

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 9, 2023 – 2 PM

Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams

[Click here to view the meeting recording.](#)

Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Josh Slotnick
Commissioner David Strohmaier
Commissioner Juanita Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Jennie Dixon, Planner, Planning, Development and Sustainability
John Hart, Civil Deputy Attorney, Attorney's Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Annie Cathey, Administrative Assistant, Commissioners' Office
Chris Lounsbury, Missoula County Chief Administrative Officer
Allison Franz, Communications Manager, Communications
Elisha Buchholz, Equity Coordinator, Human Resources
Laurie Hire, Office Manager, Lands and Communities
Carey Powers, Communications Coordinator, Communications
Tim Worley, Senior Planner, Planning, Development and Sustainability
Blayne Metz, Operation Shelter Coordinator, Communications and Projects

1. **CALL TO ORDER** *[Time stamp – 00:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:19]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:39]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS**
 - a. **Closed Captioning Available** *[Time stamp – 00:54]*

5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:42]*
[None]

6. **CURRENT CLAIMS LIST** *[Time stamp – 01:56]*

Claims received as of February 21, 2023 to February 28, 2023 by the Commissioners' Office total \$2,103,614.26.

7. **HEARINGS**

a. **Cable Franchise Agreement – TDS Metrocom, LLC** *[Time stamp – 02:14]*

Chris Lounsbury, Missoula County Chief Administrative Officer

Commissioner Vero made the motion to adopt the cable franchise agreement with TDS.

Commissioner Strohmaier seconded.

[Motion passed 3-0.]

[Cable Franchise Agreement recorded as Book: 1087 Page: 498]

b. **King Ranch Golf Course – Boundary Line Relocation** *[Time stamp – 07:28]*

Jennie Dixon, Planner, Planning, Development and Sustainability

Commissioner Strohmaier made the motion to approve the request by Forlorn Hope, LLC, to utilize the Relocation of Common Boundaries exemption on property located at 17775 Mullan Road based on the findings of fact and conclusions of law in the staff analysis and as presented in the exemption application and affidavit.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Letter 2023-043. Mailed to: Woith Engineering c/o Anthony Hilliard.]

8. **OTHER BUSINESS**

[None]

9. **ADJOURN**

Chair Slotnick – Called the meeting to adjourn at 2:35 p.m.

BCC Public Meeting March 9, 2023 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

0:0:0.0 --> 0:0:10.400

Sophie Moiese Room

Thanks for your patience, everybody. Welcome to our admin admin meeting, our public meeting, our two o'clock public meeting for Thursday, March, said the 8th.

0:0:11.260 --> 0:0:12.370

Sophie Moiese Room

Like 9th.

0:0:14.120 --> 0:0:16.490

Sophie Moiese Room

Here we go. Thank you, Sir.

0:0:18.210 --> 0:0:20.160

Sophie Moiese Room

All right. Would you all join me in the pledge?

0:0:23.610 --> 0:0:34.580

Sophie Moiese Room

To the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

0:0:38.260 --> 0:0:45.510

Sophie Moiese Room

Alright, Missoula County would like to acknowledge that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

0:0:47.220 --> 0:0:51.880

Sophie Moiese Room

Before we dive in much deeper here, do we have any public announcements?

0:0:53.850 --> 0:1:17.730

Sophie Moiese Room

Yes, I will share. Hello everyone. Thanks for joining us. If you're meeting virtually today, instructions for turning on the closed captioning or on your screen. If you're joining us in person, you'll have closed captioning on all of the screens here in the Sophie Moyes room and also have assisted listening devices available. Please come see me if you would like a device, we ask that all speakers today, Please remember to speak slowly and clearly during the meeting. This helps with the accuracy of the closed captioning.

0:1:18.330 --> 0:1:39.660

Sophie Moiese Room

There will be multiple chances during the meeting for public comment. For those joining us virtually. If you'd like to speak, use the raise hand feature. If you're on Microsoft Teams, that's the small hand button. If you're calling in on the phone, you need to hit star 5 to raise your hand, and once called in and called on, you need to hit star 6 to unmute. If you have any questions or concerns, feel free to reach me during meeting. Thanks.

0:1:40.860 --> 0:1:41.690

Sophie Moiese Room

Thanks a lot gonna.

0:1:42.750 --> 0:1:45.750

Sophie Moiese Room

Do we have any public comment on items not on the agenda?

0:1:52.590 --> 0:2:11.540

Sophie Moiese Room

All right, seeing none, we'll keep moving along our current claims list. Claims received of as claims received as of February 21st, 2023 to February 28, 2023 by the Commissioners Office. Total two million \$103,614.26.

0:2:12.340 --> 0:2:19.350

Sophie Moiese Room

Today we have two hearings. Our first hearing is on a cable franchise agreement and our own Chris Lounsbury will present.

0:2:20.810 --> 0:2:51.400

Chris Lounsbury

Good afternoon, commissioners. Chris Lounsbury, the chief administrative officer for Missoula County, so Commissioner, State you have before you a request to sign a cable franchise with TDs, which is opening a new cable franchise in Missoula. You might recall from about two years ago in June of 2020, you signed a cable franchise agreement with Spectrum Charter Communications. What these franchise agreements allow his for cable companies to be able to run the cable inside the counties right away.

0:2:51.480 --> 0:2:55.430

Chris Lounsbury

Along roadways and for that they pay a small fee.

0:2:56.330 --> 0:3:25.970

Chris Lounsbury

That is based off the percentage of users and revenue to two locations. One is to Missoula County to help make sure that our programs such as the Commissioners meeting today are available on the public access channel, which in our case is Missoula Community Access Television or MCAT. And the other piece of that V helps to provide the technology that you use and Sophie Moiese and your other rooms to make sure that that technology or that information from public meetings is available and accessible to the public.

0:3:26.350 --> 0:3:45.0

Chris Lounsbury

And so this agreement mirrors the Charter agreement as far as that all of the provisions in it are actually set by federal law. So there is very little negotiation that actually occurs between Missoula County and cable franchisees. But this agreement today just allows for that second service to begin providing service in Missoula County and using county right of way.

0:3:46.620 --> 0:3:47.190

Sophie Moiese Room

Thanks Chris.

0:3:49.540 --> 0:3:50.630

Sophie Moiese Room

You guys have any questions?

0:3:51.960 --> 0:3:54.610

Sophie Moiese Room

Uh, I might is the applicant.

0:3:55.430 --> 0:3:57.0

Sophie Moiese Room

Year or online?

0:3:58.470 --> 0:4:2.800

Sophie Moiese Room

Because we have so much flexibility, I was just out. I was just out at their facility.

0:4:2.880 --> 0:4:17.960

Sophie Moiese Room

Alright, so the ribbon cutting the right. I I witnessed the ribbon being cussed. Nice. I yes. So the governor was out there, the mayor was out there. I welcomed them all to Missoula County since the since it was outside of the city limits.

0:4:18.340 --> 0:4:21.280

Sophie Moiese Room

Great. I guess my question for you, Chris, would be.

0:4:22.260 --> 0:4:37.40

Sophie Moiese Room

What is the small fee and how much might that I I guess would this depend on I? I'm sure it would on on the build out of their network so initially it might be 0 for a while and how how small is small?

0:4:37.820 --> 0:5:10.230

Chris Lounsbury

Are commissioners, you are correct, Commissioner, you are correct in that until they actually begin providing services, and in particular cable television services, because this only applies to cable television, not to other services they might offer, such as Internet or phone service. The fee probably will be 0 for some period of time and then based on the number of subscribers they have and the revenue that's generated again off just that cable TV piece. If I remember correctly, it's approximately 3% that the county gets. If we were to use Spectrum Charter for example as the tool.

0:5:10.660 --> 0:5:14.670

Chris Lounsbury

Or as a measuring stick that generates I believe.

0:5:15.960 --> 0:5:22.510

Chris Lounsbury

I would want to confirm this, Commissioners, but if I remember correctly, it's somewhere between 60 and \$80,000 that it generates.

0:5:22.770 --> 0:5:24.240

Sophie Moiese Room

Where you at a different ribbon cutting?

0:5:25.500 --> 0:5:32.320

Sophie Moiese Room

It was for cable TV. Well, they offer both cable and ohh. That would be unfortunate if I was at the wrong ribbon cutting.

0:5:32.400 --> 0:5:33.810

Sophie Moiese Room

Yeah, I.

0:5:33.960 --> 0:5:34.280

Sophie Moiese Room

Yeah.

0:5:34.700 --> 0:5:35.170

Sophie Moiese Room

Yeah.

0:5:36.270 --> 0:5:40.510

Sophie Moiese Room

Allegedly, it was Greg Gianforte. I don't know. He was bald, so.

0:5:41.550 --> 0:5:44.140

Sophie Moiese Room

Ah, that's interesting. So with with.

0:5:45.280 --> 0:5:46.270

Sophie Moiese Room

Charter.

0:5:46.430 --> 0:5:52.450

Sophie Moiese Room

Uh, refresh my memory, so similarly it's only for the the TV portion of that that we we.

0:5:53.370 --> 0:5:55.890

Sophie Moiese Room

Is that is that per federal law?

0:5:56.490 --> 0:6:11.760

Chris Lounsbury

That is correct. The the law that they operate under only applies to cable television providers, so we cannot tax or impose a fee on their Internet or phone services, even as those continue to expand and cable television continues to diminish.

0:6:12.180 --> 0:6:16.950

Sophie Moiese Room

When we had the asked testers, staffer. Ohh gosh Olivia.

0:6:17.970 --> 0:6:21.180

Sophie Moiese Room

Forgetting her name about this because Jason Emery had.

0:6:22.340 --> 0:6:34.260

Sophie Moiese Room

Raise those same concerns that that needs to be more expensive and not just cable TV needs to be included. Right.

Exactly. Yeah. That. Yeah, that. But we haven't heard back from her, but.

0:6:34.340 --> 0:6:34.790

Sophie Moiese Room

It.

0:6:38.920 --> 0:6:40.580

Sophie Moiese Room

OK. Thank you. Thanks, Chris.

0:6:43.730 --> 0:6:52.500

Sophie Moiese Room

Somebody have? Yeah, I, I I motion to adopt cable franchise agreement. Sorry or legal counsel had a comment.

0:6:54.400 --> 0:7:0.380

Sophie Moiese Room

Ohh, I'm sorry, sorry. Anybody who would like to speak to this? You are more than welcome to now is the time.

0:7:5.540 --> 0:7:20.910

Sophie Moiese Room

OK, seeing none still motion to adopt the cable franchise agreement with TDs, I will second that and I guess at some point in time it might be available out of the King Ranch. I don't know. Fantastic. Yeah. OK, fantastic.

0:7:21.780 --> 0:7:23.750

Sophie Moiese Room

Alright. All in favor, aye.

0:7:24.540 --> 0:7:25.460

Chris Lounsbury

Thank you, Commissioner.

0:7:24.430 --> 0:7:26.810

Sophie Moiese Room

Thanks, Chris. Thanks Chris. Thank you.

0:7:27.590 --> 0:7:34.880

Sophie Moiese Room

Alright. Our next hearing is on the King Ranch golf course, boundary line relocation and Jenny Dixon will present.

0:7:38.810 --> 0:7:40.370

Sophie Moiese Room

OK, thank you, commissioners.

0:7:42.570 --> 0:7:46.400

Sophie Moiese Room

So this is a boundary line relocation at King Ranch golf course.

0:7:47.390 --> 0:8:5.60

Sophie Moiese Room

Requested by Forlorn Hope LLC with a managing partner representative of that company being Jack McInerney, they are represented by a local engineering firm with engineering here in town and they are here today to answer questions.

0:8:7.150 --> 0:8:14.920

Sophie Moiese Room

As mentioned, this is the King Ranch golf course out southwest of the interchange at Frenchtown.

0:8:15.900 --> 0:8:29.40

Sophie Moiese Room

And I have a few vicinity maps that will get get you oriented to the general location. You can see here the aerial that shows kind of what's happening on the property as far as an old railroad bed goes through river.

0:8:30.320 --> 0:8:40.770

Sophie Moiese Room

I believe is after the 97 floods, this river changed drastically over in this part of Missoula. And so you see a lot of.

0:8:41.950 --> 0:9:2.170

Sophie Moiese Room

Riverine characteristics and then of course you have two subdivisions called King Ranch phases one and two and three are nearby and I'm going to I'll show you what those look like as well, but this is a general location here, showing you how it's not far at all from that interchange onto the Interstate.

0:9:4.970 --> 0:9:16.50

Sophie Moiese Room

The golf course occupies a majority of land in a desert world. The majority is the all or all of it is in an area designated for open and resource.

0:9:17.320 --> 0:9:19.790

Sophie Moiese Room

And that is shown on the map on the left.

0:9:20.610 --> 0:9:28.390

Sophie Moiese Room

And again, that also gives you some more of a vicinity orientation with the French town pond on the upper left hand corner of that image.

0:9:29.790 --> 0:9:42.450

Sophie Moiese Room

The open and resource designation recommends a overall density residential density of 1 dwelling unit per 40 acres, along with of course open and resource and agricultural types of uses.

0:9:43.390 --> 0:9:48.160

Sophie Moiese Room

And golf course is considered an agricultural use.

0:9:49.570 --> 0:9:50.620

Sophie Moiese Room

Their proposal?

0:9:52.720 --> 0:10:11.350

Sophie Moiese Room

Is a little more dense than the land use recommendation in terms of how many homes they are proposing to put on this property. However, this is one of about 25 criteria that we look at and it is not necessarily a project killer.

0:10:12.620 --> 0:10:20.150

Sophie Moiese Room

The property is also in the activity circle for French town as included in our 1975 land use plans.

0:10:21.910 --> 0:10:23.80

Sophie Moiese Room

Activity circles.

0:10:25.120 --> 0:10:34.510

Sophie Moiese Room

Were intended to reinforce Community focal points and minimum by minimizing expenditures for capital facilities by keeping everything close together.

0:10:37.670 --> 0:11:7.340

Sophie Moiese Room

So the property as I mentioned, there's a lot of river character riverine effects on this property from the the movement of the river and also inclusion of much of the property in the floodplain. It is important to note that the area that they are proposing to do a boundary line relocation of these 12 properties will not be on any part of the floodplain. The floodplain will be only on the golf course. It's a small area as as you can see there, it seems like a tiny little sliver but in.

0:11:8.160 --> 0:11:22.170

Sophie Moiese Room

It's enough space to do the lots that they're proposing along this Mullen Rd frontage here and then over here is the two acre commercial mixed-use lot that they want to create.

0:11:22.870 --> 0:11:27.740

Sophie Moiese Room

Through boundary line relocation, and right now there is the clubhouses on that property.

0:11:29.400 --> 0:11:30.300

Sophie Moiese Room

I'm sorry I can't.

0:11:30.950 --> 0:11:53.130

Sophie Moiese Room

Breathe the the key, the the the yellow hashmark to the that's W it's the West, or yeah. Yep. You're you mean this up here? But what's so? That's shaded zone X. And I think there's been, like a letter of map revision. And essentially, I think what it did is it clarified that the base flood elevation at this.

0:11:53.470 --> 0:12:2.650

Sophie Moiese Room

A lot of this air in this area is wanna say 3125 and so all of the lots will be above that base flood elevation. OK. Thanks.

0:12:3.990 --> 0:12:4.570

Sophie Moiese Room

OK.

0:12:5.620 --> 0:12:10.410

Sophie Moiese Room

And yeah, these don't show up very well. I mean this this is to give you the gist of what the.

0:12:12.40 --> 0:12:15.430

Sophie Moiese Room

Current layout of the 12 tracks looks like right now.

0:12:16.120 --> 0:12:46.570

Sophie Moiese Room

The Cos shown on the left here. You you can see it doesn't exactly look like the colored 12 tracks on the right. And that's because the portion in Section 4 on the South kind of a triangle on upside down kind of triangle is not part of this request even though it's part of their property they have. They are proposing to take 12 tracks within the area outside of Section 4 and relocate them to look like this.

0:12:48.820 --> 0:12:58.540

Sophie Moiese Room

So if you're going back to this, none of these tracks that these 12 tracks that make up that northern part of the King Ranch golf course are over 40 acres.

0:12:59.900 --> 0:13:14.630

Sophie Moiese Room

That they're either 40 acres or less, I should say they want to bring ten of those 12 tracks up to the Mullen Rd frontage and put duplex units on those properties.

0:13:16.460 --> 0:13:17.860

Sophie Moiese Room

With shared driveways.

0:13:20.830 --> 0:13:38.930

Sophie Moiese Room

This again as I mentioned, would be the clubhouse property with additional potential development. I'm going to show you a conceptual site plan that they have, but this is just showing the lot the tracked layout right now and then the remaining 239 acres here in the green it, it will remain the golf course.

0:13:41.190 --> 0:14:9.340

Sophie Moiese Room

These lots here are about .15 acres each so and so a .15 with a duplex. We'll have one unit of a duplex and the other .15 will be the other side of the duplex. So .3 Acres 4 duplex was shared driveways King Ranch phase one and phase two and three actually were all proposed and approved by the Commission in 1990.

0:14:10.220 --> 0:14:22.920

Sophie Moiese Room

They were plat phase one was platted in 95 and 90 at Phases 2 and three were plotted in 96 and at that time the golf course was not part of those subdivisions, but because it was part of the Bud King Ranch.

0:14:23.770 --> 0:14:34.670

Sophie Moiese Room

It was looked at kind of at its entirety and how it interacted and, you know, integrated with the golf course, with the intent being that these were supposed to be golf course.

0:14:35.450 --> 0:14:46.190

Sophie Moiese Room

Kind of subdivide residential golf course, lots with each of them. Lots backing onto golf course area, even including phase one, because my as I understand it and you can kind of see.

0:14:47.820 --> 0:14:59.480

Sophie Moiese Room

No, I'm not sure if it's on this one. The there's a putting some putting that greens that go behind those lots and then come back around. And So what all was functioning together.

0:15:1.330 --> 0:15:4.210

Sophie Moiese Room

It's important to note in this.

0:15:5.670 --> 0:15:17.880

Sophie Moiese Room

Boundary line relocation that they are not creating any tracks that you would be able to further divide without some sort of review, either through another exemption request or subdivision review.

0:15:19.120 --> 0:15:30.50

Sophie Moiese Room

And the reason for that and the reason I bring that up is when we look, when we see tracks kind of being consolidated and leaving one large tract, we do, we do make sure that that.

0:15:30.890 --> 0:15:49.380

Sophie Moiese Room

Uh situation is not being created where more tracks can be created without review. So in this case, because you can create a 160 and this is a two 32139 acres that can't create that you know two lots because you have to have 320 to create a 160 that doesn't require review so.

0:15:51.20 --> 0:15:53.440

Sophie Moiese Room

So that's not a concern here.

0:15:57.380 --> 0:16:0.710

Sophie Moiese Room

These are the two King Ranch approvals.

0:16:1.120 --> 0:16:10.10

Sophie Moiese Room

A for the subdivisions, approvals from the 90s, and the reason I'm sharing these with you is that they do play a role in the invasion of evaluation.

0:16:11.610 --> 0:16:13.530

Sophie Moiese Room

With with.

0:16:15.820 --> 0:16:18.890

Sophie Moiese Room

One of the criteria is to.

0:16:20.200 --> 0:16:31.160

Sophie Moiese Room

Look at what's being proposed. Is it kind of mirroring what's happening near it, and if so, that can be an an indication of evasion. And I'm going to talk about that in a minute. But just to show you.

0:16:32.440 --> 0:16:39.110

Sophie Moiese Room

And I've shown with the yellow and the and the red shapes where the development is proposed.

0:16:39.940 --> 0:16:44.760

Sophie Moiese Room

With this boundary line relocation relative to those two subdivisions filed in the 90s.

0:16:45.960 --> 0:16:48.30

Sophie Moiese Room

This is their proposed site plan.

0:16:49.550 --> 0:17:2.950

Sophie Moiese Room

That shows a little bit more detail with the aerial photo underneath and also their proposed sewer and water sources that will come. They'll need to get DEQ approval for.

0:17:4.510 --> 0:17:6.150

Sophie Moiese Room

Those to serve this development.

0:17:7.120 --> 0:17:8.470

Sophie Moiese Room

And.

0:17:10.460 --> 0:17:23.330

Sophie Moiese Room

You can see a on the clubhouse property. The potential addition of buildings there that are more on the front of fronting onto Mullen Rd, where that Red Arrow ends.

0:17:25.280 --> 0:17:32.630

Sophie Moiese Room

And so really for the rest of the presentation, most of the rest of the presentation, I just want to go over on the evasion criteria of which.

0:17:34.530 --> 0:17:36.510

Sophie Moiese Room

There are about six of them that.

0:17:37.470 --> 0:17:43.460

Sophie Moiese Room

That when we looked at it, we we did indicate to you that those are possible.

0:17:45.350 --> 0:18:9.360

Sophie Moiese Room

Clues to evasion, but for almost all of them, we were able to find kind of a counteracting argument or reason that you could also find that they're not and just, I guess, in light of to make it clear as we go through these staff is recommending approval of this boundary line relocation because we did look at the 20 or 25 or so evasion criteria.

0:18:10.160 --> 0:18:28.830

Sophie Moiese Room

Six of which could be considered to be triggered. And I'm gonna just go over those for your. For your information here this afternoon. So the first one is the claimant in the business. And I know this is a lot of text on slides, but for the benefit of people at home, this is pretty technical. And I wanted people to be able to follow along so.

0:18:30.370 --> 0:18:38.320

Sophie Moiese Room

As a claimant in the business of constructing or dividing, developing or selling land, the applicant, as I mentioned, forlorn hope was created.

0:18:39.200 --> 0:18:45.950

Sophie Moiese Room

The company was created in 2004 for the purpose of managing ranch properties, and this is the only golf course they own and manage.

0:18:46.630 --> 0:18:51.70

Sophie Moiese Room

And Jack McInerney, being the managing partner, as well as a realtor.

0:18:52.330 --> 0:18:59.560

Sophie Moiese Room

Caused us to kind of second take a second look at that and see what kind of role he was playing in this.

0:19:0.360 --> 0:19:15.300

Sophie Moiese Room

Transaction. He will not be the real turf for any of the newly created lots, nor would he be a sole beneficiary of any of those transactions beyond his his role as a partner in forlorn hope who manages ranch properties.

0:19:17.390 --> 0:19:18.780

Sophie Moiese Room

The second UM.

0:19:20.580 --> 0:19:50.580

Sophie Moiese Room

Evasion criterion, what was the original track transferred to the claimant with within the past two years? And the answer to that is yes, but it was within the last. It was a year and a half ago. And so one way for the applicant. And what this does is it tells you, you know are they are people just buying and selling with the intent of to kind of move things around a lot. And while the answer to this is yes, it has been a year and a half five or six months from now. If they apply the answer would be no. Of course that's the same for everybody but.

0:19:51.910 --> 0:19:56.40

Sophie Moiese Room

It has been more than about 75% of those two years.

0:19:57.10 --> 0:20:9.460

Sophie Moiese Room

Has the property been the subject of a scoping or pre app meeting for a subdivision prior to this application, scoping meetings are different than pre app meetings scoping meetings as I consider them to be.

0:20:11.720 --> 0:20:27.430

Sophie Moiese Room

Really kind of information gathering by the applicant to help them understand what the, what the rules are, what the site is, what the site characteristics are that they may need to take into consideration. And so when they met with us in April of 2022.

0:20:28.570 --> 0:20:32.390

Sophie Moiese Room

They did talk to us about we're thinking about doing a subdivision here.

0:20:33.750 --> 0:20:47.820

Sophie Moiese Room

And we help them determine different, you know, variety of courses of action. They did come back about six months later, having decided not to pursue subdivision and did a pre application meeting for a boundary line relocation.

0:20:49.20 --> 0:20:52.190

Sophie Moiese Room

So the answer to this question is yes and no. So.

0:20:54.370 --> 0:20:57.730

Sophie Moiese Room

Will the division result in a pattern of development equivalent?

0:21:0.620 --> 0:21:1.690

Sophie Moiese Room

To.

0:21:3.510 --> 0:21:6.40

Sophie Moiese Room

Subdivision review without local government review.

0:21:7.290 --> 0:21:15.560

Sophie Moiese Room

And then there are a couple of options that help indicate whether there's a pattern of development and the first one is are there six or more tracks? Yes, there are 12.

0:21:16.630 --> 0:21:20.800

Sophie Moiese Room

Is there an overall development plan which appears equivalent to a subdivision?

0:21:22.10 --> 0:21:44.300

Sophie Moiese Room

And and then kind of related to that the the other two below that are there tracks the platted lots near these tracks that share a common road or are similar in shape and size and so all of these tracks are gonna access onto Mullen Rd, they share a common Rd with other subdivisions, the King Ranch phases one and two that.

0:21:44.780 --> 0:21:56.300

Sophie Moiese Room

Umm and three that also use utilize the Mullen Road and there are they are somewhat similar in size and shape. The King Ranch tracks are half acre, these are.

0:21:58.20 --> 0:22:4.450

Sophie Moiese Room

About, you know 15, I guess about .15 acres.

0:22:5.530 --> 0:22:6.670

Sophie Moiese Room

Each so.

0:22:7.330 --> 0:22:8.750

Sophie Moiese Room

So we while.

0:22:9.830 --> 0:22:33.190

Sophie Moiese Room

And and what this is getting at is. Has someone come in and done either a subdivision or an exemption and then they keep coming back and create and then like kind of creeping around, let's say a cul-de-sac or just extending the development so that ultimately it it becomes a subdivision. And so in this situation, while the answer, you know, to some of these are, yes.

0:22:35.210 --> 0:22:45.760

Sophie Moiese Room

There's the lots nearby are not part of the same development. They're not done by the same person, they just happen to share a road and be residential lots.

0:22:48.590 --> 0:23:10.790

Sophie Moiese Room

Is the requested exemption unsuitable for the intended use, and this answer could probably be the same for every single exemption you see, which is, yeah, this is the only exemption that can accomplish this proposed division with the exception of subdivision, or in this case, if they wanted to Simply put buildings on there and not create lots for sale, they could do boundary.

0:23:12.560 --> 0:23:14.770

Sophie Moiese Room

Buildings for lease or rent review.

0:23:15.440 --> 0:23:19.30

Sophie Moiese Room

Again, as I said, that's the same for every applicant. So.

0:23:19.770 --> 0:23:20.200

Sophie Moiese Room

On.

0:23:21.10 --> 0:23:23.140

Sophie Moiese Room

I think this is the last, yeah.

0:23:23.700 --> 0:23:32.400

Sophie Moiese Room

Uh, and this is the probably one of the most important, I think, for you to consider as you determine whether you know there's an intent to evade.

0:23:33.920 --> 0:23:53.790

Sophie Moiese Room

What the exemption cause significant impacts relative to subdivision review criteria that would likely lead to the imposition of significant conditions of approval or denial, or an equivalent of an equivalent subdivision proposal. And So what we did was we looked at all I tried to look at all the things generally that.

0:23:55.570 --> 0:24:18.410

Sophie Moiese Room

What would you review in a subdivision proposal and where you might see conditions of approval and in fact, I went back to the 1990 staff report to see what they recommended conditions of approval on and they generally follow these categories here, water quality, storm drainage, sanitation, floodplain riparian. Although actually back then they didn't have riparian PED walkways.

0:24:20.30 --> 0:24:41.510

Sophie Moiese Room

There were maybe 5 conditions that were very kind of boilerplate from the 90s, basically stating you have to have a riparian management plan. You have to install PED PED walkways. Your Rd has to be a certain with it was it was classic 1990s. It was very fun.

0:24:42.950 --> 0:25:4.450

Sophie Moiese Room

So we looked at how would these play a role in this subdivision and the shared driveways are proposed. The county public works. Who has jurisdiction over Mullen Rd at that location, is very happy. Happy with that proposal and you know, look at the details for approaches as they get closer to building permits, but that seems to be what they're looking for.

0:25:5.650 --> 0:25:20.920

Sophie Moiese Room

All of the lots have been kept off the floodplain. They've been managing this property as a golf course for over 30 years and it's repairing resources protected that way, and they'll need to comply with building code and.

0:25:21.860 --> 0:25:44.460

Sophie Moiese Room

Fire, Fire, code, Fire Protection. The Parkland dedication is an 11% dedication. Would we be required if there were a subdivision and with a 239 acre golf course, we would likely have found that to satisfy an open space dedication and looked at traffic impacts on Mullen at this location where average daily trips.

0:25:45.200 --> 0:25:57.160

Sophie Moiese Room

Are less than 1000, and so those approaches, that's why public works, is satisfied that traffic will not be impeded by having approaches directly on to Mullen at this location.

0:25:58.320 --> 0:26:9.710

Sophie Moiese Room

And so the staff analysis, analysis, conclusion was that this exemption request would not cause significant impacts warranting, you know, conditions of approval that would that would.

0:26:10.950 --> 0:26:15.840

Sophie Moiese Room

That are not gonna be mitigated through some other means on this property.

0:26:18.860 --> 0:26:21.520

Sophie Moiese Room

And then I just have three photos, and then I'm going to leave you with emotion.

0:26:24.900 --> 0:26:36.220

Sophie Moiese Room

We have an attorney general's opinion that asserts that exemptions were not provided to allow a developer to create a division of land that is, for all intents and purposes, nothing less than an unreviewed subdivision.

0:26:37.30 --> 0:26:52.900

Sophie Moiese Room

They were. They were provided, however, to deal with exceptional circumstances where subdivision review is unnecessary and our findings and conclusions arrive at a determination that these circumstances are unique and subdivision review, in this particular instance is unnecessary.

0:26:53.720 --> 0:26:57.210

Sophie Moiese Room

You can see photo here just from earlier. I think it was last week.

0:26:58.720 --> 0:27:11.810

Sophie Moiese Room

Looking E Mullen Rd over to the left with the PED walkway along the frontage and then the existing golf course off to the right and the clubhouse in the in the background there.

0:27:17.710 --> 0:27:19.790

Sophie Moiese Room

This analysis has shown.

0:27:20.520 --> 0:27:30.780

Sophie Moiese Room

That the amount of site improvement with conditions of subdivision and approval would likely be negligible and approval of the proposed boundary line relocation is appropriate.

0:27:32.60 --> 0:27:35.220

Sophie Moiese Room

We cannot impose conditions on a boundary line relocation.

0:27:36.510 --> 0:28:3.300

Sophie Moiese Room

So we are relying on having reviewed this for things like the PED walkway that exists, the traffic impacts that have been have been addressed through shared driveways. The riparian and floodplain issues that have been addressed by keeping the off the the lots is what caused us to arrive at this decision along with the inability to not create additionally unreviewed lots.

0:28:6.820 --> 0:28:15.980

Sophie Moiese Room

And you can see the homes across Mullen in King Ranch. Phase one, those will be facing the the duplex lots that will be constructed.

0:28:17.370 --> 0:28:42.440

Sophie Moiese Room

And then finally, uh, photos showing the proposed location of those residential tracks and off to the right on that image showing where the yellow is the existing trail. And I heard a presentation from our public Works department talking about a new proposed trail from French town to Houston that will be connecting directly in front and adjacent to this property so.

0:28:45.930 --> 0:29:16.260

Sophie Moiese Room

This this is our our recommended motion and I just want to remind you that the list of review criteria are not designed or are designed to be, excuse me, are not designed to be conclusive, nor is there a specified threshold for the number of criteria that you meet. You kind of have to look at it the whole context and all of the things that I've described and as a result, we have recommended approval as shown in this motion here for you to use or if you would like to explore another option, I'm happy to provide language for that as well.

0:29:19.30 --> 0:29:19.700

Sophie Moiese Room

Thank you.

0:29:19.800 --> 0:29:22.120

Sophie Moiese Room

My last slide, it looked like they were.

0:29:23.350 --> 0:29:23.850

Sophie Moiese Room

Residential.

0:29:26.280 --> 0:29:27.370

Sophie Moiese Room

No, I think that's just.

0:29:28.690 --> 0:29:31.290

Sophie Moiese Room

Shadow there is a because.

0:29:31.780 --> 0:29:34.10

Sophie Moiese Room

And the floodplain image.

0:29:35.170 --> 0:29:42.230

Sophie Moiese Room

Shows the floodplain coming to right, kind of the back of those lots. I think that's shadow of the slope drop off right there.

0:29:45.100 --> 0:29:50.160

Sophie Moiese Room

Well, there are. There are cattails down in the in the flood the floodplain area.

0:29:50.860 --> 0:29:51.220

Sophie Moiese Room

Yeah.

0:29:53.770 --> 0:29:54.570

Sophie Moiese Room

Thanks Jenny.

0:30:0.950 --> 0:30:1.260

Sophie Moiese Room

It's.

0:30:3.0 --> 0:30:10.760

Sophie Moiese Room

Yeah, I know. So before we dive into questions from you guys, would developers representative like to speak to this?

0:30:14.770 --> 0:30:36.500

Sophie Moiese Room

Hi, my name's Tony Hilliard. I'm with with engineering and first of all I wanna say thank you, Jenny. I was a great presentation and thanks for considering this item today. I'm joined by Cody Swartz and time and heck from our office as well. And we're we're just here to answer any questions you might have and provide any further detail that you might need to make your decision.

0:30:38.100 --> 0:30:39.310

Sophie Moiese Room

Thank you. Thanks.

0:30:41.460 --> 0:30:44.580

Sophie Moiese Room

Do you guys have? I have some questions, but I'll defer to you guys to go first.

0:30:46.300 --> 0:30:50.70

Sophie Moiese Room

So Jenny, on the floodplain, where are you using the?

0:30:51.240 --> 0:30:56.70

Sophie Moiese Room

Latest draft. I think it's only in still draft form, floodplain map or the older floodplain map.

0:30:58.560 --> 0:30:59.440

Sophie Moiese Room

I am using.

0:31:0.460 --> 0:31:3.330

Sophie Moiese Room

I'm using the older floodplain map, but I.

0:31:5.290 --> 0:31:13.10

Sophie Moiese Room

I did look at the newer floodplain maps and I don't believe they are changing at this location. Great. Thank you.

That's that's super good to know. Yeah.

0:31:15.910 --> 0:31:18.30

Sophie Moiese Room

My other stuff was just comments. I'll wait till.

0:31:21.550 --> 0:31:23.180

Sophie Moiese Room

Yeah, I don't have any questions either.

0:31:25.740 --> 0:31:29.780

Sophie Moiese Room

So my comment on this and I think it's it's fortunate for you all that there were.

0:31:30.510 --> 0:31:32.100

Sophie Moiese Room

A number of the number of lots.

0:31:33.80 --> 0:31:43.600

Sophie Moiese Room

On the on the before side of the Blur works out really well on the after side in terms of development and that you don't have to go through subdivision review, which is really expensive.

0:31:44.660 --> 0:32:0.810

Sophie Moiese Room

I also really appreciate where this is that there aren't a lot of neighbors. This is pretty far out of town that the impacts to people who live nearby are pretty minimal or stable. Say the minimus, there's not much going on out here. Not that it is on a very wonderful place. It's just not a very populated place.

0:32:1.250 --> 0:32:4.340

Sophie Moiese Room

Uh, so some of the things associated with subdivision.

0:32:5.200 --> 0:32:19.210

Sophie Moiese Room

I would feel should happen if this was in a populated place, because it would have an impact because it doesn't have an impact. I don't see it having an impact. It's not really that big a deal. It it does feel somewhat unusual to do a BLR with this many lots.

0:32:20.110 --> 0:32:34.170

Sophie Moiese Room

But it's all legal and it's out in a place where there's gonna be minimal impacts, and I'm sure these will be wonderful duplexes overlooking a golf course, which is a perfectly nice place to live. So I don't have any issue with it, given the greater context.

0:32:36.740 --> 0:32:38.890

Sophie Moiese Room

Yeah, I'll just chime in I.

0:32:40.610 --> 0:32:53.290

Sophie Moiese Room

I actually have voted to deny a boundary line relocations out in rural areas, not that far from here, but the difference being, and I think I think your last slide, Jenny hit the nail on the head that.

0:32:55.20 --> 0:33:9.190

Sophie Moiese Room

Yeah, that there are no perceivable conditions of approval that would be triggered even if this had gone through subdivision review. And so that really is the linchpin because you conceivably.

0:33:10.0 --> 0:33:13.50

Sophie Moiese Room

I there could be circumstances.

0:33:13.820 --> 0:33:24.70

Sophie Moiese Room

Here or in an adjacent area where something like this would sail through as a as a subdivision exemption and.

0:33:24.940 --> 0:33:39.550

Sophie Moiese Room

Those conditions of approval, those circumstances on the ground would not be picked up in this process, whereas they would be in a subdivision review process. But that's not the case here. So this I would support Staffs recommendation.

0:33:41.670 --> 0:33:42.160

Sophie Moiese Room

2nd.

0:33:43.210 --> 0:34:1.60

Sophie Moiese Room

Oh. Oh, I'm sorry that your motion that was not. No, I can make this motion here. So I would move to approve the request by Forlorn Hope LLC to utilize the relocation of common boundaries exemption on property located at 777.

0:34:2.580 --> 0:34:10.780

Sophie Moiese Room

Five Mullen Rd. Based on the findings of fact and conclusions of law in the staff analysis and as presented in the exemption application and affidavit.

0:34:11.740 --> 0:34:14.430

Sophie Moiese Room

Second, all in favor. Aye, aye.

0:34:16.750 --> 0:34:29.280

Sophie Moiese Room

Thank you. Thank you. Thanks, Jenny. Thank you all for coming. Yep, thank you. OK, before you guys leave, though, dying to know how is the name forlorn? Hope my good for ranch management company is too perfect.

0:34:36.720 --> 0:34:37.260

Sophie Moiese Room

Ohh.

0:34:40.340 --> 0:34:45.890

Sophie Moiese Room

Well, one day we'll meet Jack and I'll have to ask him. OK. Thanks. Thanks for coming today. Thank you.