

Reader's Guide to the Record as shown on LUP Agenda Package May 27, 2022

Submitted by FOGC May 31, 2022. The purposes of this analysis are to index and **highlight** important documents and provide context for analysis and comments by FOGC.

Items of interest are shown with **highlights** and comments (by FOGC).

Document Number
and page references

1 (15 pp, repeated in Doc. 54) Staff Report, recommendations, proposed motion; **see comments by Fire Dept., City Parks, Mtn. Line, Public Works pp. 11-12**

3 site plan (shows power line easement to north and pipeline easement diagonal)

4 Fire Logistics report

5 Woith Engineering statement re: rezoning request

P 3 Woith discussion of 1980 Plan and medium density

6 Rezoning Application Form

8 Draft Development Agreement, effective only on signing by the Mayor (§4)

P 119 Schedule for amenities (§12) comment: delays seem random

9 Site Plan with dead end for Stonebridge Ave., lots of parking (see item 21 for City comments)

10 Letter of Intent re: van service comment: no definite terms, not a contract

11 Growth Policy Map

12 Vicinity Map

15 Floodplain Map

17 Development Services requests for agency comments

18 Abelin TIS (3rd version) with Ryan Guelff critiques embedded pp. 144-160
comment: many deficiencies are not addressed in Abelin's 4th report

20 Fire Chief Hughes comments about wildfire: "Wildfire is an inevitable occurrence, and virtually no area in and especially around the city of Missoula is immune to such. Our ability to live with wildfire is dependent upon many factors, with each factor impacting the outcome in the event of a wildfire. **With the development of the drainages around the Missoula Valley, citizens are placed at risk of property damage and physical injury/death. The easiest solution to this dilemma would be**

to restrict development and overall access to these regions. However, this is not feasible. So we make adjustments, or perhaps turn a blind eye and do nothing at all and live with the opinion that ‘wildfire won’t impact me’.”

21 **Dax Fraser, Fire Marshal re: roads, parking, uncertainties**

22 Parks Dept. comments. Most suggestions have not been adopted.

24 Troy Monroe traffic comments: **development will have impacts on traffic, improvements may be needed, non-motorized improvements are needed**

25-27 Dan Stone, Mtn Line comments, no immediate plans to serve area, new routes dependent upon developments on N. Reserve St. “With this development in particular, designing it to be dense, walkable, and pedestrian friendly does help move the needle in potentially providing fixed-route service there someday, but it will remain difficult to serve if conditions along North Reserve St. do not change **and it remains an island of dense residential development far from other nodes and high-transit demand areas.** Adding new transit routes is expensive and requires either a substantial increase in funding **or that we divert resources from other areas of our community, which is why the best way to ensure that new development is served by public transportation is to build near existing transit lines.**”

28 **Wildfire Risk Task Force Letter #2** April 26, 2021. This is a long letter, but filled with unrefuted references to useful and authoritative sources of information

29 **Wildfire Risk Task Force Letter #1** August 26, 2020. Again, long but fact-packed, not disputed.

30 Comments from the Pierce family in opposition

31 Comments from Sally Tibbs in opposition

32 Comments from Kim Birck in opposition

33 Comments from John Squires in opposition

34 Staff Compilation of comments from 16 + members of the public in opposition (compiled for Planning Board)

35 **FOGC Appendices to Item 36. App. 1 is a City Planning document illustrating that development regulations are not in sync with the “Build Inward” focus. App. 2 is the 1980 Grant Creek plan map. App. 3 contains photos from Mike Cole’s reports. App. 4 shows Snowbowl expansion traffic. App. 5 is important correspondence between FOGC and Public Works about a corridor study and needed traffic improvements for which there is no budget; Public Works has been responsive to FOGC but it lacks resources. App. 6 illustrates more errors in the Abelin TIS.**

36 FOGC April 11, 2022 **Reasons to Deny Rezoning** (7 pp.)

37 **Wildfire Risk Task Force Letter #3: “research identified the immediate Missoula area (including Grant Creek) as the Number 1 Priority Fireshed in the USDA Forest Service Northern Region 1” Climate change in the Western United States is making wildfires worse by “...increasing the frequency and scale of high winds and hot dry weather.” (January, 2022. USDA Forest Service. Confronting the Wildfire Crisis. Page 16. *** “Few jurisdictions have the will or means to restrict further residential development in the WUI, although modifying and curtailing residential growth in fire-prone lands now would reduce the costs and risks from wildfire in the long term.” 2017. Proceedings of the National Academy of Sciences. *** In 2020 the Missoula City Council approved the purchase of 350 acres on Mount Dean Stone, curtailing residential growth in fire-prone lands. Under the heading of Adapting to Climate Change and Protecting Human Safety, the stated goal of this acquisition was that it “...helps the Missoula community adapt to climate change by eliminating residential development in a high wildfire risk area, reducing wildfire risk to both structures and first responders.” *** Andrew Hagemeyer, Senior Planner with Missoula County Community and Planning Services Department, met with the Friends of Grant Creek Board of Directors. Mr. Hagemeyer stated that development in Grant Creek was “...maxed out...” with the exception of several random undeveloped lots within existing subdivisions and that Grant Creek was “...not an appropriate area for growth to occur.”**

38 Comment by Grant Creek Trails Association

39 Abelin TIS update April 2022; Table 1 shows traffic increases from 2012 to 2019 (Note: recent 2022 City traffic data shows much higher traffic above Stonebridge than is shown in Abelin’s Table 1). At p. 6 Abelin used trip rates for apartments but not for the 75 townhouse units proposed; City Engineers criticized this omission. At p. 10 Abelin says that only 1 to 5 vehicles per hour turn left on Expo Parkway and Stonebridge Ave.; this is obviously incorrect. His own Appendix B shows 29 vehicles per hour turning left onto Stonebridge and 78 vehicles per hour turning left onto Expo in 2021 and 185 vehicles per hour at “full buildout”. He predicts a 60 percent increase in traffic on Grant Creek Road from this proposed 700 unit development. P. 12 of his report. See Greenlight Engineering report (Item 52) for more criticism of the TIS.

40 **FOGC legal memo regarding use of development agreements** : “Because the action of the commission in this instance is an exercise of judicial authority, the burden of proof should be placed, as is usual in judicial proceedings, upon the one seeking change. The more drastic the change, the greater will be the burden of showing that it is in conformance with the comprehensive plan as implemented by the ordinance, that there is a public need for the kind of change in question, and that the need is best met by the proposal under consideration. **As the degree of change increases, the burden of showing that the potential impact upon the area in question was carefully considered and weighed will also increase. If other areas have previously been designated for the particular type of development, it must be shown why it is necessary to introduce it into an area not previously contemplated and why the property owners there should bear the burden of the departure.**” (emphasis added) *Fasano v. Bd. of County Commissioners*, 507 P.2d 23 (Or. 1973).

42 John Wolverton letter asserting (erroneously) that there are multiple escape routes out of the Grant Creek drainage. [The Wildfire Risk Task Force has inspected every one of those routes; all but Dodd Ranch Road by Snowbowl are impassable to motor vehicles.]

43 Sara Vasil letter in opposition to rezoning

44 Bert Lindler letter requesting that emergency egress from Prospect neighborhood to Expo Parkway or Stonebridge Ave. be preserved

45 Letter from Cottonwoods Condo owner Erin Nuzzo

46 Staff compilation of nine comments April 12-14, eight in opposition, one requesting information

47 Comments and request for computation of number of units of housing could be built after adjustment for easements (from RMEF; this question has not been answered)

48 Orchard family statement in opposition to rezoning

49 RMEF Protest Petition. **The applicant has not met its burden of proof regarding zoning criteria, among other issues.**

50 Planning Board summary, explaining generally why the Board disapproved the rezoning application

51 Ryan Guelff comments on traffic issues: "PW&M agrees with the Current Planning department's findings that impacts on transportation and public health and safety posed by the rezoning can be mitigated. We have suggested a number of potential mitigation measures in the linked document that may be required for development under the proposed zoning. **There may be other unforeseen mitigation measures not mentioned in the document depending on specifics at the time of the actual development review; and any required mitigation measures may be cost prohibitive and/or may require long implementation timelines that do not align with a specific development schedule.**" These candid comments suggest great uncertainty about how and when mitigation efforts would or could be undertaken.

52 Greenlight Engineering report; Executive Summary criticisms:

- **The TIS provides no analysis of Reserve Street south of the I-90 interchange** where the development will add over 2000 vehicle trips per day.

- **The TIS assumes that zero growth will occur in this area of Missoula over the next 10 years.**

- The TIS failed to collect two hour traffic counts during the weekday AM and weekday PM peak hour as required.

- The traffic counts presented in Appendix A of the TIS do not match the traffic volumes presented in Appendix B & the traffic volumes do not balance between adjacent intersections, indicating traffic count or mathematical errors.

- The TIS analyses of the I-90 Eastbound Offramp/Reserve Street and I-90 Westbound Offramp/Reserve Street intersections does not remotely match actual traffic signal timing in operation.

The operations presented in the TIS are not reliable. **The transportation model was not calibrated to provide reliable results.**

- **Stonebridge Road is required to be extended into the site as a public road and not terminate into a drive aisle without a public turnaround.**

- The seasonal traffic volume variation of Grant Creek Road to account for recreational traffic has not been accurately accounted for because it is compared to roads that possibly have little to no seasonal traffic.

53 **Planning Board Minutes** April 19 2022 (very thorough; the Board was attentive).

54 Development Services LUP Presentation May 9, 2022. 23 pages instead of 15 page original presentation

55 Slides for June 1 presentation by FOGC

56 Dr. Uhlenbruck opposition to rezoning

57-80 24 Neighboring homeowners' protest petitions

81 Neighborhood petition signed by 65 homeowners in Prospect Neighborhood opposing the rezoning application

82 J. Bean letter supporting the application

83 C. Ullrich letters opposing the application

89-97 Nine more neighboring homeowners' protest petitions

98 Three letters, one in support and two in opposition to the rezoning application

-----This is current as of May 31 at 210:30 a.m. -----

RT Cox