

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JANUARY 28, 2021 – 2 PM

Virtual Meeting – Microsoft Teams

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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 Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Emmie Bristow, Community Engagement Coordinator, Communications
John Hart, Civil Deputy Attorney, Attorney's Office
Violet Plummer, Administrative Assistant, Commissioners' Office
Chris Lounsbury, Chief Administrative Officer, Missoula County
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Shane Stack, Director, Public Works
Tim Worley, Senior Planner, Community and Planning Services
Bailey Minnich, Planner III, Community and Planning Services
Elena Evans, Hydrogeologist, Environmental Health

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:09]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:25]*
4. **PUBLIC ANNOUNCEMENTS**
 - a. Recognition of Deputy Ross Jessop for his accomplishment of earning the National Sheriffs' Association's 2020 Charles 'Bud' Meeks Deputy Sheriff of the Year Award
[Time stamp – 01:01]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 05:14]*
[None]
6. **[CURRENT CLAIMS LIST](#)** *[Time stamp – 05:23]*
Claims received as of January 6, 2021 to January 19, 2021 by the Commissioners' Office total \$3,142,694.89.

7. HEARINGS

a. Impact Fee Advisory Committee Resolution [Time stamp – 07:19]

Chris Lounsbury, Chief Administrative Officer, Missoula County

Commissioner Vero made the motion to approve the impact fee advisory committee resolution.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2021-010. B: 1048 P:1012]

b. O’Keefe Ranch Special Zoning District [Time stamp – 13:48]

Bailey Minnich, Planner III, Community and Planning Services

Commissioner Slotnick made the motion that the request to adopt the Resolution of Intent to rezone the unzoned property to O’Keefe Ranch Rural Zoning District be approved, based on the findings of fact contained in the staff report, public testimony and written comment, subject to the recommended condition of approval. The subject property for this approval is legally described as Parcel 2 of COS 5603, less 0.65 acres MT ROW and Parcel 3 of COS 5603, Section 21, Township 14 North, Range 12 West, P.M.M., Missoula County, Montana.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Resolution 2021-011. B: 1048 P: 1013]

c. Double R Acres Lot 8 Block 1 Minor Subdivision [Time stamp – 1:00:02]

Bailey Minnich, Planner III, Community and Planning Services

Commissioner Vero made the motion to approve the Double R Acres Lot 8 Block 1 Minor Subdivision, based on the findings of fact and conclusions of law and subject to the recommended conditions of approval found in the staff report.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-058 Mailed to: Holly Raser]

d. Extraterritorial Application of City Tobacco Ordinance [Time stamp – 1:12:45]

Lisa Beczkiewicz, Health Promotion Supervisor, Health Promotion

Commissioner Slotnick moved to table [Item D].

Commissioner Vero seconded.

[Motion passed 3-0.]

[Item indefinitely postponed. If item is taken up in the future, there will be a new publicly noticed hearing.]

8. OTHER BUSINESS [Time stamp – 1:14:07]

[None]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 3:15 p.m.

BCC Public Meeting January 28, 2021 – Transcription

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[00:00:02] Thursday, January 20, a meeting of the Missoula Board of County Commissioners, thank you all for joining us today. We'll begin with our traditional land acknowledgement that we begin each of our public meetings with and that is to say, Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people at this time. Violet, could you do us a favor and share the American flag with us? And if folks could join with me in saying the Pledge of Allegiance, I pledge allegiance 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.

[00:00:54] Everyone.

[00:01:01] So to begin with, we have one public announcement today. Well, maybe we have more, but one that is scheduled.

[00:01:10] Is recognition, special recognition for our very own deputy, Ross Jessopp, and his accomplishments that earned him recently the National Sheriffs Association 20/20. Charles Bud Meeks, deputy sheriff of the Year award. This is a really big deal.

[00:01:28] I don't know if Deputy Jessopp is with us out there, if there's anyone from the sheriff's office, but nonetheless. Is there anyone at the sheriff's office represented today?

[00:01:45] Well, that's OK, we are going to recognize Deputy Jessop regardless, because it is most worthy of recognition and just because the details of this are so compelling, I'm going to read a little bit of a statement and not completely wing it here, because this is pretty, pretty compelling and pretty moving the work that one of our very own law enforcement officers played a role in. So Missoula County Sheriff's Deputy Ross Jessup was selected as co-owner of the 20 Charles Bud Meeks, Deputy Sheriff of the Year award from the National Sheriffs Association. The Charles Bud Meeks, Deputy Sheriff of the Year award, was established a recognized deputy sheriffs who have demonstrated conspicuous bravery in the performance of their duties. There's one award for merit and one for valor. Deputy Jessop was selected as a merit award recipient following his nomination, forwarded by Sheriff TJ McDermott to the National Sheriffs Association. The nomination gave an account of Deputy Jessop's involvement on the July 7th twenty eighteen date in which he located and rescued the miracle baby hidden in the Lolo National Forest up Highway 12 West.

[00:03:06] According to the nomination, his tenacity, dedication of service and his innocent instincts saved the life of this baby and ultimately led to putting a dangerous criminal behind bars for years to come. The National Sheriffs Association formal award ceremony in Washington, D.C., in February of this year was canceled due to covid-19. The sheriff, Missoula County Sheriff's Office instead presented the plaque and medal to Deputy Jessopp on December 30th. Twenty twenty. And certainly I and I think my colleagues here may also have a few words if they so choose. I want to express our appreciation and sincere thanks to Deputy Jessop for the work that he's done for Missoula County citizens and really demonstrates the very best of the qualities that I'm proud of in our employees here who work for Missoula County Commissioners, Varro or Zlotnick.

[00:04:07] Anything you'd like to add, Heidi? Hearty congratulations to Deputy Jessopp for four for this recognition and well deserved.

[00:04:16] That was an incredible night and just a wild, wild story and so, yeah, so appreciate his tenacity and and yeah, how how they were able to find that baby is pretty impressive. So thank you.

[00:04:34] Thank you.

[00:04:36] Any other public comments at this time, public announcements, I should say, I will just add, well, folks are thinking of what else they might like to throw in here, that on February 5th from 9:00 a.m. until approximately ten, thirty a.m. will be the third meeting of the board of directors of the Big Sky Passenger Rail Authority should be a great event.

[00:05:02] You can find more details about how to participate in that meeting at W-W DOT Montana Passenger Rail Summit. Doug. So at this time, is there any public comment on items not on today's agenda?

[00:05:23] None in our current claims list received by the commissioner's office from January 6th through January nineteen twenty twenty one totals three million one hundred and forty two thousand six hundred ninety four dollars and eighty nine cents. And as we always say, if you want to look at the details of what that amounts to, you can go to our electronic agenda for this meeting and click on the current claims list and drill down into all of those juicy details.

[00:05:51] So at this time, we have for public hearings today, one of which is a little different. And we'll talk about that later. But the three more traditional public hearings that we'll start with, I will offer that a staff report be presented to begin with will then have an opportunity for the applicant's representative to say a few words.

[00:06:17] We'll open it up for public comment and then we will go ahead and deliberate and take action.

[00:06:22] If there's anyone who wants to offer comment, please use the icon, the raise hand icon in Microsoft teams, and I will call on you in the order in which you have gotten into the queue. There is one phone number out there and I'm going to go ahead. And this is not meant to embarrass you. But just so that I know when to queue you up, just number three eight seven seven. Want to speak on a specific topic and I can call on you at that time.

[00:06:57] Three oh six three eight seven seven.

[00:07:03] You're muted if you are wanting to speak.

[00:07:09] Ok, we'll assume that you are not wanting to comment today, so if you change your mind, just bust in at the appropriate time and let me know. So at this point, I would like to open up the public hearing on impact the advisory committee resolution.

[00:07:26] And we'll begin with a staff report from Chris Lansberry, our county's chief administrative officer.

[00:07:34] Good afternoon, Commissioner. Thanks for the opportunity to talk to you today. So Missoula County is, as part of its budgeting process during last year, decided to consider whether or not we should look at impact fees. So in order to look at impact fees in the state of Montana, it's a multi-step process. And so this is really step number two in that long process. So the first step occurred this morning where after completing a request for proposals process, you selected a firm that will help to do all of the work, gathering data on what our infrastructure costs are, what our long term capital costs are, and how providing additional services as our population grows impact those particular items. That firm is Tishler Vice, which is also the firm that conducted the impact, the analysis for the city of Missoula. So that was step number one, the second step that's required under the Montana code before any jurisdiction can contemplate impact fees is to have a citizen advisory board that will help guide that process, along with Tishler bias and create that final document that will come to you with recommendations about whether or not the county should impose impact fees and if so, in what to cover what particular infrastructure costs or capital costs related to impact fees impact.

[00:08:47] These in the state of Montana are very regulated. They can only be applied to certain capital or infrastructure costs and only related to the expansion of services necessary for increasing population. So you can't retroactively look at them there and apply to existing taxpayers. This would only be something that would be an

impact as we continue to experience this large growth in Missoula County. So what you have before you today is a resolution to establish that impact fee advisory committee that's required under state law. It is a five member committee and can have up to two alternates under state law. One member is specified by state law, and that is someone from the development community. And then the other members, all of whom work will serve at your direction. You'll appoint those folks. But one has to be a member from the development community. The other four can be from any area that you select, as well as for the alternates. And so this resolution would just establish that committee.

[00:09:41] Thanks, Chris. Before we go to questions from the commission, is there any public comment on this item? And please raise your hand and I will call on you.

[00:09:55] Any public comment?

[00:10:03] Ok, see now and I will close the public hearing questions from the commission.

[00:10:09] What's the timeline, Chris? Sorry, maybe you said this and I'm just spacing it.

[00:10:15] No, I didn't, so we took our first step this morning, this is the second step, creating that advisory committee. Once that you've adopted the resolution, then we will recruit four members and hopefully get those positions filled late in February or early March. And then Teszler by Tishler Bice will begin that process. They'll meet with the committee to talk about the things that are allowed under the Montana code annotated for them to look at. And then they'll start gathering that information, bringing it together in a report format. They'll bring those reports to that advisory board. And then the hope is that we'll have the impact, the study done by roughly the end of summer. That's kind of the timeline we've laid out. It's an aggressive timeline, I will say. So it is possible that that will slip to the fall, but our hope is to have it completed by the end of summer.

[00:11:02] So, Chris, what's the what's the process on enacting whatever type of impact fees? If we so choose, if we hear back from this advisory board that they they have a specific prescription. We appreciate that prescription and want to enact it. What's that process?

[00:11:20] You bet. So you will actually get two recommendations from this group related to impact fees, assuming that they want to move forward or recommend that you move forward with impact fees. So the first would require you to have a public hearing on that and will require a standard notice published two some days before you'd have the public hearing on enacting those fees here from the community and then have a comment period, closed the comment period, and then adopt. So roughly a 60 day process there. If those impact fees for certain infrastructure will also impact municipal residents than the city council will also be requested to have a public hearing, and it would take their concurrence for those impact fees inside the city limits. And so the examples that I always give that would be most impactful. For example, the impacted services related to nine one in our Office of Emergency Management that provide the radio infrastructure for all of our public safety responders, both city residents and county residents, is under the county. And so if, for example, that were if that were to be recommended, then that would go to both the city council and the county commissioners for adoption.

[00:12:21] And to be clear, impact fees apply to new construction, they only apply to new construction. That's right. You can't retroactively look back at previous construction. That is correct. Thanks.

[00:12:31] So I had my one comment was this is a recognition on our part that indeed our population is growing and those folks, also those new folks and require services and it costs a lot of money to provide those services. It's also a recognition that people feel quite and are overburdened with property tax. And we need to be seeking other sources of revenue by which we can provide services. And this is an exploration to see if impact fees could fit that bill.

[00:13:02] Thanks so much.

[00:13:06] Well, would anyone be interested in making a motion?

[00:13:10] Yes, I move to approve the Impact Divisor Committee resolution.

[00:13:15] I'll second that.

[00:13:17] Any further discussion on the motion scene? No, no. In favor, I, I. All right, thank you, Chris.

[00:13:26] Chris, thank you. And once again, interviewing people for the sport.

[00:13:31] We will do that. And with your permission, I'm going to go ahead and step off to attend that Nako call related to the relief measures.

[00:13:37] If that's acceptable, superstates do. Great. Thank you for taking bring back the vaccine.

[00:13:44] Yes.

[00:13:46] All right. Thanks, Chris. All right.

[00:13:49] Our second public hearing, which will open, is the O'Keefe Ranch Special Zoning District proposal. And we'll begin with a staff report from Bailey.

[00:13:59] Yes, hi. Can you guys hear me OK today? Hey, Billy. Crystal clear. Oh, good. Perfect. I'm going to share my screen here, so give me one second. OK, can you guys see my screen here? Yes, perfect. OK, just making sure.

[00:14:24] Ok, so this application is for the O'Keefe Ranch Estates. Rezoning the property is that one zero zero one three Walder Road. The applicant is Landholding LLC and the technical representative is PCI, or Professional Consultants Inc..

[00:14:47] So here is the property location, so it's out in the Y area, basically between 90 and Waldo Road, it's accessed from Waldo Road, just north of the interchange there.

[00:15:02] The existing zoning out here is not much most of this area is zoned there is some zoning, mostly commercial, a bit of residential that's over off of Highway ninety three.

[00:15:14] But the majority of this area that we're talking about is all zoned meaning there is no zoning that's currently in effect out there.

[00:15:24] The land use designation, it's within our twenty 19 Missoula area land use element, it is designated as neighborhood residential and the goal of that designation is to accommodate a range of residential options contributing to county wide housing diversity. The character of this district is a mix of building types ranging from single family to family and multifamily, and the residential density recommended by this designation is eight units per acre or greater, requiring connections to public sewer and water. It also states after that sentence in the designation that the ability to achieve the higher density may be limited by state considerations such as lot size, setbacks, floodplain and slopes as well.

[00:16:14] So this property actually has an approved subdivision plat on it. It has not gone to final plan. It's still in preliminary pilot phase. It's one hundred and ninety seven lot subdivision that was approved by the Board of County Commissioners on October 19th of thousand five. The applicant received a fazing plan, I should say, the most recent fazing plan amendment on August 6th of twenty twenty. So there have been a number of them since two thousand five, both final extensions as well as fazing plan amendments. But the most recent one has the phase one has been extended until October of twenty twenty two and phase two until October twenty twenty three. It's actually nine phases in total that isn't set to expire until October of twenty thirty one. The applicant is working to connect to city of Missoula Sueur for this project. However, the property must be zoned to allow for the connection to happen and that the city of Missoula requirement that that it be zoned.

[00:17:18] So this is the kind of a screenshot and I realize that small it's in the packet as well, but I wanted to put this in here.

[00:17:27] This is the proposed O'Keefe Ranch Rural Zoning District. This district would be specific to this property only.

[00:17:35] It is based off of our current Missoula County C, our one residential district that makes modifications to the space and bulk requirements. So those are specifically like the set backs, the minimum lot size and the maximum residential density. They're proposing a residential density of two point five dwelling units per acre, which would match the density of the approved subdivision proposal that has preliminary approval by the new district, which also modify both the permitted and conditional uses that would be allowed within that subdivision as well.

[00:18:14] Oh, and I would point out to you that there are no current county zoning designations that fit perfectly with this project, and that's one reason why they are looking at doing a special district just for this property, because none of the other ones really fit either with setbacks or with density or any minimum lot side, stuff like that. So one thing I wanted to note, this is unusual for a reason is that I am proposing a condition of approval if this does get approved, and that is that they actually add under the space and bulk requirements a minimum required set back of one hundred feet from the rear property line for the slots that go along Interstate 90. And the reason for that is that the preliminary Platt and the conditions of approval for the O'Keefe Ranch Estates established a one hundred foot buffer along the interstate, the properties that are along Interstate 90. And so I wanted to put that in there because.

[00:19:19] If setbacks are from the property line and I didn't want somebody to come in down the road, if this gets approved and think that they're set back is 10 feet or 20 feet from the rear line and not realize that there is this one hundred foot buffer that they are not allowed to be in. So that's that's one reason that this is a little unique. Usually don't see conditions of approval with rezoning applications, but it's just a tweak to that district if it does end up getting approved.

[00:19:48] So public comment, so we did send out notification to different agencies for comment, I had received comments from the health department, basically nothing specific to the rezoning, but that sanitation review of the subdivision is still applicable for the project. Overall, MDT again had no specific highway related comments for the reason, but that basically noting that they are working with the applicant, reviewing a traffic impact study for the for the existing proposed subdivision. So that is still being worked on as well. And then at the time, I had no other comments from agencies or they were all and no comment. I did receive one today or this week from the water quality district from Ilina that I did have Violet send out to you as well. But I didn't know if you wanted me to read that into the record or if what would be the right procedure for that.

[00:20:51] I think, you know, I think you can treat it as other comment that would not be physically, verbally read into the record. But consider the record.

[00:21:02] Ok, I can I can briefly summarize it basically. And I know she's on the call as well, but they have concerns in this area regarding the increased elevation of groundwater. And she makes some notes in the comment. And I'm sure Alina can explain way more involved than I can, basically. But there's been some wells that are showing increased water levels over the course, and it's not sure if it's a trend, if it's more of an anomaly. But there are some concerns with surface water and groundwater dynamics in this area and having recommendation development's slab on grade. So that that's just one of the concerns. And like I said, I had emailed it to you guys so you can look at that or if you have more questions, I can go into that further. So we did place signs on the property. We also notified adjacent neighbors within three hundred feet. I've had no written comments that have been received at this time on this proposal. So this project did go before the planning board, they met on January 5th, the main topics that were discussed were compliance with the twenty eighteen land use element, compliance with the twenty sixteen growth policy detail on the approved subdivision in the city of Missoula's requirement that the parcel be zoned for connection to sewer. There were three public comments or public that participated in that meeting that gave comments. A couple of them had some questions. One of them was in denial or recommending or denial of the application.

[00:22:42] But I think it was more thinking. Maybe the subdivision was in approval right now. But those minutes are our part of this packet as well that you can read. Ultimately, the planning board did recommend denial of the request six to three due to their feeling of noncompliance with the twenty nineteen landy's element. So in front of you today, we have and I never like doing this with projects, but basically we have two recommendations. So staff is still recommending approval of the resolution of intent to own this property to the O'Keefe Ranch Rural Zoning District.

But there's also the planning board recommendation for denial of the project based off of their feeling of noncompliance with the growth policy. And I did wanted to note I did have a change on the resolution of intent that's in your packet on the dates of publishing, the resolution of intent, if that is to go forward. So I just would like to note that it actually if it was approved today, it wouldn't be able to get into the paper until the 7th of February. So that just pushes it out a little bit. So just a slight change of that as well. But I'm happy to go into more detail, more discussion on planning board growth policy. I just know that Ron's on the call as well. And so I want to give him a chance to to present to.

[00:24:11] Thanks, Bailey. Mr. Egea.

[00:24:13] Mr. Stewart, would you like to present I'm assuming you are serving as applicant's representative today.

[00:24:21] Thank you, David. Can everybody see me and hear me OK? OK, well, first of all, we like to think Bailey in the clerk's office for their work on the staff report may agree with their recommendations. The findings of fact and conclusions of law as contained within the report is presented at the Planning Board's public hearing on January 5th. The developers project is in attendance today. That's very strict constructionist. One hundred ninety seven homes early this spring is followed. Every applicable rule and regulation has invested substantial time money in getting to this point. He's also followed the march through 20 guidance, the Utility Service Review Committee to zone the property. The committee reviewed the makeup and design of the development proposal. The requirement is low property to receive sewer service is in the committee's policy because it provides predictability. The design of Oak Creek Ranch Estates is a good design for the land. It makes good sense both economically and in practicality. Market is ready now for these homes and there are what many people want to purchase and what the developer is ready to build. This property has preliminary approval for one hundred ninety seven simple formulas in the county recently extended the preliminary approval period because a little more time was needed to change some agency approvals. Therefore, the county anticipated this development in this configuration would happen within the allotted time frame. The Utility Service Review Committee required the zoning and that committee is made up in part a supervisory personnel.

[00:26:04] Now, this situation is unique because we're zoning it after it has preliminary approval. Normally there's already zoning in place or. The zoning is is obtained in compliance with the subdivision approval.

[00:26:22] So this proposal was tailored to this particular threat because the plan already has approval and the committee wanted predictability through zoning for this particular design in order to create the sewer. So to the neighbors, what predictability the county to drowning in preliminary approval and PCI told the community that this is the design that is proposed to take place. My knowledge and conversations, the neighbors are all fine with it, except for a small number of area residents who felt that it's a little that I spoke with many area homeowners about the proposed zoning, so we were worried it would allow the approval to change. However, I explained that this subdivision would follow the requirements of the simple Kaylor zoning district. Another very important consideration has to do a certain work person first. We don't we don't know what are the total capacities of existing sewer systems that the way. But we do know that there is a limit you can sell for sky high density. But the infrastructure, including the traffic system capabilities, has to be there to support it. The developer has finally secured agreement with Why Area Water Company to provide water service. The city has designed the sewer to accommodate this and other future areas of the city to the community has agreed to provide sewer service for the condition of zoning the property to accommodate. They prove that this property cannot be sold, citing that the current plan is not move forward in both the water and sewer agreements, which are precious loans could go away, leaving uncertainty, unpredictability and a great deal of less time and money. Again, this rural zoning district is proposed because it provides predictability. That's what the Utility Service Review Committee, the county, the neighbors and the developer has stated they want to see happen through the analysis by Katz. This meets all the elements of growth policy. Where there is a maximum density allowance, but no minimum density required. Therefore, we respectfully ask the commission to approve the zoning as proposed by PCI and as recommended by the Caps office.

[00:28:31] Thank you.

[00:28:33] Thank you. Mr. Ewert, is there any public comment on the proposed zoning?

[00:28:42] Any public comment?

[00:28:48] And just to be inclusive, we have one phone number hanging out there, last four digits, three eight seven seven. This would be your chance to comment on this, if you'd like. OK, so, you know, public comment, I'll close the public hearing questions from the commission or discussion.

[00:29:08] Yeah, well, thanks for one. You can go first if you want. I'm sorry. I want to do that. No, I just wasn't sure if the developer and the developer want to say anything, Ron.

[00:29:23] Ron with the applicant A. three, Jack Scott's son, Scott, you want to talk?

[00:29:34] I don't write my name. I'll introduce myself. My name is Scott Jack.

[00:29:39] We're Viking builders and Ryan built homes were out of the Spokane area. We built in the tri cities. So we're in Pasco Richland, which were built all over Spokane. And we hired Spokane Valley. We're kind of new to the Missoula area. We were obviously just a few hours drive away. So we heard about this piece of property. And we're a single family home builder and developer. And so we bought it with the intent of building this single family neighborhood. Our understanding at that time was that we had a preliminary plan, we had construction drawings. All we need to do is kind of turn them in. And that should be a fairly simple process. The needing to be zoned was kind of a step that surprised us, or at least me. I didn't realize that.

[00:30:21] And now it seems to me like it's being used as a tool. At least the recommendation from the Planning Commission is being used as a tool to stop us from being able to build the approved preliminary plan. So I guess we're still hoping that you will approve the zoning district so that we can build the neighborhood. That was preliminary. That was our intent all along. Planning board wanted higher density and we still look at this area at least, you know, billions of dollars. Look at this area and say it's perfect for two point five units, an acre single family homes out there.

[00:30:59] It's surrounded by single family homes. It's a good use for that area. I think it's I don't think it should be a higher density. And I get that Missoula needs more housing. And I think that whole mullein area down there and I've seen that at that higher density, I think that's going to be a great fit down there because there's all the infrastructure for it and everybody understands that's what's going to be there. But out here at this, why exit? I think the preliminary plan makes sense. And so all we're asking for is zoning that matches the approved preliminary plan.

[00:31:28] Thanks, Mr. Craig. Thank you.

[00:31:33] Thanks. Other questions.

[00:31:36] Yeah, thanks, David. I'll throw some out there. Go for it. Thank you so much. In 2005, when this thing first happened, what was the growth policy then for this area? What was called for at that point?

[00:31:52] Yeah, so it was there was actually a couple of plans in twenty five that this fell under. There was the nineteen seventy nine Wye Oak Creek area comprehensive plan, the nineteen ninety eight Missoula Urban Area Comprehensive Plan Update and the two thousand to Missoula County Growth Policy. So the plans designated this property for a residential development ranging from two to 16 units per acre.

[00:32:17] So at the time the subdivision was approved, the project was in compliance with the existing land use designation and the goals and policy policies of that comprehensive plans at the time. And the other thing I would like to point out just for that, talking about two thousand five is at that time and two thousand five, the city did not have the requirement for rezoning or for for establishing zoning on a property for connection to city sewer. So that's something that did come in later as well.

[00:32:49] Ok, so this was in compliance with the growth policy document at the time? Yes, it was. And now it appears that it may not be in compliance with the twenty 19 plan.

[00:33:00] Yeah, and I have a couple of comments I can talk to about that as well. If you if this is the if if you want me to go into that.

[00:33:07] So so my next question I guess is given that these things often take 15 years as we're seeing or more, and that's not because it wasn't things weren't happening fast. It caps. It's for reasons external to us which law applies. And I guess is John Hart on the call?

[00:33:25] He is. But I've also I was talking to him about it. So, you know, they get there. So it is the the current, obviously, what was the almost like a snapshot in time right from the previous plans.

[00:33:40] But you are looking at a zone application currently and the reason application would go off of what is currently in existence today. And so on that note, I did do some digging into the twenty nineteen land use element with some help from Andrew Hagmaier in our office doing the long range stuff. So kind of number one is the land use designation. It's provided as a guide proposed zoning doesn't always have to completely conform to the land use map, but obviously we want to be moving more towards compliance with it, not away from it. But each application is unique in itself and we do need to carefully evaluate it based off all of the criteria. One of the things is that the land use designations in the and I'll just use the twenty nineteen. But really anything growth policy updates. It is a recommendation for uses and intensities that we do see as a future condition or as the I guess I think it was more of like a vision.

[00:34:49] Right, for the future. This is what we would like to see within the 10, 20 year time frame. So it is a snapshot in time. It's not really looking at the existing uses that are currently out there or that are proposed. It's the vision for the future. That being said, in the twenty nineteen land use document itself, it does actually talk about the infrastructure out here at the Y, and one of the things that talks about is in these areas and I'm going to read it verbatim, so bear with me. But it says in areas targeted for higher residential commercial industrial growth over the long term, so the 10 to 20 horizon, not all the infrastructure is in place and additional investments will be necessary.

[00:35:31] So even in the twenty nineteen document, it's saying we want these, we're looking at the future. We would like this, but we realize that the infrastructure may not be currently in place. And that's something that the county has to work on with partnerships, capital funds, things like that, to eventually get the infrastructure available to be able to do those higher densities.

[00:35:54] So is there a way to for this to be built out at the density that it's the developers are asking for right now such that with future infrastructure improvements happen, the area could accommodate those houses? And I don't know, I mean, imagining like if you put the house in the square square in the middle of an acre and point to lot, well, then that kills it. Is there a way to design things to accommodate future growth when infrastructure allows? Because it looks like Missoula is just going to keep going and at some point the infrastructure will be there and it would be awful to see. The wasted resource of space, having two and a half houses an acre when it could be eight because the infrastructure is actually there to accommodate it.

[00:36:41] So, Josh, just just to clarify for my thinking train in the background there.

[00:36:51] Ok, anyway, so is what you're what you're asking, Josh, is so so you have the infrastructure that is supplying the the subdivision that we're talking about today and and.

[00:37:08] Is what you're asking is if the areas outside of this subdivision are built out at higher densities is out?

[00:37:16] No, I'm talking within this subdivision, within this subdivision, could could design be such that when infrastructure capacity is increased, I understand that water out here is in fairly short supply, maybe at some later date. It's a better system. Could could basically we do infill in this area to get to eight acre.

[00:37:40] Got it. So would within this preliminarily flatted subdivision once it's finally once you receive a final plan on it, is there anything that would preclude the ability for multifamily housing on some of these lots that would density?

[00:37:56] I'm not necessarily saying multifamily. I'm not saying another single family. I mean, if you've got two and a half on an acre and the zoning calls for eight acre, maybe you slip in another single family or another two single families. And if the lot size is quite large, not necessarily duplexes or. OK, got it.

[00:38:14] So I don't know, Bailey, if you want to take a stab at that or maybe Mr. UAT, because this came up the other day in terms of how is the infrastructure size that is going to be out there and is it in excess of the number of dwelling units that may have currently been may have been envisioned for this subdivision, Ron?

[00:38:36] Well, if you look at the at the preliminary plot, most of the plots are about eight thousand square feet, which is a very reasonable size law. I mean, it's not a big law. It's not it's not really small, but it's just about the right size, the square feet.

[00:38:53] Some of those lots are sort of irregular shaped and they can be more moderate, which is where we had the kind of tightened up a little bit on the setbacks. But there's really I mean, if you look at the plot, I don't see how you could sue on any any more lots in there. Now, this is going to have a.. But if you look, we have over 40 acres of open space. We have that drainage easement that you see going passing through the two parts there, because that's sort of a low flow area. And, of course, with less the ground ratio, there's more impervious surface so the water can go down. But a lot of this is on a slope, so they both kind of slope down.

[00:39:43] Both sides sort of slow down into the middle part, but I you know, like I said, I think this is a good design and for this particular site.

[00:39:56] I don't see where you could increase the density later on, I guess, Rauno and and I don't want to put words in your mouth, Josh, but again, is the infrastructure of such a size that maybe it's 15 years from now. But if if property owners out there wanted to avail themselves of the ability to add density on some of these lots, could it accommodate?

[00:40:28] Is there any bandwidth, I guess, for additional density at some point in the future, above and beyond what the infrastructure is currently sized to provide?

[00:40:40] Or is it size to provide more density than what is on the plate right here?

[00:40:48] Are you talking about infrastructure or lots of infrastructure, just leave the lot sizes the same we're not talking about, I guess, monkeying around with the what's planted here.

[00:41:00] But if there is hypothetically on some portion of these planted lots at some future date, higher density than two point five dwelling units per acre, would the infrastructure, I guess, sewer and water be able to accommodate that?

[00:41:17] Is that Josh, is that kind of what you.

[00:41:20] Yeah, you're definitely getting at it. And what I was kind of imagining was in the future, we may have better infrastructure for this area. If that happens in the future, could someone who owns a lot here build a second house, subdivide, build a second house, actually bring this area up much closer to the eight units per acre?

[00:41:39] So this is like a process on Beeliar, Tim, is would that be possible?

[00:41:45] I mean, because I've seen two and a half units per acre given I'd say we had great infrastructure is not a good use of space, especially given we're in this crunch. I also understand one hundred and ninety seven houses is fantastic given our crunch.

[00:42:02] Could this area at some point accommodate more houses?

[00:42:06] So first, let's let's take Bailly, you had your hand at first and then Ron you can jump in Bailey.

[00:42:13] Yeah. So so one of the things I think is that kind of what I was getting at with, with the the twenty nineteen plan is that even in that plan and currently now we, we know that there is infrastructure limitations as it currently exists.

[00:42:31] So that that's one thing to know is I don't I don't think we have enough information right now to be able to say for sure if this property with the existing sewer main pipe that's out there could accommodate eight dwelling units per acre. But we know it's enough that it could accommodate this subdivision currently so that that's one thing. The other thing I was going to say and yes, is that so what we're talking about is zoning the property currently for specifically for this subdivision. However, there is that chance that someday in the future, I don't know how long, but it property could be zoned again at a certain time. That is something that the commission that we have available as a as a tool in the future, if maybe infrastructure does get up to being able to be able to accommodate that. The one caveat I would say is there is some question in my mind, because this subdivision was specifically approved for single family only if anything would have to be changed within the subdivision approval itself or their covenant, things like that that are kind of set up. But that is something that I mean, even that answer is something that could be changed down the road. There are avenues for changing those types of things and dealing with that problem. So I think to answer your immediate question, Commissioner Solek, is that the infrastructure currently can accommodate, from what I can tell and my limited ability. We know it can deal with this, but we we know that there is a limitation as it exists for future development. Like I said, the growth policies that future. But we don't have I think we're talking to Andrew with 50 to 70 percent. Right. We know about it.

[00:44:17] So so so the infrastructure right now couldn't accommodate much greater than what the proposal is. But could the design accommodate more housing infrastructure got ramped up.

[00:44:30] I think it would just depend on what ends up being there, I mean, whether or not we allow, you know, accessory dwelling unit apartments, apartments over a garage, I mean, there's other ways that don't have to necessarily be splitting of a lot someday in the future. Right. That that could include more density without splitting lots.

[00:44:49] Can can we can we do that now?

[00:44:52] No, no, we don't allow that currently. It's something looking in the future.

[00:44:57] Ok, so there's no there's no action or we could take that would allow us to use and et cetera in the future.

[00:45:07] Not not currently right now.

[00:45:11] So let's bring Ron in here also and just try to be as crystal clear with the infrastructure question as possible, basically, I think what we're talking about is sewer and water, or particularly in the case at hand, the reason why we're zoning this is are contemplating zoning. This is to be able to connect to sewer. Is that correct? Ron?

[00:45:36] Right, right.

[00:45:37] So so if that's the case, we're talking the diameter of a sewer pipe basically to accommodate X number of dwelling units in an area. And I think just coming back to some of the initial questions here, what what size of infrastructure is contemplated in this subdivision? And could it.

[00:46:05] Hypothetically accommodate greater a greater number of dwelling units in the future than one hundred ninety seven single family homes.

[00:46:18] So the city calls this the Waldo extension, and it said it's a 12 inch grabby main and then there's an eight inch sewer main from the police station, which I think it has about 400 gallons a minute capacity through the line through Waldo is.

[00:46:39] It will easily handle this subdivision also to the east, to the west, Gallatin Estates, which I think is 70 something units, and that also has approval. That's where the station sits. So as far as those two subdivisions, there is definitely adequate capacity for that and then to the further east, there are two large lots. There's a lot where Jerry

Stone Park sits on, that's about 50 something acres. In the next to that, there's another 50 something acre parcel owned by Tom and.

[00:47:18] So before before there would be any development studies that we probably would want to look at exactly what the sewer can handle, and from my conversations with that Brook and others of the limitations for sewer that you're going to have are pretty much downstream more solicitation issues. There's maybe two small diameters of some of the old lines, and those things can be fixed over time using sewage development fees. So the sewer is probably OK, but when it gets to water, the why the why area water company, it's a private it's a private company. And we work for quite a long time to to get this agreement with them through these hundred ninety seven. But they also serve a whole bunch of stuff over there, east of Highway ninety three. There's also about two hundred unplanted, lots of their stuff down there that are owned by their I believe, I believe they're also owned by the water company. So they definitely allocated water to all those. The National Guard building. There's all that new Spring Meadows, all that through there. They're also under water. So do we know whether. Whether more water can be pumped out of the ground to serve these people will likely, but I don't know that for sure. And I've tried hard to find out the answer. But one common denominator that I found is has to do with water rights. So there's a wide area where companies have the right to pool more water. That could be definitely be a limitation. Another limitation has to do with with the traffic. So we've been working with MDT and we have an agreement now with MDT, with this subdivision and coming out onto the road, coming out onto Highway 93. So we have an agreement there. If we were to increase the density is something different, then we'd have to start over, just like we would have to start over with the sewer and the water. And then there's also the the stormwater issues.

[00:49:39] Where there, I guess, water levels have been rising and the higher the density, the more that's going to be exacerbated. But again, these are mostly on a landscape that has some slope to it. So we don't expect any flooding here, but maybe down along that low drainage area, that 14 acre park area of. You know, there might be issues there, but this has been, like I say, carefully designed to to help mitigating those types of issues.

[00:50:13] Thanks, Ron. Other questions from the commission.

[00:50:21] Josh, I guess this question for for Mr. Jack. Do you have a sense of the size of these houses that you're going to build or is that still up in the air?

[00:50:33] Well, it would be up in the air, but I mean, on a traditional single family, lot of this size, these type lots, the homes typically range from probably on the small side.

[00:50:43] Fourteen hundred square feet, big size, three thousand thirty five hundred square feet, two storey. You've got a yard there. So, I mean, I would think that. Yeah, I mean, I guess if it was zoned in the future, could people build a shop in the back with, like a mother in law quarter above it so that you can build the density? I would assume you probably could. It would just be that same question you guys are asking, which is at that point, is the road network good enough to support doubling the number of residents? Is the water is there enough water rights? Maybe it could all tie into the same system.

[00:51:21] I know that it was I had to work with Dennis Williams at Water District to even get him to be able to serve the one hundred ninety seven lots. I had to sign an agreement with him and upgrade his system. But so they're definitely in order to do more density, you would have to do upgrades to the infrastructure. But I think which was kind of what was being suggested by Josh that maybe you could like Bailey saying rezone it later and add mother in law, order to it later. But this is I think what we would like to do is just single family homes. But I think there probably would be enough room in the back, especially if you did like two stories to add something.

[00:52:01] In the future.

[00:52:03] Is that what you're asking? I think right?

[00:52:05] Yeah, I actually I was just asking about the size of the houses. I was kind of trying to get at affordability, but that all sounds pretty reasonable. I would I would hope that at some point in the future, if there's more water and sewer could handle it. There could be 80 use brother in law apartments, et cetera. Here just seems like a perennial

problem that we don't have enough space for people to live in and and just be hit straight out. Two and a half units per acre is not very much. So if we could anything we could do to keep that up would be really good.

[00:52:36] Elaine, thanks, Scott. Appreciate your comments. Eleanor, did you want to offer any comment?

[00:52:45] Yeah, I just. Thanks, everyone. Well, we're talking about the size of the houses.

[00:52:52] I just wanted to step in here and we're trying to talk to any folks working on development in this area to just inform them that water levels, groundwater levels are growing going up considerably since a well nearby adjacent to this subdivision was installed.

[00:53:10] Groundwater has gone up in that well, 40 feet. And so now it's thirteen point seven feet below the water, below ground surface. And our well, our monitoring well, on Waldo Road is currently like three and a half foot tall water, and it used to fluctuate more down to eight foot to water. So there are considerable groundwater issues in this area. And we just want to get in front of that with developers. We're working to monitor this more, but particularly with water now at 13 little over 13 foot to water, that really makes us concerned about basements and then also how stormwater is dealt with.

[00:53:51] So could you identify yourself for the record here?

[00:53:55] Oh, yes, I apologize. My name is William Evans. I'm the hydrogeologist for the Missoula Valley Water Quality District.

[00:54:02] Do you feel like this stormwater drainage plan for this subdivision is going to be adequate?

[00:54:08] I you know, there's so much going on with O'Keefe and the why area, we're installing a deeper while on Waldo Road.

[00:54:17] We're trying to put transducers into better ascertain how water's interacting. The soils are tighter. There has been more flooding with O'Keefe Creek, with the construction over the past two years. There has been issues with flooding further up on ninety three. There's been some wells that have gone artesian. So we are just trying to to make sure folks know about that in the context of development in this area. Storm water certainly is going to be an issue. I don't I don't really know how some will be. How it would take a lot for something to be a storm water option in this area, given that for those to function in terms of providing water quality, there needs to be at least a three foot, four foot separation from ground water.

[00:55:13] And I'm not sure how will that can be done in this area. So that's something that needs further consideration.

[00:55:23] Our basement's part of the plan for the houses here.

[00:55:28] Mr. Craig, Jack, or three things.

[00:55:36] And as I said, Rentier muted is very slow to address this, but we have we have talked about this in.

[00:55:47] We don't plan well, all you talked about.

[00:55:52] I you know, I wouldn't have any problem with restricting basements out here. I mean, it is all clays and, you know, like was just mentioned by Miss Evans, if there's a ground water issue with that being shallow, certainly us as a homebuilder, we don't want to put basements and have basements flooding. That's bad for everybody. It's bad for us and bad for the homeowner. So if there's a groundwater issue, I don't have it.

[00:56:15] I don't I don't know that the zoning is an appropriate time to designate that.

[00:56:21] I can see Bailey kind of shaking her head because I think I don't think that's really a zoning thing, but I wouldn't have any issues doing that maybe on the planet with Ron or on the corner or somehow and saying, hey,

we're not going to allow basements out here, or maybe even if we did have a basement like we had some topography, we might have a walk out basement so that you could do some drain tile. So if there was some slope in a certain area, as long as you could daylight out some drain tile so that any water got away from the house, I don't really have any issues with a restriction like that, but I don't know that it would be necessarily on the zoning.

[00:56:57] And yeah, I get that it wasn't part of zoning. I just was asking in case you had plans already.

[00:57:03] Thank you. Thank you, Mr. Craig. You're welcome.

[00:57:06] Other questions or comments from the commission or I would entertain a motion and I guess I would just add that this week I think we'd be in a very different place today if we were contemplating a subdivision proposal before us with the land use element 2019 land use element in place. But that is not where we're at. We are retrofitting an existing, preliminarily plotted subdivision with a zoning proposal since our zoning tools that we currently have are not exactly a great fit.

[00:57:49] Deputy County Attorney John Hart.

[00:57:52] Thank you, commissioners. Yeah, this is John Hart with the Missoula County Attorney's Office. I didn't want to get in the way of a fruitful conversation here today. I think it was a good discussion, a good introduction for Mr. Jackson, Mr. Ewert. But I was at some point in time going to remind everyone that Montana law prohibits making a land use decision, denying a land use, a request based solely on the growth policy, and so that that issues come up in the past, we rarely see it go on. So I thought I would take this opportunity now to remind everyone that that there has to be more than just incompatibility with with the with the growth policy.

[00:58:42] So thank you. Thank you. Thank you, John. Thank.

[00:58:49] Well, Dave, I'm happy to make a I make a motion.

[00:58:56] Ok, Mr. Funk, thank you.

[00:58:59] I would move that the request to adopt the resolution of intent to rezone the zone property to keep rich rural zoning district B approved based on the findings of fact contained in the state report public testimony and written comment subject to the recommended condition of approval. Subject property for this approval is legally described as parcel two of cost five six zero three point zero five acres empty right away and parcel three of S.O.S five six oh three. Section twenty one township fourteen. North Range twelve West Missoula County, Montana.

[00:59:32] Second, any further discussion on this?

[00:59:37] No, I appreciate this was a I thought a a great discussion and an interesting project and. Right. It's complicated, but I thought this was yeah, this will be a. Ultimately, an interesting project, and that's how we how we got here. I think we did the right thing, so thank you.

[01:00:00] And the only comment here is yet further evidence for us to move along our zoning process. We will have that bugger in place soon in these clumsy retrofits will be a thing of the past.

[01:00:13] Yes.

[01:00:14] And I think Mr. you alluded to it in that very often when you're dealing with a situation of a subdivision proposal on zoned land, there would be zoning that would come along with it, which would head off at the pass years after the fact.

[01:00:32] This sort of scenario that we're dealing with today. So we have a motion that's been second and all in favor.

[01:00:40] Please say, ay, ay, ay, OK, that passes unanimously.

[01:00:45] Thank you, Mr. Craig, Mr. Ewert and everyone else who participated in this.

[01:00:52] Thanks, Bailey. You, Bailey. And we're not done with you yet, Bailey.

[01:00:57] No, I'd like give me a second to get all my stuff for the next one here.

[01:01:02] Ok, we do have a second public hearing. This one is this is our third public hearing today. But second one for Bailey, this is double our double our acres. Lot eight block one minor subdivision proposal. And I will open up the public hearing at this point and begin when she is ready with the staff report from Bailey Minnich.

[01:01:26] Ok, so hopefully you guys can see the screen, different PowerPoint presentation. Yes, perfect.

[01:01:33] Ok, so this is a request for a minor subdivision, double our acres lot eight block one minor subdivision. The property is at forty three four Spurgeon Road applicant, this Holly racer and the technical representative is immig.

[01:01:51] Ok, so here is the property location, it's out off Spurgeon Road, west of Reserve, so South Avenue, I don't know if you can see my cursor is obviously down here towards the South Yemens Road, Spurgeon Road, and we're way out here towards the end of the end of the road area.

[01:02:11] The existing zoning on the property is see are one which is one of our residential districts, it is one dwelling unit per one acre, and its intent is to provide for a transitional area of low density residential uses between more urban areas and agricultural uses.

[01:02:33] Pages are sticking together.

[01:02:36] So the land use designation, it is within the twenty eighteen Missoula area land use element, as we're talking again, it's designated as rural, residential and small agriculture. And this goal is to provide for low density housing in areas without public water and sewer. The goal is to preserve the rural and semirural characteristics such as larger or lot small scale agricultural uses. And it has a recommended residential density between one dwelling unit per acre and two dwelling units per acre.

[01:03:09] This property is also within the 20 percent target range neighborhood plan, which has a land use designation of one dwelling unit per acre as well. So this is the proposed preliminary plan, and I realize that's kind of small and never able to really get a good screenshot in here, but it's a two lot minor subdivision. So it's actually a subdivision of a previous lot that's in the double R a. subdivision, which is from nineteen sixty eight lot eight A, which is the lower one, has an existing home on the property and it's supposed to be one point one four acres in size and then lot eight B will be is the new lot that will be vacant currently and it's at one point zero one acres in size.

[01:03:57] So impacts local services, this is basically the meat of my staff report, I'm just going to hit all of the highlights, but I can go into any of the criteria and more detail. But this is basically the nuts and bolts of the application. So the primary access for the existing lot is actually off of Spurgeon Road. The new law will access off of Sierra Drive, which is because it's a corner lot. So there are no new roads that are being proposed with this project. And this surrounding development is primarily residential. As I said, it is within an existing subdivision from nineteen sixty eight. But there is some agricultural land that is across Spurgeon Road. So one of the proposed conditions is that including to be included in the covenants is the notification to land owners of ag operations in the area just as a heads up for future owners, that that that does exist.

[01:04:47] Both lots will be served by individual septic systems and individual wells. One thing we did notice that's a proposed condition is the well easement that is shown on lot eight A for the benefit of A, B, the northern one. It's shown at 15 feet. And that actually needs to be increased to 20 feet. So that is a proposed condition for the well easement area as well.

[01:05:12] The property does contain areas of high groundwater. So we have recommended a condition that residential structures be constructed a slab on grade with no basements permitted. And one reason I want to note is that the location for the proposed septic system is the only area that could adequately meet sanitation requirements

through their groundwater monitoring report. And I know, Danny, from I can get more into that detail, into that information as well, if you have questions on it. No parkland dedications are required for minor subdivisions. No pedestrian infrastructure is required for minor subdivisions as well. And then finally, the project is within the Missoula Rural Fire District. And so we are they are proposing residential fire sprinkler systems for their fire suppression system. And so we are proposing a condition of approval that there's notification within the covenants of notification on the Platte, that future owners understand that the that they will have to do residential fire sprinklers within this property as well. So we did notify applicable agencies for comments, there were comments from Missouri Rural Fire District on the future driveway construction that's also recommended as a condition of approval for some language in the covenants as well. We also commented on the proposed fire sprinklers for the fire suppression system. Environmental Health commented that obviously the project needs sanitation review. And then the Air Quality Division commented that the property is within the assignment zone. So there are some recommended recommendations and their covenants regarding that, as well as some paving requirements and radon language that be included in the proposed covenants. And all of those are shown in the in their proposed covenants, as well as in the conditions of approval. We did notify neighbors within three hundred feet of the parcel boundary. We did actually get one comment letter in support of the project. So I'm always surprised when that happens. But that's great that people want to comment even when it's in support. So so that one comment letter is the only thing we've received on the project.

[01:07:25] So in conclusion, obviously, staff is recommending approval of the project subject to the proposed conditions, and I provided the recommended motion and I know Danny from IMAG is on the call as well, that can help answer any questions you may have.

[01:07:41] Thank you, Bailey.

[01:07:42] And as you mentioned, comments in support of items are always welcome, not just comments in opposition.

[01:07:52] So thank you for that. With the applicant or applicants representative like to speak.

[01:07:58] Yeah, this is Daniel Provisor with IMAG. I'll be brief here is I think Bailey pretty much touched on all the important aspects of this project, but I'm representing the owner, Holly Rasor, and then I'm also representing myself and my wife as the developers. You know, the goal of this too minor is just to create a new lot to build a single family house. This isn't the first to lot minor subdivision as part of the Double R Acres subdivision. So there is precedence. I think there's been four very similar to minor subdivisions that have been approved in the past. You know, additionally, right across the street, across Spurgeon Road, there is preliminary approval for the Spurgeon Ranch project, which was 19 lots ranging around. They're all less than half an acre. So there is precedence for development and feel infill in this this zoning district. Know our application meets all the subdivision regulations, the zoning standards, land use, settlement growth policy, existing covenants. We didn't have any variances as part of this request. So, you know, overall, we feel the project is really going to fit nicely into the target range characteristics and keep the integrity of that, you know, low density residential feel. So, you know, that's all I kind of have to say right now. I'll put it back to you for discussions, comments and ask for approval at this time.

[01:09:31] Thanks, Danny, for state that this is a public hearing. Is there anyone out there who would like to comment on the proposed mine or subdivision before us? Any public comment and or give another opportunity for color with the last four digits, three, eight, seven, seven.

[01:09:53] Ok, apparently not here for this item. So with that, I will close the public hearing questions or a motion from the commission.

[01:10:03] Sorry, Billy, can you show us again where the the sewers are planned?

[01:10:15] All right, thank you.

[01:10:17] Yeah, the set. So there's no sewer, but the septic is about the only one. The septic would be actually located up here in the front of the property is the higher elevation on the site. So it's higher over here and it kind of

slopes. Very unnoticeably to me, it looks pretty flat out there, but it does very briefly, slower, and Danny can probably get into it more too, but it's just a sceptic.

[01:10:41] Danny, would you like to describe the septic system?

[01:10:43] Yeah, I'll touch on that real quickly. You know, we did groundwater monitoring out there and there is high groundwater, but there was enough separation in the health department and dequeue require four feet of separation between our drain field and the high water mark. So actually, Bailey, the drain fields are actually going to be in the middle of the property towards the back up front was too high. There wasn't enough separation of groundwater back there. So, you know, we have designed the septic system to meet that minimum of four feet separation. It's in review right now by the health department dequeue. So we meet all their standards as of now.

[01:11:25] Thanks, Danny, and answer your question, Renita. It doesn't yes, dyslexic sewer septic, yeah, I think they both involve piping of some sort.

[01:11:36] So.

[01:11:40] Well, with that, I motion to approve the double R acres lot H block one minor subdivision based on the findings of fact and conclusions of law, subject to the recommended conditions for approval found in the stock report.

[01:11:54] And I'll second that with the added bit of it's kind of fun to go from one hundred and ninety seven units and lots of complexity and variables and unknowns to cutting a big one in half and calling it good. So yeah, compliance with compliance.

[01:12:11] We do it all here at Missoula County. So any further discussion on the motion. OK, not all in favor.

[01:12:18] I, I. OK, thanks Danny.

[01:12:23] I just want to say thanks Bailey for doing such a great job. As usual, we appreciate you.

[01:12:29] Oh I appreciate that. Thank you. It's always nice to be given. Thanks for it.

[01:12:34] So I want to say thanks also to Bailey. It was it was nice and easy project to help escort us through all the regulations. So I appreciate that.

[01:12:43] You bet. Thank you.

[01:12:45] Our final item today pertains to a proposed tobacco resolution for the extraterritorial application of the city of Missoula Tobacco Ordinance three six seven two.

[01:12:58] So given the fact of both litigation at play and also some unknowns related to proposed legislation during the current session of the Montana legislature, we are not going to contemplate taking action on this today. And in fact, I would entertain a motion to table this item for the time being.

[01:13:24] I move to table it second, OK?

[01:13:29] It's been motioned and seconded. Is there any public comment on the motion to table?

[01:13:34] We're not going to be discussing the substance of the resolution or the Missoula tobacco ordinance, but merely the motion to table. OK, see none. All in favor of moving the table, I.

[01:13:57] Ok, that item is tabled for some unforeseeable amount of time at this juncture. Anything else by way of business to come before the commission today?

[01:14:14] Well, thank you, everyone, for participating, as usual, it was a pleasure being with you all.

[01:14:21] So it meeting. Yep. OK, be safe and be well, everyone.

[01:14:27] Hey, David, I want to ask you guys real quick, which one of us is due in court today.

[01:14:32] I was going to say, OK, you can if you like, I'm fine with whatever, I'm totally OK.

[01:14:41] Ok, this will. We will.