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Subject: Aspire Subdivision Second Sufficiency Review – Five Valleys Audubon Comments
Date: Monday, March 11, 2024 3:17:22 PM

Our concerns with the Aspire Subdivision remain unchanged since our first review of the proposed development. The riverfront homes are too close to the site's riparian habitat. Also, the applicant's impact narrative understates the value of that habitat and proposes an insufficient mitigation strategy.

In spite of what we offered during the first sufficiency review, the wildlife impact assessment remains little changed. There is now a listing of wildlife species that has little relevance to a discussion of riparian area impacts. Among the bird species listed are a few that don't exist (i.e. *Kessler hawk*, *retail hawk*, *ruffle leg hawk*, *barn sparrow*). The only other addition to the discussion notes that "... *riparian habitat may exist on the river.*" Such habitat does exist. The riparian resource report accompanying the application even attests to the presence of a riparian area. As noted in the report, it's an area that "...*follows the full length of the Clark Fork on the eastern edge of the property, approximately 1,675 linear feet.*"

The applicant's wildlife impact analysis does not change the fact that the development will impact valued riparian habitat with insufficient mitigation. It is a critical and scarce environment that deserves protection beyond what is being proposed. In our first sufficiency comments, we noted that new county zoning regulations acknowledge the importance of protecting Missoula's riparian resources. It is protection afforded by requiring that land development activity be set back explicit distances from adjoining riparian resources. Significantly, they speak to the setbacks needed on the specific reach of the Clark Fork that flows by the proposed Aspire Subdivision.

We realize that decision-making on this land development proposal will be guided by laws and regulations of the city. At the same time, protective measures like those offered by the County zoning regulations must be established. Absent such action, the riparian area impact of the Aspire Subdivision cannot be mitigated.

Finally, we were unable to find our comments included as part of the record being developed for this subdivision proposal. It appears the city may not require applicants to incorporate all comment letters received during sufficiency reviews. If that's the case, we would posit that such

correspondence is an essential part of the public record and must be included.

In the interest of providing more context to our comments, we have included those we submitted during the first sufficiency review. Thank you for the opportunity for continued engagement in the review process for the Aspire Subdivision.

Aspire Subdivision
First Sufficiency Review Comments
Five Valleys Audubon Society
October 11, 2023

Five Valleys Audubon Society has had a long-standing interest in land development activity that may impact areas having valued bird habitat. In the case of the Aspire Subdivision, it is the development's impact on riparian habitat along the Clark Fork River. Riparian environments exist as critical habitat for a wide range of wildlife, including birds, large and small mammals, amphibians and reptiles. It is a habitat that occupies less than four percent of Montana's land area. Yet, in spite of its limited presence, it's used by over 80 percent of the bird species found in the state during all or part of the year. No other habitat in the West supports a higher diversity of breeding birds. Further, migrating birds follow river corridors during their journeys and use riparian habitat as stopover areas for resting and feeding.

We have no survey data regarding bird use on land comprising the Aspire Subdivision. However, observations in areas upriver having similar vegetation suggest what bird species would use the site's riparian habitat. Overstory conifers provide hunting perches for large raptors, including both Ospreys and Bald Eagles. The shrub vegetation affords a substantial number of bird species with an area for feeding and nesting. Among the birds we would expect to find are Orange-Crowned, MacGillivray's, Nashville and Yellow warblers, Ruby-crowned Kinglets, Gray Catbirds, Eastern Kingbirds, Western Wood-Pewees, Dusky and Willow flycatchers, Cassin's and Warbling vireos, Lazuli Buntings and Calliope Hummingbirds.

Our concern with the proposed Aspire Subdivision relates to the impact of its planned riverfront homes on the site's valued riparian habitat. In a development like that being proposed for the Aspire property, we would

expect riverfront homes to be sited much further away from the river. The large subdivision development immediately across the river exemplifies what we think should be the case. There, a substantial open space separates homes from the riverine environment.

Recently, Missoula County updated its zoning regulations at the conclusion of a lengthy process involving extensive community involvement. It was a comprehensive effort aimed at developing tools needed to achieve a future envisioned in the *Missoula County Growth Policy*. Important among the regulations were those aimed at protecting the integrity of Missoula's riparian resources. Adopted in 2022, the regulations thoughtfully address land development along Missoula County's rivers and streams.

Significantly, they speak to the specific reach of the Clark Fork River that flows by the proposed Aspire Subdivision. There, the regulations call for a minimum 50-foot setback from the high-water mark to protect the riparian resource. An additional minimum distance of 125 feet is required to separate the riparian resources from development activity on adjoining land. These setbacks, as discussed in the County zoning regulations, are appropriate for the site and the Aspire development plan should be revised to reflect them. The riverfront lots now being contemplated for the subdivision are too close to the riparian habitat.

We realize that decision-making on this land development proposal will be guided by laws and regulations of the city. At the same time, serious consideration should be afforded the protective measures offered by the County zoning regulations. With their adoption, the Missoula community has expressed the specific manner in which it wishes to protect riparian habitat affected by the Aspire Subdivision. It is valued habitat within the Clark Fork River corridor, a significant natural resource asset of the Missoula community that deserves thoughtful protection both now and for future generations.

Thank you for the opportunity to offer our comments during this early stage of review for the proposed Aspire Subdivision.