



April 13, 2022

Mayor Engen and Members of Missoula City Council,

Re: KJA rezoning application

Dear Mayor and Council:

Friends of Grant Creek (FOGC) has critically analyzed the TIS submitted by KJA in support of its rezoning application, presumably offered to satisfy Zoning Code Section 20.85.040 G, particularly b, c, d and f, of the zoning criteria. We found many errors in this report. We are informed by City Engineering staff that they likewise found significant problems with the report and they have directed the applicant to submit a supplemented and corrected TIS report.

FOGC instructed its traffic consultant to stop work on review of the TIS until we receive the new report.

FOGC is concerned that the rezoning application is on the Council's consent agenda for the meeting on April 18, 2022 (five days from now). The Council will not have the benefit of reviewing a new TIS, nor the review by our consultant, prior to referral to the LUP. The Planning Board will likewise not have this information for its review on April 19.

A rezoning application is required to be complete prior to the time that the zoning officer makes a report and the hearing process proceeds. See Zoning Code Section 20.85.020 (a copy is appended hereto).

The burden of proving a basis for changing the existing zoning of a parcel is on the applicant. Zoning Code Section 20.85.030. It is not the fault of the City, or of the interested public, if the TIS submitted by the applicant is deficient and incomplete. The hearing process should be suspended until the revised TIS has been provided and has been reviewed by City Engineering, Mr. DeGrandpre, FOGC and our expert, and members of the public.

Thank you for consideration of this important jurisdictional issue.

_____/s
R. T. Cox, President, FOGC

c: Grant Parker, Esq., RMEF
Dave DeGrandpre

2. Completeness and Accuracy Review

- a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- b. If an application is determined to be incomplete, the zoning officer must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies in the application that will prevent competent review of the application. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.
- c. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle.

When the deficiencies are corrected, the application will be placed in the next available processing cycle.

- d. The zoning officer may require that applications or plans be revised before being placed on the agenda of a review or decision-making body if the zoning officer determines that:
 - (1) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards; or
 - (2) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards.

3. Application Sufficiency and Acceptance

Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Development Services and other agency staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.