From:	Peggy Walker
To:	Grp. City Council and City Web Site
Cc:	Rtcox; Kim Birck; Wendell Beardsley; Dodie Moquin; John Langstaff; Erin Nuzzo; Andrea Felton; Kevin Davis; Mike Cole
Subject:	Letter of Protest
Date:	Tuesday, June 21, 2022 7:27:54 AM

June 20, 2022

To the Missoula City Council and Development Department

We write to express our deep disappointment at the City's apparent lack of transparency, public process and community outreach concerning the proposed development agreement for KJA's Grant Creek Village rezoning request. You said and we expected that you would be using the last 3 weeks to give yourselves and the public time to review the document and revisions to it and the issues surrounding development agreements. Instead, you didn't inform Grant Creek residents or even post the revised agreement until a few hours before the start of a three-day weekend and made it hard to find even then.

On June 6, the City Council rejected a motion to approve the KJA rezone request for 2920 Expo Parkway, and instead approved a motion to allow three weeks – until June 27 – to give the Council and the public time to review the development agreement, even though it was made clear during discussion that the Council could not consider the development agreement in making their decision to approve or deny the proposed rezone. Further, it was also made clear at the meeting that the development agreement included with the rezoning application was a draft and that another version would be forthcoming. Residents of Grant Creek and other interested parties had been waiting and watching for the new development agreement to be posted on Engage Missoula and/or sent to the Friends of Grant Creek board for review and comment.

On Saturday June 18 a Grant Creek resident who has been diligently checking and rechecking the Engage Missoula website, as well as other City of Missoula portals, found the Development Agreement as an attachment to the agenda for Wednesday's LUP meeting. We assume that it was probably posted to the website Friday afternoon or evening. This smacks of a common public relations tactic: releasing controversial news at a time when it is likely to be "under the radar" and thus go largely unnoticed. The revised development agreement has significant differences from the version submitted with the application, including contradictions to prior opinions made by the City Attorney as to the legality and enforceability of development agreements under Montana law. Furthermore, the Development Department has been using staff time (paid for with our taxpayer dollars) to help craft a development agreement that would be to the developer's advantage.

Friends of Grant Creek has already made known on multiple occasions that we support the current zoning of this property and oppose the rezone. Neither the revised development agreement nor the City Attorney's memorandum were provided to the Friends of Grant Creek board despite specific requests that they be provided. Our purpose here is to voice our STRONG OBJECTION to what we see as at best a lack of transparency and community outreach, and to what appears to be bad faith on the part the city in meeting its obligation to provide updated and easily accessible information on a timely basis to the residents who will be most affected by this development project.

Friends of Grant Creek Board of Directors