

Missoula Board of County Commissioners

# PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 11, 2021 – 2 PM

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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.

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**ATTENDANCE:**

**Commissioners Present:**

Acting Chair Vero  
Commissioner Slotnick

**Staff Present:**

Violet Plummer, Administrative Assistant, Commissioners' Office  
Amanda Henthorne, Budget Analyst, Finance  
Bailey Minnich, Planner, Community and Planning Services  
Tim Worley, Senior Planner, Community and Planning Services  
Colleen Morris, Clinic Nursing Unit Manager, Health Department  
John Hart, Attorney II-Civil Division, County Attorney's Office  
Matt Heimel, Planner, Community and Planning Services  
Karen Hughes, Assistant Director, Community and Planning Services  
Andrew Hagemeier, Senior Planner, Community and Planning Services  
Jamar Galbreath, Equity Coordinator, Commissioners' Office

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:02]*  
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:20]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:32]*  
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 00:38]*  
[None]

6. **CURRENT CLAIMS LIST** [Time stamp – 00:46]

Claims received as of February 24, 2021 to March 2, 2021 by the Commissioners' Office total \$1,623,372.50.

7. **HEARINGS**

a. **Budget Amendments** [Time stamp – 01:05]

Amanda Henthorne, Budget Analyst, Finance

- i. **Health Department – Vaccination Efforts**
- ii. **CAPS-Planning – Green Tariff Consultant**

Commissioner Slotnick made the motion (1) that the board adopt the resolution to amend the fiscal year 2021 budget to include revenues and expenditures related to grant funding received by the Missoula City County Health Department to support community vaccination efforts for infants, children and adults, and (2) that the board adopt the resolution to amend the fiscal year 2021 budget to include revenues and expenses related to contributions received from the City of Missoula, the City of Bozeman, and the City of Helena for consultant services for the development of a well-designed green tariff to support joint clean energy efforts of the parties including Missoula County.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Resolution 2021-024 B: 1051 P:919] – Vaccination Efforts**

**[Resolution 2021-025 B: 1051 P:920] – Green Tariff Consultant**

b. **Zoning Request – O’Keefe Ranch Rural Zoning District** [Time stamp – 05:44]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request to adopt the Resolution to zone the unzoned parcel to the O’Keefe Ranch Rural Zoning District be approved, subject to one condition of approval. The property subject to the approval is legally described as Parcel 2 of COS 5603 less 0.65 acres MT ROW and Parcel 3 of COS 5603, S21, T14N, R12W, P.M.M., Missoula County, Montana.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Resolution 2021-026 B: 1051 P:921]**

c. **Zoning Request – Waldo Road & George Cates Boulevard Rural Zoning District**

[Time stamp – 15:08]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request to adopt the Resolution of Intent to zone the Unzoned parcel to Waldo Rd & George Cates Boulevard 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 conditions of approval. The property subject to this approval is legally described as Lot 2, Less MTDOT ROW, of Denbleyker Subdivision, S16, T14N, R20W, P.M.M.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Resolution 2021-027 B: 1051 P:922]**

- d. **Sx<sup>w</sup>tpqyen Neighborhoods Master Plan and Form Based Code** *[Time stamp – 35:40]*  
Andrew Hagemeier, Planner, Community and Planning Services

Commissioner Slotnick made the motion that (1) the Board of County Commissioners adopt the Final Resolution to adopt the proposed Sx<sup>w</sup>tpqyen (s-wh-tip-KAYN) Area Neighborhoods Master Plan as an Area Plan of the Missoula County Growth Policy, that the Missoula County Land Use Map (MAP 18) be amended to include the Sx<sup>w</sup>tpqyen Area Neighborhoods Master Plan Land Use Designation, and that the boundaries of the Wye-Mullan Comprehensive Area Plan be amended to exclude the proposed plan's boundaries; (2) that the Board of County Commissioners adopt a Final Resolution to adopt the proposed Sx<sup>w</sup>tpqyen Traditional Neighborhood Development Form Based Code as a zoning regulation for a portion of Missoula County to implement the Sx<sup>w</sup>tpqyen Area Neighborhoods Master Plan; and (3) that the Board of County Commissioners adopt a Final Resolution to amend a portion of the Missoula County Zoning Map according to the Sx<sup>w</sup>tpqyen Traditional Neighborhood Development Form-Based Code.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Resolution 2021-028 Book: 1055 Page: 1107] – Form-Based Code**

**[Resolution 2021-029 Book:1055 Page: 1106] – Zoning Map**

**[Resolution 2021-030 Book: 1055 Page: 1113] – Growth Policy**

8. **OTHER BUSINESS** *[Time stamp – 44:40]*  
[None]

9. **ADJOURN**

Acting Chair Vero – Called the meeting to adjourn at 2:45 p.m.

## BCC Public Meeting March 11, 2021 – Transcription

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[00:00:02] It takes place in the Aboriginal territories of the Salish and Kalispell people. And let's begin with a pledge of allegiance. Do we have a flag? 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. Public announcements. Public comments on items not on the agenda are current, don't see anything. Current claims list as of February twenty fourth twenty twenty one to March 2nd, twenty twenty one by the commissioner's office totals one million six hundred and twenty three thousand three hundred and seventy two dollars and fifty cents. We have. Four hearings today, and we'll begin with Amanda Henthorne with budget amendments.

[00:01:10] Thank you, commissioner. Well, I'll just dive in so we can hurry up. I'll go through both of them at the same time, since they're fairly straightforward. The First Budget Amendment for today is to add revenues and expenditure expenses from a grant funding received by the Missoula County Health Department that helps support vaccination efforts for infants, children and adults. This is not related to COVID 19. This is just the standard vaccination panel. There are no matching funds required, and you signed the contract for this grant work at an administrative meeting on February 4th. The funding provides outreach and vaccination efforts for early childhood. The Second Budget Amendment today is also fiscal impact neutral, and I'm asking that you add revenues and expenses related to contributions received from the city of Missoula, the city of Bozeman and the city of Helena for consulting services for the development of a well-designed green tariff to support the joint clean energy efforts of all of the parties, including Missoula County. The inner local agreement for the funding was approved on February 10th, 2021 and an administrative meeting. And although I did not attend this morning's administrative meeting, I believe you also approved the contract for the consultant this morning. So Missoula County had originally budgeted \$20000 for hiring this consultant and the other three entities are making up the remainder of the eighty thousand for the total consulting contract of one hundred thousand dollars. No additional funding is required of the county and those are the amendments for today.

[00:03:10] Great, can we take them all together or do we have to do them one at a time?

[00:03:14] You can do them both at the same time.

[00:03:16] Amanda, could you put up some resolution, some language?

[00:03:24] Yes. Somehow our case right here, let me just point,

[00:03:30] Violet

[00:03:32] Violet is probably a little faster.

[00:03:35] And Colleen Morris has her hand up.

[00:03:42] Hi, yes. Amanda, I did just want to clarify and for the the commissioners that the amendment to the task order for the immunization, additional funding in the amount of the thirty eight thousand and change is for COVID immunization services. So I just wanted to clarify that it is additional money meant to supplement the forty five thousand in change that we already get every year.

[00:04:14] This is to

[00:04:16] Kind of help with the outreach and additional off site clinics that we've done. In essence, we've we've probably spent the money already because you can use it kind of backdated for stuff we've already purchased and money that we've, you know, things that we've had to buy to set up these clinics and stuff. But that is what it's intended for. So just wanted to clarify that.

[00:04:40] Thanks, Colleen.

[00:04:43] Thank you.

[00:04:44] All right, one, are you ready for a motion ready? Ok. I would request the board adopt the resolution to amend the fiscal year twenty twenty one budget to include revenues and expenditures related to grant funding received by the Missoula City County Health Department to support community vaccination efforts for infants, children and adults, but also request the board adopt the resolution to amend the fiscal year. Twenty twenty one budget to include revenues and expenses related to contributions received from the city of Missoula, the city of Bozeman and the city of Helena for consulting services for the development of a well-designed green tariff to support joint clean energy efforts of the parties, including Missoula County.

[00:05:27] Second, any further discussion? All in favor, I hope. Ok, thanks, Amanda.

[00:05:39] Thank you. Have a great afternoon and thank you to.

[00:05:44] Ok, we have zoning of an unknown parcel, is this Bailey?

[00:05:50] Oh yeah, I've got I've got the next two, I think.

[00:05:53] Ok, thank you. Yeah.

[00:05:56] Let me get my PowerPoint here. One quick second. Bring everybody back up. Ok, can you guys see my screen? Yes. Perfect. Ok. So this is a request for the O'Keefe Ranch Estates. It's the resolution to adopt the final zoning. The property is at one zero zero one three. Waldo Road. This is the property location and I don't know if you can see my mouse, but here's the interchange for I-90 and Highway 93 North and you come up and it's off of Waldo Road. Existing zoning for this parcel and the surrounding area is generally unknown. There's a little bit of zoning over to the east side of the of the site off of Highway 93 north. So this property currently has approved subdivision for the O'Kieffe Ranch Estates subdivision, it's one hundred and ninety seven lot subdivision that was originally approved back in two thousand five. You've been seeing it at the last couple of meetings. They did some condition amendments at the last couple of meetings. Phase one doesn't expire until October of twenty twenty two and phase two doesn't expire until October of twenty twenty three total. It wouldn't end until twenty thirty one with all of the phases the applicant is currently working to connect to City of Missoula Sewer. However, in order to do that, the property must be zoned in order to allow for that connection.

[00:07:28] The O'Keefe Ranch Rural Zoning District would be specific to this property only, so it is a unique district. It's not one of our standard districts or go back. So the new district, it's based off of the Missoula County C.R. one residential district, but it does have modifications to space and bulk requirements which are set backs, minimum lot sizes, residential density maximums. It would also modify the permitted and the conditional uses allowed. So this project has been ongoing for a good couple of months. It went to planning board back in January 5th of this early this year. The main topics discussed at the Planning Board meeting was compliance with the 2019 Land Use Element compliance with our 2016 growth policy, the approved subdivision itself. Meiselas requirement for that, the pass will be zoned the city's requirement. The pass will be zoned. Ultimately, the planning board did recommend denial of the request six to three, and that was due to concern about the non-compliance with the 2019 land use element. So the Board of County Commissioners met on January twenty eighth. We discussed the project then as well. We discussed the the land use plans since the subdivision was approved in two thousand five, we discussed compliance with our 2019 plan. We talked about infrastructure that's existing at the Y. Concerns about future infrastructure, things like that. And then the comment from the water quality district regarding the rising groundwater that they've been seeing in the in the wells that they monitor in this area.

[00:09:04] Ultimately, the commissioners did approve the resolution of intent to zone the property three to zero. So since that January meeting, I have placed a legal notice for the resolution of intent to rezone, published twice in the Missoulian February 7th and February 14th. I've had no comments or written protest received on the project in 30 days from the first publication ended this past Tuesday on March 9th. So we, our staff, is recommending the commissioners adopt the final resolution and there is subject to one condition of approval and that is regarding on that preliminary plat. There's one hundred foot buffer from Highway 90 I-90 and it's on the Platte, but we wanted to kind of merge them, merge it together with the zoning so that it wasn't something that would get missed over time, just as a as a on the face of the plat. But it's actually in the zoning document itself, so just kind of merging those together. And so with that, I do have a recommended motion and I know Ron is on the call and would like to give you guys a brief quick chat as well, but I'm happy to answer any questions you might have right now.

[00:10:16] Great. Ron, go ahead.

[00:10:20] Hi. I just wanted to quickly address the issue of this special zoning district and why it was crafted. Bailey, could you pull that up?

[00:10:32] And maybe, Ron, do you have to introduce yourself? Are we?

[00:10:35] Oh, I'm sorry. Sorry. I'm Ron Ewart with PCI. So I just want to explain why we why we needed to pick a special zoning district. So first, we tried looking at other districts. And at one point we're studying how to propose a modified C.R. one district because that's the closest county district that would fit our design. Now this design subdivision design is not unique, and there should be a regular county district that would allow this type of design. But there's just not. For example, this C.R. one design requires a seventy five foot wide lot and a twenty five foot front and rear yard setback. So if you had, let's say, a 40 foot wide single family house, the lot would have to be almost seven thousand square feet with streets and parkland. I don't see how you could get close to eight per acre, even if you did duplexes. In this situation, the density is low, partly because we have about 18 percent in parking common area. The CR one does not allow multifamily about duplexes, which is probably what you need to get to eight per acre. The next zone up is CR two, which allows multifamily, but the density can be up to 16 per acre, which is double comp plan. So the planning board wanted a zone that allows a per acre because the area plan calls for eight per acre. And they felt this is a good place for higher density.

[00:11:58] We've explained why it's not such a good place for high density, but we also needed to take into considerations of the neighborhood as they were all expecting single family in the design that was approved in two thousand five. I listen to Josh from Eli on Monday discuss how the folks north of Waldo have long had expectations for one house for two acres, and he wanted to stick with those expectations. Again, though, the main reason we could not use an existing county district is because none of them came nearly close enough to working for this plan. We couldn't even do what we would call a modified one because there was just too many differences. You don't need a huge lot. And all you can design something that that works, I know Hellgate Meadows, they have like four forty eight hundred square foot lots and that's a beautiful neighborhood. Works great would be nice if we could have something like that in the county. So I've always felt that the county zoning districts are not all that realistic and can sometimes be characterized as archaic. I understand we probably prefer to stick with conventional county zoning districts and not have to review approve a proliferation of special districts. But the counties zones may not work for some of the sensible designs we have. Thank you. I just wanted to get that out.

[00:13:17] Thanks. Thanks. Thanks, Ron. You're. Is there anyone else who has comments? Joshua, think I cut you off.

[00:13:30] You were. I was just going to say that all sounds good and understand the specific requirements of this site and appreciate what you're saying, Ron, and don't have too much to say because we've been through a whole bunch on this one already, and Bailey has done a great job of bringing us up to speed. So I feel I'm I feel good about it. Great. Great. Motion in a way then. Yeah, yeah, I would say if you're good, I would move. So I make the motion that the request to adopt the resolution to zone the UN's own parcel to the O'Keeffe Ranch Rural Zoning District be approved, subject to one condition of approval. The property subject to the approval is legally described as partial to, of course, five six zero three less point sixty five acres. Montana right away and parcel three, of course, five six oh three south. Twenty one township, I'll just go. It's twenty one tw- 14 North R. 12 West Missoula County, Montana.

[00:14:30] The second. And any further discussion. Hearing none all in favor.

[00:14:39] All right. Thank you. Thanks, Ron, and thanks, Bailey. Yeah. Thank you, everyone. Have a fun day.

[00:14:46] You, too. Get out there and enjoy the sunshine.

[00:14:51] Yeah, it's great. Those houses built. I think they're going to start this spring. So thank God they'll probably be sold before the polls are done. And so we'll see. I know we need them. Yeah, thank you. Thank you.

[00:15:06] Thanks. Ok.

[00:15:08] Waldo, I know I feel like it's like The Bailey Show today.

[00:15:13] So we like The Bailey Show.

[00:15:15] Oh yeah,

[00:15:19] It's like it's hard. I got to like,

[00:15:20] Change my brain here quick, too. Ok, so you guys can see my screen here for the Waldo Road one? Hopefully. Yes. Perfect, OK. So this is a request for Waldo Road and George Keats Boulevard rezoning application. It's actually just across the street from the previous project. There's no physical address, so I'll just skip here. So you guys can see where it's at. So the O'Kieffe one was, you know, down kind of in the lower left hand corner. And this is up just on the other side of Waldo Road. Same area. It is. There's some adjacent zoning to this parcel. It was actually it's the two it actually came through for zoning on that parcel. Here, I want to say it was 20 19 final adoption early. Twenty twenty and then there is some residential zoning just to the South as well. But otherwise it's it's zoned in this area to the land use designation is rural, residential and agriculture. And that has just to put it into perspective, a residential density ranging between one unit per acre and two units per acre. Oh, wait, I said sorry, I was reading small agriculture, rural residential and agriculture.

[00:16:42] Whoops, my bad.

[00:16:44] Ok, yeah, I know I'm like, That's not right. I was reading, I was like, This doesn't make sense. Sorry, one unit per 10 acres and one unit per two acres. That's better. The problem when I get going too fast. So this is kind of and I know the screenshots really tiny. It's in the packet as well. But the proposed is the proposal is again, the applicant is working to connect to City of Missoula water or excuse me, sewer. The property again must be zoned to allow for that connection. So this rural zoning district would create a density that's not currently existing in our regulations. It'd be between the A3 and the C RR one. They are proposing some slight modification to setbacks, and then they're proposing reductions to the permitted, conditional and special exception uses. So they're really shrinking it down just specific to this project. Staff is ultimately recommending approval, we are proposing two conditions of approval with this project. One is that within the permitted uses, they would add residential accessory buildings and uses. So if you go, I'll go back here real quick. I know you can't really see it, but they allow agricultural, including any and all structures needed for agricultural use. But they don't reference any accessory structures for residential use. So like a detached garage is the best example or a shed or something like that.

[00:18:15] And so that we want that under permitted uses as well. So that gives people the same ability. And that's something that's in all of our current residential districts as well. And then the second second proposed condition is under the general standards. Adequate condition regarding the construction of basements is prohibited and that the lowest floor and all utilities, including duct work, shall be constructed a minimum of two feet above the highest adjacent existing grade. And this condition is actually the same that is on the neighboring parcel that had that too. That's the special condition that was added. And this condition, we're proposing it due to the comments from the water quality district, which were the same as what was O'Kieffe as well, that the rising groundwater in the area they're noticing it's not in a floodplain, but this just gives that ability to try to minimize any of those potential factors and potential impacts with rising groundwater in this area. So we did notice I will not read all the slide, but I wanted it in case people at home wanted to read it. We did notice advisory agencies before the planning board hearing and

I'll get into that in a second. The health department, you know, didn't have any specific comments. It will require review through sanitation floodplain.

[00:19:35] Again, it's not in that designated FEMA floodplain zone. But again, Todd did have the same questions as the water quality district regarding the the kind of the the water issues that are in this area. And then the water quality had the same concerns with the rising groundwater as they did with O'Keefe. So that's where that condition comes from, trying to minimize those impacts. We didn't have any other comments from other agencies. I did post a sign on the property. We mailed adjacent landowners within three hundred feet. We mailed them a notice of the request. I did have two comments in opposition prior to the planning board hearing. And those are included in the packet as well. The planning board met on February 16th and heard the request. The main topics that were discussed at that time was future annexation and to city limits. We had a discussion about why they're connecting to sewer, but they're not being required to annex in and how city limits aren't really this far out here, but they're still connecting to city services. Discussion on that, the submitted public comments, the two public comments that we had received. The difference, I should say one of those comments talks about subdivision review and subdivision exemption process. And so we had a discussion on that. This request is for zoning and there's zoning criteria versus subdivision regulations and subdivision criteria, and that there are two different regulations, two different process.

[00:21:07] And they don't you can't use the conditions and the criteria of one to make conditions or criteria in the other one. Basically kind of there are two separate things. And then we did discuss the water quality district's comments regarding groundwater and soils in the area as well. Ultimately, the planning board did recommend approval of the request eight to zero, with the two recommended conditions of approval. Since that time, I have had one comment in opposition that has come in and been received. It's actually from one of the same people from the original two comments, and a lot of the concerns are the same. The difference between subdivision regulations and zoning regulations. There were some pictures that they did attach that shows kind of the water and the drainage issues in that area. And so one of the things is that just kind of, in my opinion, exemplifies why we need that condition prohibiting the basements and things like that for this project. So I do I have a recommended motion to approve. I know Eli and associates Joshua is on that. I'm sure he would love to answer any questions you have or go into further detail. And I'm happy as well.

[00:22:25] Great, so either Joshua or Ron, you want to comment?

[00:22:34] This is Joshua Phillips with Eli, and associates have with me, Tom Anderson with Eli,

[00:22:42] To work with Eli. So I was getting confused. Sorry?

[00:22:45] Yeah, he's frozen also. Oh yeah. So yeah, I guess I'll just briefly say that we found the same sort of situation that Ron spoke about on O'Keefe with needing a zoning designation that didn't quite fit into the existing county zoning designations. So we really made an effort to do right by these neighbors that that definitely don't want to see really anything happen here to to try to craft a zoning designation that showed full compliance and full intent to comply with the existing Meadows West covenants, which limit this this area to a one two acre density and also comply with the land use element, which that would be the highest density that the land use element would allow is one for two, as Bailey stated previously. And then and then also try to, you know, do some kind of infill development on this property. At first glance, it looks like it would support a greater density. But as has been discussed and noted there, there are some surface water runoff issues that would then come into review at the time of some proposed development. So in very much the same situation as O'Keefe, we we can't do it development without connecting to sewer, which we have on site. The site actually has its own manhole on the property in anticipation of a development that would utilize the sewer, but we can't hook up to sewer until we're zoned. So it was a horse and carriage sequence thing, and so that's why we're here.

[00:25:08] Great, thank you. Anyone else have comments or questions?

[00:25:15] Just a few one, if you're ready for me, but so far,

[00:25:18] I don't see anyone raising their hands.

[00:25:21] So so I'd have to say when we first came across this, I thought, Wow, that's an extremely light zoning when you have the sewer present, given that we are in a widely acknowledged housing crisis and certainly the the effect on the neighbourhood, the adjacent neighborhood really needs to be considered in. The folks who live nearby don't want any more density than would be in this proposed zoning. Those folks are in luck and that the topography and groundwater conditions of the site wouldn't allow any higher density, so housing crisis are not. High cost of sewer or not, it's going to be like density, because that's all that this area could support, and it doesn't seem that in terms of groundwater, it could even support septic and sewer is there. So what we're left with is kind of the best option, if not a great set of options. So I'm all for it. I just wanted to explain why. Great, thanks. Did you have something else? Did I get any of that wrong? Please correct me if I did.

[00:26:32] Nope.

[00:26:32] Sounded kind of good to me. Oh, Josh, yeah,

[00:26:36] I have one question that just stems from commissioner slot makes comments. And that is what binding effect do you see that the existing covenants have on limiting density?

[00:26:54] And is Tim on the line or John Bailey? Bailey, you may know the answer, so I'm sorry, I can't answer that the question of the binding nature of covenants is one I know that has been debated a bit. And somebody like John Hart or maybe Bailey knows the answer, and I should just shut up so badly. What's the answer? What's the binding nature of covenants?

[00:27:16] I honestly, I don't have a good answer for that. I mean, so covenants, you know, from what we deal with them, they are private agreements between property owners. There isn't, you know, it's not it's not like it was a subdivision that came through where subdivision covenants that we have like that, that we require that have to come to these ones, for my understanding, predate that. It's like the neighbors just kind of banded together to make their own set of covenants. But that being said, I mean, obviously, we never want to get in the middle of them either. So that's a probably a very political comment that I gave, like writing, writing in the middle. But John might have more as well.

[00:28:01] Commissioners, I don't have a lot more. It's been a while since I reviewed any of the Dan Blecher covenant, but generally, if if you own a piece of land, you can place restrictions on the use of that land in the form of a covenant that then runs with the land in, you know, for the foreseeable future, I want to say, into perpetuity, but at least for the foreseeable future and. The question comes up who can enforce those covenants, and generally it's anybody who owns all or any part of that property into the future is the one who has the authority or, you know, qualifies to try to enforce those covenants, and those covenants are ultimately enforced by a court of law. I sometimes I see covenants where Missoula County is included as an entity who has the ability to enforce the covenants. But generally, as a governing body, we wouldn't have the authority to enforce private covenants unless those private parties have specifically given us that authority. And and I can't say how the covenants on this property work. I don't believe that Missoula County has the authority to enforce those. So if somebody was trying to do some land use, that is not in compliance with those covenants, only somebody who owns land that is touched by those covenants can then enforce them.

[00:30:08] Does that help?

[00:30:15] I mean,

[00:30:19] Because I guess what I want to know is, you know, and this is purely selfishly motivated, but so that if I was in this situation again and there were covenants that were restricting density, but that the county and the community at large wanted to see greater density, is there a way that that a case could be made that that we got approval for greater density? Well, under that scenario, Joshua. Yeah, I mean, Missoula County could use its authority to make a land use decision that is not in compliance with private covenants. However. Well, a property owner. Whose property, you know, who has the authority to enforce those covenants could challenge that decision by Missoula County and, you know, convince a court of law that that that land use decision violates those covenants. And I can't say definitively if they would be successful or not, but I think that's how that's how it would play out. You know, Missoula County, on the one hand, isn't bound by private covenants in making a land use decision. But

the private property owners who are bound by those covenants can enforce those and in doing so have a court invalidate some action. Some land use decision or action that Missoula County made. I hope I'm not making things any more confusing.

[00:32:16] But John, we're in. We're in the process of doing some new zoning now. If we end up with a if zoning ends up being in conflict with existing covenants, what? What happens?

[00:32:33] Well, I think just what I was trying to articulate, Josh, if somebody it would be incumbent on somebody to to challenge owns property, a property owner who has the authority to enforce those covenants that would then have to challenge those. And I think essentially I think that was sort of alluded to when we were looking at the land use element in this part of the county. I think we heard from Alan McCormack and other property owners in that in this neck of the woods. Talk to us about how that land use element needed to jive with the covenants that were out there, and I believe that that's what ultimately happened. And, you know, Andrew worked with those property owners and tried to align the land use element with existing covenants just so that we wouldn't get crosswise with anybody. Thanks. One. Perhaps, Josh, perhaps we have some overriding authority private covenants. I don't want to say that here on the record because I'm not certain of that. But it may just be, you know, the Missoula County, you know, through its police powers. And that's the small police powers to protect general health. Safety and welfare can make decisions that perhaps override specific private covenants in in a specific locale. I just I just can't say right here off the cuff that that's that that would fly.

[00:34:20] Thank you. I want I'm prepared to make a motion if you're good with that.

[00:34:27] I'm good with that. I just want to double check with Josh and Eli, are you guys? I you guys OK to go forward, no more comments. Go ahead, Josh Slotnick.

[00:34:43] All right. I believe that the request to adopt the resolution intent to zone the UN's own parcel to Waldo Road and George Cate's Boulevard 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 conditions of approval. Subject to this approval is legally described as lot to less empty of subdivision as one sixty one four and R two o m second.

[00:35:16] And further discussion all in favor, I, right? Thanks, Bailey and John Joshua.

[00:35:27] Thank you all. Thank you.

[00:35:28] So let's all end up coming back to you at the lake towards the middle end of April.

[00:35:33] So, OK, great. Two point thirty six OK. Hegghammer.

[00:35:40] Allow me. We're going to be we're going to be quick, OK? This is going to be fast. Let me just get set up.

[00:35:58] My team just said something that's really strange, everyone is creepily pixilat.

[00:36:08] Poor Ron is stuck forever. Oh, yeah. He's with us forever. All right, you should be you should be looking at my slide show here. Here you go. Yeah. All right. So great. Awesome. We got five slides. We're going to do them each in one minute. We'll be done in five minutes. All right. We are here today to make final resolutions on the Switch to Calm Neighborhoods project, which includes the master plan, the code and the zoning map and when this is the final resolution. So if approved today, it will be effective. So again, we've got three final resolutions. The first one is on the neighborhood, on the master plan. So that's the policy element. The second is on the code. So that's adopting this form based code as a zoning code for Missoula County. And then the third is the map amendment, which would then apply it to a geographic location in Missoula County. So here's some the basics. We do have a little bit of a legal obligation in making these final resolutions we sent out. Because we are doing zoning. We sent out, you know, the the notice that we are making this final action and for protest and we did not receive any protest. So if approved, the plan code and zone change will be effective as today. However, I wanted to point out, we're still working on the phonetic spelling of Swifty King and we can still make non content edits to the plan and the code, and we will do that as soon as we have the preferred phonetic spelling. I've switched to cane. Is that going to come from the tribes or some tribes? Yep. Ok, thank you. Yep. So what's next? This is not really necessarily relevant. I

just wanted to take a chance to let you know what's next for the script to cane neighborhoods at some point here. Now that it's adopted, we'll need to work with the city of Missoula to create an implementation committee. The master plan that we've adopted, it's being implemented through the zoning. But there are a lot of other elements in that master plan that we want to see come to fruition.

[00:38:29] Ag Land Preservation Grant Creek Preservation.

[00:38:33] So creating a implementation committee is a step towards doing that. This summer, we'll start to build this neighborhood with the bill grant infrastructure that we'll start seeing roads being built this summer. And then in about a week, we have a we have a training with development community on how to use this new form base code because it's a little different from what they're used to. So with that, here's the crazy motion you can make three motions or you can make one motion and read it all at the same time. It's up to you. Are there any questions? No.

[00:39:16] Um. Let's see here.

[00:39:23] Sorry, just getting another text in here. I don't see anyone. This is like two years, and I don't know how long you've been working on this, Andrew.

[00:39:39] Yeah, yeah. You know, technically the the real meat of this project started almost a year ago. Um, there was a lot of work done before that, but like the real public engagement process started a year ago.

[00:39:56] And are you proud of this?

[00:39:58] Oh, yeah, this is this is some of the most progressive planning. This is the most progressive planning you will see in the state of Montana for our county by far. Yeah, this is a really exciting project. It's a huge, huge achievement, Andrew.

[00:40:13] I have some friends in New Hampshire who who are planners, and they've been following this whole process and. They're impressed.

[00:40:22] Yeah, it received national attention in the planning community.

[00:40:27] Well, Josh, is your pleasure.

[00:40:29] All right. So could you do we take public comment?

[00:40:32] Oh, thank you. Sorry.

[00:40:34] Thank you, Scott, to make sure we meet our obligations. Oh, thank you.

[00:40:38] Is there any, any public comment? I can't. My screen is really kind of wild, so I can't see

[00:40:46] If you want me to run and like, stop sharing. Would that help? And then I can bring this back. Andrew, if you could keep this up so I could read it, that would be really great. Ok.

[00:40:56] Yeah, just I can't see the participants, so I can't tell if I don't see any hands. And there is no one on the phone. So think your. I wish Strohmaier were here for this occasion, but I hear you're good to go. All right.

[00:41:16] Yeah, this is a huge thing, Andrew. I mean, all the effort that went into this, the workwith over call, all the people that went to D.C. to get the grant, everything. You're your Long-Range planning expertise. It's a huge achievement, and it's no surprise that it gained national attention. So I look forward to our continued involvement. It's going to be a really neat place when it develops. It's going to be a really neat neighborhood. And, you know, I mean, not a day goes by that we don't hear about our very real and quite intense housing crisis. And Andrew, please correct me if I'm wrong, but we're looking at up to 6000 units. That's correct. I mean, we're also talking out over quite a quite a time horizon, but this is a very real effort that we all are making to address that. And you can't snap your fingers and build a house. We are moving along at a pretty brisk pace to a great job, preserving community

values and making sure development can move smoothly by creating all this infrastructure for it. Say it again 6000 units. So thanks a lot. Thank you.

[00:42:20] And designed well and at the human level, this isn't just six thousand units being thrown in there. This is very, very intentional. And why celebrate it as a. A national. Yep.

[00:42:33] Thanks for that. Thank you. Oh, thank you. Community values. But I think it needs to be elucidated more than. Yeah, we're talking walkable bookable trails, mixed use all access to urban ag. All this stuff that makes neighborhoods good. Yeah. Ok, so one, should I just read them all and do them all at once? Column one two three.

[00:42:57] Sounds good to me.

[00:42:58] Ok, thank you. Ok, here we go. I would move that the Board of County Commissioners adopt a final resolution to adopt the proposed switch to Kane Area Neighborhood Master Plan as an area plan of the Missoula County growth policy that the Missoula County Land Use Map Map 18 be amended to include the Switch to gain area neighborhood master plan land use designation and that the boundaries of the Wyman Comprehensive Area Plan be amended to exclude the proposed plan's boundaries. Two That the Board of County Commissioners adopt a final resolution to adopt the proposed switch to Kane Traditional Neighborhood Development Form based code as a zoning regulation proportion of Missoula County to implement the switch to Kane Area and Neighborhoods Master Plan, and that the Board of County Commissioners adopt a final resolution to amend a portion of the Missoula County zoning map. According to the Swift Kane Traditional Neighborhood Development Form based code.

[00:43:55] Second, any further discussion? All in favor. I all well done

[00:44:05] So much, Andrew and all the other folks who worked with you. It was a great project. Yeah, thank you very much. We're excited. We're excited about it. There's a lot more good stuff to come. Fantastic.

[00:44:19] Ok. And my agenda is running away from me. Hmm. Where are we? Let's see here, I have to open this again. We might be done.

[00:44:37] And you're so impressed action item.

[00:44:39] Uh-huh. Other business. Wow. Ok. If we don't have anything else, I think. We are adjourned. Well, thanks down to forty five. Thank you, Josh. And Josh has time to like have a break and get your head on straight and testify.

[00:45:04] Ok, thanks Juan, for making it go so smoothly.

[00:45:07] Thanks, everyone. Have a great day. Bye bye. Good luck.