritt

1. Is the purpose of the rezone to resolve a split zoning issue?

DeGrandpre answer: Yes under rezone criteria #6, to correct a zoning error

Heather Harp

1. Ms. Harp asked to address difference between when infrastructure goes in before development vs after development.

Response: Aaron Wilson and Dave DeGrandpre stated that this is not how Missoula works because developers need to pay for the cost of the infrastructure. If infrastructure were to be placed first, it would be the burden of the city and taxpayers to pay for it. Mr. DeGrandpre stated that one traditional exception seen all over the globe is when a blighted area establishes a governmental funding program and infrastructure placed in advance as an attempt to stimulate development.

LUP Board Members Traffic Question/Comments:

See Traffic Impact Study provided by Abelin Traffic Services, Comments from Missoula City traffic engineer consultant Steven McDaniel with WGM Group (Exhibit E), MDT comment in Mr. DeGrandpre's staff report, comment from Adrien Beckke with Missoula Emergency Services (Exhibit A).

Public Comments

1. Grant Parker statements:

- a. "Cottonwood has same density": Correct. Cottonwood has same allowed density under B-2 zoning as proposed RM1-45 rezone.
- b. "MR. Ault claimed RMEF is 4 stories": Incorrect claim. Mr. Ault demonstrated that RMEF is 52' tall which is 7' taller than 4 stories allowed in a RM1-45 zone with a 45' height limit.
- c. "Dogs, how will they be controlled for wildlife impact management": Leashe only rules by on-site property management with fine based strict reinforcement. Fenced in dog exercise areas are a planned amenity.
- d. Mr. Parker raised concerns about trespassing: This is a discriminatory judgement lacking validity and deserves no response.
- e. Flood, stormwater runoff issues claimed: These claims are verifiably incorrect. See response letter provided by Woith Engineering (Exhibit F).

EXHIBIT A

mikemorgan@hm-assoc.com

From: mikemorgan@hm-assoc.com
Sent: Friday, September 11, 2020 4:10 PM
To: 'Mike Morgan'
Subject: FW: Grant Creek Village - Emergency Preparedness

From: Adriane Beck <abeck@missoulacounty.us>
Sent: Thursday, August 20, 2020 1:14 PM
To: Kody Swartz <kody@woitheng.com>
Cc: Spencer Woith <spencer@woitheng.com>
Subject: RE: Grant Creek Village - Emergency Preparedness

Thanks Kody,
Your summary is accurate of our conversation and is consistent with our County Emergency Operations Plan.

Adriane Beck
Director, DES Coordinator
Office of Emergency Management
Office 406-258-3632
Cell 406-830-0974
abeck@missoulacounty.us

From: Kody Swartz <kody@woitheng.com>
Sent: Thursday, August 20, 2020 12:51 PM
To: Adriane Beck <abeck@missoulacounty.us>
Cc: Spencer Woith <spencer@woitheng.com>
Subject: Grant Creek Village - Emergency Preparedness

Adriane,

Thank you again for your time to discuss the Grant Creek Village rezoning today. As we discussed on the phone, we are working through the rezoning in the process for Grant Creek Village and a major component of the opposition is traffic concerns and public safety if we were to experience a wildfire in the area. I am definitely sensitive to the issue as I was a residence of Lolo Creek Trails during both the Lolo Creek Fire of 2013 and the Lolo Peak Fire of 2017 and was put on a evacuation notice twice.

To summarize our phone conversation:

1. The Office of Emergency Management does not have specific plans in place for neighborhoods regarding evacuation plans. This is due to the fact that emergencies tend to be dynamic and there is never a one size fits all approach to an emergency response team. The plan would be developed by the incident commander to fit the situation.
2. We discussed that it would be likely that a number of different things could happen depending on the timing and severity of emergency and that law enforcement would be involved to help implement the plan of the incident commander. (e.g. the interchange could be closed by law enforcement to make sure that traffic is not preventing people from evacuating the drainage if it was at a busy time of day.)
3. We discussed that many drainages in Missoula are subject to the one way in and one way out problem that Grant Creek faces due to the geography of the valley.

Could you please let me know if I understood our conversation correctly and could you provide any further clarifications for us on this topic?

Thanks again for your time today,

KODY SWARTZ, PE, LSI

MISSOULA OPERATIONS MANAGER



3860 O'Leary Street, Suite A
Missoula, MT 59808
Office: (406) 203-0869
Cell: (406) 868-5478

EXHIBIT B

mikemorgan@hm-assoc.com

From: Adam Sebastian <SebastianA@ci.missoula.mt.us>
Sent: Thursday, August 20, 2020 4:48 PM
To: mikemorgan@hm-assoc.com
Cc: Ken Ault; Kody Swartz; bob@abelintraffic.com; spencer@woitheng.com; Dave DeGrandpre
Subject: Re: 2920 Expo Parkway

Mike,

This synopsis appears accurate with no need for further clarification. Thank you for contacting our office and ensuring that there are no outstanding fire concerns pertains to this rezone.

Adam

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From: mikemorgan@hm-assoc.com
Sent: Thursday, August 20, 2020 16:13
To: Adam Sebastian
Cc: ken_aultco@hotmail.com; Kody Swartz; bob@abelintraffic.com; spencer@woitheng.com; Dave DeGrandpre
Subject: 2920 Expo Parkway

Adam,

Thank you for your time today. As we discussed on the phone, the reason for my call was in regards to our application for rezone at 2920 Expo Parkway, and to ask if you have any further comment or issues to address regarding your Agency Comments for the Missoula Fire Department and the Development Services staff report. I first made it clear that our conversation was in no way intended to be biased or coercive.

To summarize our conversation:

1. You explained in further detail, your comment stating "Construction and design provisions of the IFC which apply to this rezoning request include, but are not limited to, fire apparatus access roads, water supply for fire protection, and multiple-family residential developments having more than 200 dwelling units. The IFC provisions will be addressed during fire review of submitted plans and do not appear to affect this request."
2. You clarified that fire apparatus roads include all roads from a fire stations to a specific location. You said that there are no issues with fire access to 2920 Expo Parkway Road. You stated that when a project has over 200 dwelling units, at least two points of access are required. You pointed out that this project has 3 points of access, therefore no issue of concern.
3. You commented how you and I met during building permit application for the first phase of this project, and that we reviewed the full development in it's entirety, and that all emergency vehicle routes were in compliance, therefore no issue, and that you would re-review for compliance during each building permit application to insure compliance remains in place.
4. You clarified that water supply is adequately provided, therefore no issue.
5. I then asked you if you had any input about emergency evacuation strategies if for example, residents in Grant Creek needed to evacuate the area due to a wildfire. You commented that there is a city/county Emergency Evacuation Plan established throughout the city. If such an event were to occur, law enforcement and other emergency services would arrive and traffic control would be controlled by personel rather than traffic signals. You recommended I speak with Adriane Beck with Missoula County – Emergency Management for more information.

EXHIBIT C



September 10, 2020

Dave DeGrandpre, Planning Supervisor
City of Missoula Development Services
435 Ryman Street
Missoula, MT 59802

Re: Grant Creek Village Traffic Impact Study Public Responses

Dear Dave, Abelin Traffic Services has developed supplemental information for the July 2020 Grant Creek Village Traffic Impact Study. This additional information is in response to the public comments provided to the Land Use Planning Board. The traffic comment topics from the public have been aggregated and the detailed responses to the comments and questions are as follow:

Public Comment 1. Did the traffic study account for peak winter and summer traffic patterns?

Generally, roadway design is done using average traffic conditions while acknowledging that peak traffic conditions exist periodically which may be difficult to practically mitigate through road design. In this instance, the roadway analysis was performed for average use conditions corresponding to commuter traffic in the area. Peak summer traffic conditions in this area will generally be created by recreational traffic using the commercial services near the I-90 interchange. While this traffic can be significant during the summer months, the traffic patterns from recreational traffic tends to be significantly different than normal commuter traffic and generally occurs at different times. Recreational traffic tends to peak from mid-morning to mid-afternoon while commuter traffic is highest in the early morning and evening. Since these two types of road uses patterns generally have little overlap, it is not generally necessary to perform a detailed review of summer recreational traffic conditions in the context of a residential development. The planned MDT improvements at the I-90 interchange will likely correct most of the congestion for summer recreational traffic in this area and the contribution of traffic from the Grant Creek Village to the summer peak recreational traffic periods would be relatively low.

Similarly, the peak winter traffic along Grant Creek Road associated with Snowbowl Ski Area would generally flow opposite of the commuter traffic from the Grant Creek area. Skier traffic in the canyon typically flows into the canyon during the morning hours and out of the canyon in the late afternoon, which is the exact opposite of the residential commuter traffic flow pattern in the area. Any congestion which may exist for skier traffic or from the residential commuter traffic will not generally have a major effect on the traffic flow in the opposite direction.

Public Comment 2. Emergency evacuation scenarios for Grant Creek

In the event of a major evacuation of the Grant Creek area, law enforcement will typically override traffic signal operations and block opposing lanes to allow traffic to flow freely from Grant Creek Road. Typically, it is assumed that a single lane of traffic has a capacity of 1,800 vehicles per hour. With the current 700 homes in the Grant Creek Village, it would take approximately 30 minutes to one hour to evacuate the existing Grant Creek residences through one southbound travel lane through the single existing southbound lane.

In the event that both the Grant Creek area and the area around Expo Parkway and the Grant Creek Village were also required to evacuate simultaneously, emergency services would have the option to use both the southbound lane on Grant Creek Road and the existing center turn lane to effectively create two separate southbound lanes from Expo Parkway to the I-90 interchange. This would effectively provide a capacity of 3,600 vehicles to exit the area in one hour (two lanes X 1,800 VPH per lane). Under this scenario, the entire Grant Creek area and the 950 units of the Grant Creek Village could still evacuate within 30 minutes to one hour.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bob Abelin', is positioned above the printed name.

Bob Abelin, P.E. PTOE
Abelin Traffic Services, Inc.

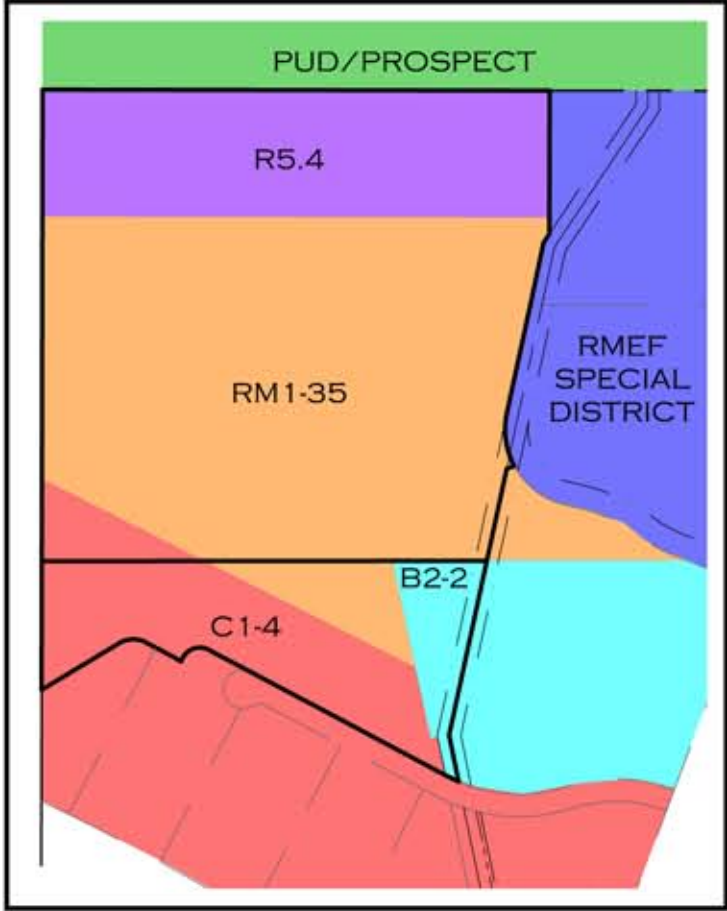
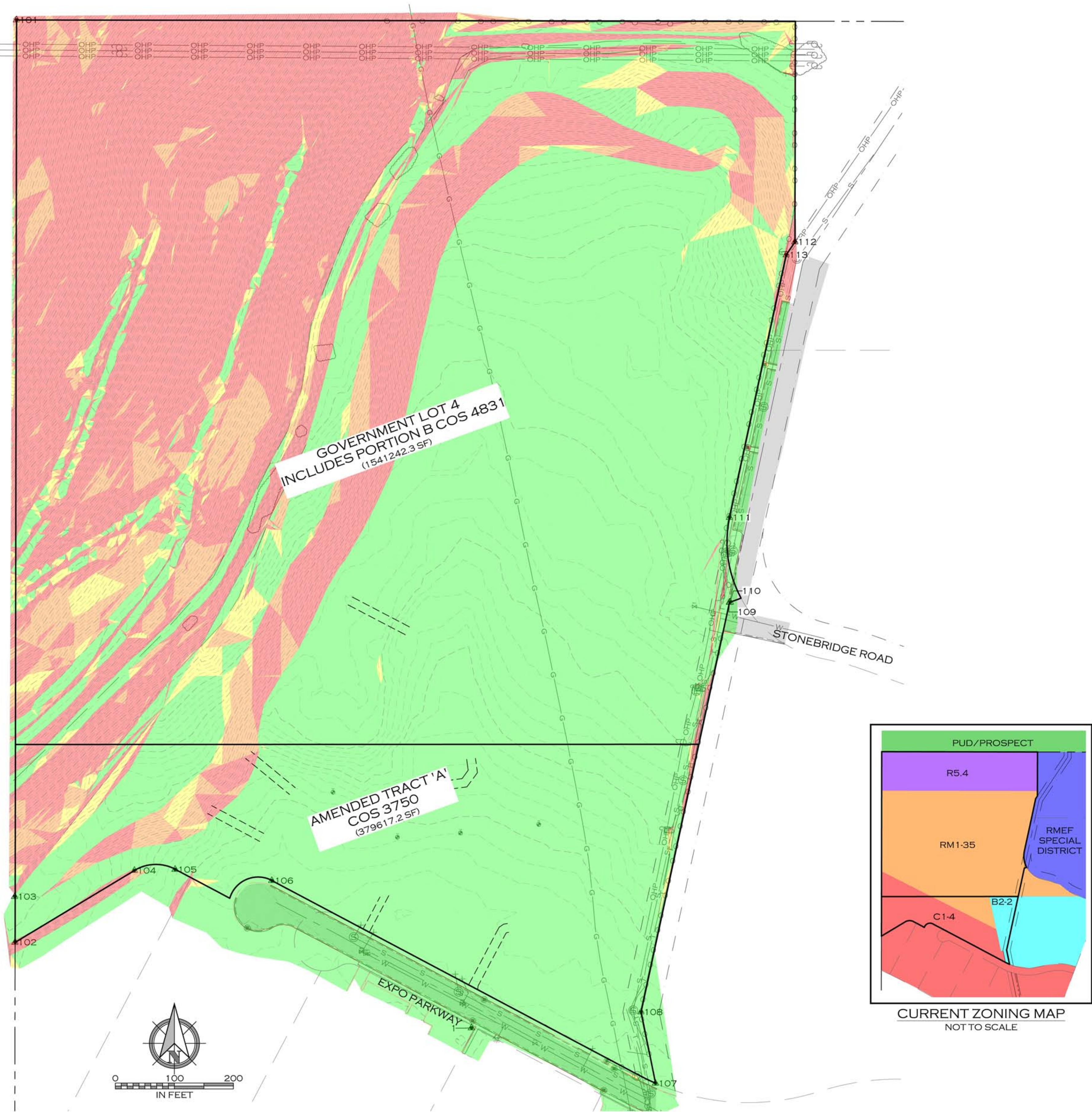


EXHIBIT D

CURRENT ZONING WITH HILLSIDE DENSITY REDUCTION FOLLOWING HIGH DENSITY & R5.4 SPLIT ZONING

| SINGLE-FAMILY SLOPE TABLE | | | SINGLE-FAMILY ZONING | | | |
|---------------------------|-----------|--------|----------------------|-----------|---------|---------|
| SLOPE RANGE | AREA (SF) | COLOR | ZONING | AREA (SF) | SF/UNIT | DENSITY |
| 0% - 15% | 112826 | Green | R5.4 | 112826 | 5400 | 20.9 |
| 15.001% - 20% | 13192 | Yellow | R5.4 | 13192 | 7722 | 1.7 |
| 20.001% - 25% | 34526 | Orange | R5.4 | 34526 | 10800 | 3.2 |
| 25.001% + | 270322 | Red | TOTAL | | | 25.8 |

| MULTI-FAMILY SLOPE TABLE | | | MULTI-FAMILY ZONING | | | |
|--------------------------|-----------|--------|---------------------|-----------|---------|---------|
| SLOPE RANGE | AREA (SF) | COLOR | ZONING | AREA (SF) | SF/UNIT | DENSITY |
| 0% - 15% | 994655 | Green | RM1-35/B2-2/C1-4 | 994655 | 1000 | 994.6 |
| 15.001% - 20% | 45372 | Yellow | RM1-35/B2-2/C1-4 | 45372 | 1430 | 31.7 |
| 20.001% - 25% | 97336 | Orange | RM1-35/B2-2/C1-4 | 97336 | 2000 | 48.7 |
| 25.001% + | 349975 | Red | TOTAL | | | 1075 |

EXISTING ZONING WITHOUT SPLIT ZONING APPLIED ALLOWS FOR 1 100.8 UNITS FACTORING HILLSIDE REDUCTION.

COLOR VERIFICATION
ELEMENTS ON THIS SHEET ARE
INTENDED TO BE IN COLOR. IF
PROPERLY REPRODUCED, RED, GREEN
AND BLUE WILL BE VISIBLE.

1940

JOB #:

DRAWN:

DESIGN:

QA:

DATE:

CRH

CRH

CRH

KTS

DATE:

DESCRIPTION:

WOITH ENGINEERING, INC.

ENGINEERS & SURVEYORS

405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955
3860 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9555
• WWW.WOITHENG.COM •

MISSOULA

GRANT CREEK VILLAGE

MONTANA

SLOPE MAP

EX-A

8/24/2020

DATE:

8/24/2020

DATE:

EXHIBIT E

From: Stephen McDaniel
To: [Jeremy Keene](#); [Dave DeGrandpre](#); [Kevin Slovarp](#)
Cc: [Aaron Wilson](#)
Subject: RE: Grant Creek
Date: Thursday, August 13, 2020 3:20:16 PM
Attachments: [ExpoParkTISupdate7-29-20-Review.pdf](#)

All,

Attached are my comments. The updated TIS is not bullet proof, but after enough digging through the appendices, many of my concerns have been addressed. Grant Creek is built with a two-way left-turn lane (TWLTL) that will allow left-turning vehicles onto both Expo Parkway and Stonebridge Road while not affecting the operations of the northbound through movements. Most of the egress traffic out of the site will be making a right turn and head south into town, which allows for the existing geometrics to operate decently well, even in the full build conditions. Most of the queueing and poor intersection operations that plague the neighborhood today will be mitigated by the MDT improvements going in this fall/spring. The maximum observed queue in the full-build out is not anticipated to block any upstream intersections, or spill onto the freeway.

The main unknown at this point is the seasonal fluctuations associated with Snowbowl traffic. However, Snowbowl traffic should be peaking on weekends and not coincide with the weekday peak-hours of Grant Creek Road. This may be worth some internal discussion, and/or having the Abelin Traffic Services (ATS) reach out to Snowbowl for historic traffic data. Thoughts?

There are still a couple items that need addressed and/or were not addressed with the revised TIS that I would like clarified.

1. The TIS considers possible full build-out conditions, but provides a density below what was asked for in the rezoning. How will the City handle permitting/review of the site if/when the proposed conditions change in the future?
2. The intersection of Expo Parkway and Grant Creek Road (as analyzed) may include a dedicated left turn lane in an addition to the TWLTL. It should match the lane geometrics of the southbound direction with a TWLTL, however these are coded differently for some reason. Please have the ATS confirm the geometrics are coded correctly and consistently for both the Expo Parkway and Stonebridge intersections. **This was not addressed**

EXHIBIT F



September 11, 2020

Bryan von Lossberg, Council President
Missoula City Council
435 Ryman Street
Missoula, MT 59802

RE: Grant Creek Village Rezoning – Flood and Stormwater Comments

Transmitted Via Email

Dear Council Members:

At the last Land Use and Planning Committee Meeting on September 2, 2020 with City Council, Grant Parker, general counsel for the Rocky Mountain Elk Foundation, brought up concerns with the project in regards to the flooding of Grant Creek and how the proposed rezoning will exacerbate the problem. Mr. Parker incorrectly stated that a portion of the subject parcel resided in the floodplain. To be clear there is no portion of the project within the floodplain of Grant Creek.

Mr. Parker also mentioned that the stormwater from this project will have adverse effects to the flooding conditions that have occurred on Grant Creek in the past. There are a couple of important notes to clarify on those comments. First, there has been a levee added to the area since the last flooding event. Second, and more importantly, any project that will be constructed on the subject parcel whether it is commercial, multi-family residential or single-family residential will need to meet the same storm drainage regulations put in place by the City of Missoula and the Montana Department of Environmental Quality. According to these regulations, the peak discharge allowed from the site is based on the **pre-developed** conditions of the subject parcel. To further clarify, this means that whatever is constructed on the site can discharge the same maximize flow rate to the existing City of Missoula Storm Drainage System and any extra runoff that would be created due to new construction must be detained on site.

We wanted to clarify these concerns prior to the final City Council meeting on Monday, September 14th. If you should have any questions regarding this information, please feel free to reach out to our office.

Sincerely,

Woith Engineering, Inc.

A handwritten signature in blue ink, reading 'Kody Swartz', is written over a horizontal line. Below the line, the text 'Kody Swartz, PE, LSI' and 'Missoula Operations Manager' is printed in a black, sans-serif font.

Kody Swartz, PE, LSI
Missoula Operations Manager