

FOGC Bullet points re: rezoning Grant Creek Village site (post LUP hearing June 1)

- ◆ The only legal brief Council has regarding use of a development agreement (usually and appropriately used in annexation proceedings but not rezoning) is the one from FOGC. Mr. DeGrandpre and Mr. Sudbury offer their opinions, disputed by the City's own planning documents, that because the rezoning "fits" the growth policy, this is not "spot zoning". They offer no legal citations. I note that Neva Hessanein disputes their conclusion as well.
- ◆ It only takes one wreck on lower Grant Creek Road to screw up the best-laid evacuation plans. People resist evacuation, then panic. Incidents of a lifetime did actually happen in Denton MT, Louisville CO and California (frequently). See, for example, [https://en.wikipedia.org/wiki/List\\_of\\_California\\_wildfires](https://en.wikipedia.org/wiki/List_of_California_wildfires)
- ◆ The people most familiar with traffic problems, the "crash cluster" and desperate drivers dashing into left turns against traffic, are the people who live in Grant Creek. It is remarkable how unanimously they are opposed to the rezoning application. But this is not just about the people who live in Grant Creek now, it is also about the safety of new residents of Grant Creek Village.
- ◆ Missoula has outstanding fire, emergency, law enforcement and public works officials. However, no one from emergency management, fire, police, have been up here to investigate the two-track dirt road leading to a narrow culvert under the Interstate at the Wheeler property. Should we allow a doubling of the population of Grant Creek on the supposition that this will be investigated later?
- ◆ The subdivision process creates opportunities for real estate, independent construction firms and other enterprises, plus family ownership. Construction of a giant rental-only project does not.
- ◆ The applicant has the burden of proof on every one of the rezoning criteria. This case is rife with uncertainty about traffic details, evacuation strategies (Adriane Beck candidly said "we fly by the seat of our pants"), rescue in 4-story buildings (platform truck is on 39<sup>th</sup> St.), non-binding development plans, public safety issues (need a second way out, Hoffman), lack of options to reduce single-occupancy vehicle trips (Jeremy Keene), navigating extensive parking lots in lieu of streets (Greenlight Engineering), pedestrian safety, incomplete TIS (Keene) and blockage of lanes to reach I-90 (Keene). **Existence of uncertainty obviously does not equal meeting burden of proof.**
- ◆ Some states passed laws which govern development agreements in rezoning. Montana has not done so. Council members are understandably concerned about a developer/applicant offering a Development Agreement as an incentive to pass the rezoning. This issue can be avoided by a simple denial of the rezoning application. Then the applicant can submit a PUD or subdivision permit application. This land should and hopefully will be developed, appropriately. As Erin Pehan stated, let's incentivize single-family housing.

Submitted by FOGC June 3 2022