

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JULY 22, 2021 – 2 PM

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

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

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

ATTENDANCE:

Commissioners Present:

Acting Chair Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Nick Zanetos, Planner, Community and Planning Services
Matt Heimel, Planner, Community and Planning Services
John Hart, Civil Deputy Attorney, Attorney's Office
Tim Worley, Senior Planner, Community and Planning Services
Jamar Galbreath, Equity Coordinator, Commissioners' Office
Anne Hughes, Missoula County Chief Operating Officer
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Sarah Bell, Communications Coordinator, Communications
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Emmie Bristow, Community Engagement Coordinator, Communications

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:07]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:18]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:42]*
 - a. Cartage Road and LW Commons final rezone hearings moved to August 26 Commissioners' Public Meeting
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:03]*

6. **CURRENT CLAIMS LIST** [Time stamp – 006:21]

Claims received as of June 23, 2021 to July 15, 2021 by the Commissioners' Office total \$5,652,454.30.

7. **HEARINGS**

a. **Justice, Equity, Diversity and Inclusion (JEDI) Resolution** [Time stamp – 06:39]

Jamar Galbreath, Equity Coordinator, Commissioners Office

[Continued to August 12, 2021 Public Meeting]

b. **Manley Subdivision Covenant Amendments** [Time stamp – 15:11]

Matt Heimel, Planner, Community and Planning Services

Commissioner Vero made the motion that the request to adjust the filed covenants, conditions and restrictions for Manley Subdivision be approved based on the findings of fact in the staff report and subject to the recommended conditions of approval.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

[Letter 2021-176. Mailed to: Jeanette Manley]

c. **Buildings for Lease or Rent – Three Needles Lane** [Time stamp – 29:53]

Matt Heimel, Planner, Community and Planning Services

Commissioner Vero made the motion that the board approve Buildings for Lease or Rent project at 6163 Three Needles Lane, based on the findings of fact and conclusions of law, subject to the recommended conditions of approval found in the staff report.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

[Letter 2021-180. Mailed to: Lolo Creek Properties, LLC]

d. **Georganna Addition Plat Adjustment** [Time stamp – 43:29]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Vero made the motion that the request to adjust the Georganna Addition plat be approved, based on the findings of fact in the staff report, and subject to the recommended conditions of approval.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

[Letter 2021-173. Mailed to: Tom Anderson]

e. **Pontiac Commercial Subdivision** [Time stamp – 48:56]

Tim Worley, Senior Planner, Community and Planning Services

Commissioner Vero made the motion that the variance request from Missoula County Subdivision Regulations Section 3.4.7.3, requiring installation of curb and gutter along Grand Am Way, be approved, based on the findings of fact in the staff report.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

Commissioner Vero made the motion that the variance request from Missoula County Subdivision Regulations Table 3.4.9.4, requiring installation of 5' wide pedestrian walkways with 7' wide boulevards along Grand Am Way be approved, based on the findings of fact in the staff report and subject to the required condition of approval.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

Commissioner Vero made the motion that the Pontiac Commercial Development Subdivision be approved, based on the findings of fact and subject to the recommended conditions of approval.

Commissioner Slotnick seconded.

[Motion passed 2-0.]

[Letter 2021-181. Mailed to: Paul Forsting]

8. OTHER BUSINESS

[None]

9. ADJOURN

Acting Chair Slotnick – Called the meeting to adjourn at 3:17 p.m.

BCC Public Meeting July 22, 2021 – Transcription

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[00:00:05] Ready to a car. How are we? I let. Thanks, mom. All right, we will call this public meeting to order for Thursday, July 22nd of 2021. We'll begin our public meeting with a land acknowledgement. Missoula County acknowledges that this event takes place on the ancestral homeland of the Salish and Kalispell people without. Would you join me in the pledge? As to the flag, the United States of America, to the Republic for which it stands, One Nation under God, Justice Trump. Do we have any public announcements? Well, I have one on this list right here that the Cartage Road and LW Commons final zone hearings will be moved to August 26th right here in this public meeting room. Do we have any public comment on items not on the agenda? You are welcome to come in. Please do. Just make sure you turn the mic on and introduce yourself.

[00:01:58] Just. My name is Susan Renaud, and I am here because I do a lot of work with veterans of all stripes and the American Legion in 1927 spent thousands of dollars to erect the Doughboy statue. And when I was down here paying taxes the other day, I noticed that there were a string of tent like structures strung around the Doughboy statue in a very disrespectful way. I was really quite appalled by it. And then I noticed that there was food and water being distributed to the people who live on the grass. And while I watch, there was a gentleman who I could not possibly identify, but I know he dropped his pants and then began to urinate. And when I went in to pay my taxes for my vehicle, I was informed by the lady that was collecting my taxes because I asked her, I said, Is this a common occurrence? Do you do you that you people who work at the courthouse often see this happen? And she said, yes. I find that unacceptable behavior. I don't think that our tourists and any person should have to see that kind of behavior. And I also do not think it's respectful of the Doughboy statue that represents the men that died in World War Two and World War one to have a tent like structures strung from them.

[00:03:42] And if there is to be that kind of distribution of free fruit and water and I understand from the groundskeepers there is no permit for it, I don't know why. To me, that's a health issue. It should be over by the gazebo away from the statue, and I would respectfully ask that. And I I understand it's kind of a gray area as to who's in charge of what. On the courthouse grounds, I understand that and I found that out when I reported the incident to the police, they said, No, you need to talk to the sheriff and the sheriff said, no, you need to talk to the police. So I kept going back and forth, but I really respectfully hope that you, as the county commissioners, will appreciate the fact that our veterans died for our freedom. And I think the dope statue needs to be respected. And I think that we need to find another place for those tent like things to be strung. And that's why I'm here. Thank.

[00:05:08] Thanks a lot, Susan. So I from where my office is, I get to look at the courthouse lawn all the time and we really recognize that there's sometimes there's behavior on the courthouse lawn that we we don't want. This isn't. And just hang on just a moment. Ok. This isn't anything new, and we have begun some, hopefully some improvements that will help with that. But I do want to add add something to what you say just for clarity, sake. So it isn't the county distributing food, nor is it the city. It's a private church group, and they didn't put tents hanging off the statue. They were on the sidewalk. And if you do see someone behaving in a way that is breaking the law on the lawn, call nine one one. And it is actually the police's jurisdiction. And I know because I have called 9-1-1 and reach the police to deal with behavior on the courthouse lawn. That isn't right and they will come.

[00:06:01] Well, I did that and they I got the runaround, but I did finally get a police report filed. I did learn, though, from the sheriff's department that the county jail is only 50 percent full because of restrictions related to the worry about the virus, which I would, as a taxpayer urge you to fully open the jails so that some of these people can be arrested. I really do. I mean, they should not be living on our courthouse lawn and they are living on our courthouse lawn.

[00:06:41] It's also no one is living on our courthouse lawn. There's no there's no structures there. There's no, no, they're there. They hang out there during the day, but they just don't want to parse words. But no one's living on the courthouse lawn. Ok. Thanks. All right, I want to let you know about our current claims claims received of as June as of June twenty three twenty twenty one to July 5th twenty twenty one by the Commissioner's Office total five million six hundred and fifty two thousand four hundred and fifty four dollars and thirty cents. We have one two three four five hearings today. The first one is on our justice, equity diversion, diversity and inclusion resolution, and our own Jamal Galbraith will present.

[00:07:34] Good afternoon, commissioners, good afternoon, everyone, can you hear me OK? Thanks. Well, good afternoon again, my name is Jamal Galbraith, I use him pronouns, and I'm the equity coordinator with Missoula County, and I would like to put before the Board of County Commissioners a resolution to establishing Missoula County's commitment to a just equitable, diverse and inclusive Missoula County. And this is an opportunity for us. This resolution puts our commitment to justice, equity, diversity and inclusion Jedi. I utilize Jedi often because it's one I'm a huge nerd and I think that it's a really good opportunity for us to be able to think critically and engage justice, equity, diversity and inclusion in a way that really reflects Missoula County.

[00:08:23] This resolution, this resolution articulates the need to align well within local government and develop comprehensive strategies to address multi-layered, intersectional strategies for justice, equity, diversity and inclusion. I'd like to mention that this is one step in a series of steps that are that are happening within our within our community, and it's not any attempts to override any pre-existing work or anything like that. It's really an opportunity for us to think critically about justice, equity, diversity, inclusion and develop comprehensive strategies to to address it. My request today is for the Board of County Commissioners to open public comment, to open a public comment period to end August 5th, which will give us time to engage the community, get community feedback on this draft resolution. And I ask that we close that period on August 5th to give us time to work any corrections work that public comment into into the resolution before the August 12th public meeting. And so am I also mentioned that there is a mirroring resolution that is being developed by the city of Missoula that I have some partners from the city, Ashley Wells, and I think they'll might be online here.

[00:09:43] But I've got a few partners from this city that I would like to speak to sort of the mirroring application of this. Thanks. You're welcome.

[00:09:52] Where could people read this resolution?

[00:09:58] That's a good question. I'm pretty new on my job here. I think so. The resolution is within the it's drafted with the board of county commissioners there. I thought that it was submitted as an agenda item as part of the agenda items for for today's session as well. And we can receive public comments through the public comment channels by email at BCC at Missoula County dot US. And you can also feel free to contact your commissioners or myself with any questions regarding the resolution. My email address is jgalbreath@missoulacounty.us, You're welcome. And I'd like to. Am I able to welcome up Ashley and Dale, who is joining us online to sort of speak through the alignment from the city perspective?

[00:10:49] I want to make sure that Violet can get info. Yes, we just about this.

[00:10:55] I was just going to say that you can find the resolution in the agenda packet for today on the commissioners meeting minutes and agenda portal.

[00:11:06] Great. Thank you.

[00:11:10] Hello, I'm Ashley Britton, who also work for the city of Missoula. Dale was also on the team's call, and I think he's going to primarily be presenting, but I just wanted to kind of tee him up. We are part of a National League of Cities cohort for cities of opportunity with 10 other cities throughout the United States. And that's kind of the process where by this resolution came about. And so I'll let Dale kind of speak to some of that work and then some of the parallel resolution work That we are going to be presenting next week to our city council. Thank you.

[00:11:51] Hello commissioners, am I am I up, you are. Thank you for having me. Well, thank you, Jamar and Ashley. I wanted to talk a little bit about the partnership that we've developed among some of the agencies in Missoula. So Ashley talked about the the National League of Cities and Towns opportunity equity cohort that we're participating in and the city. The city of Missoula was awarded a membership in this cohort and we the and the strategy we took to to do this was to really be community focused, related to to that cohort. And we invited Missoula County, the University of Montana, Missoula County Public Schools and all Nations Health Center are all core partners in this, and it's been a terrific partnership and we are developing community minded goals, but with actions by our own resolutions, such as this resolution that's before the county commissioners and the resolution that will go before City Council is similar, where we're we are taking actions in in equity and systemic racism, and we'll we'll put those in actionable items that we will do as city government, but want to make sure that, you know, it's in the context of all of these other partners. So we are very hopeful that we have a great that we will address these issues as an entire community and it's been a really terrific process.

[00:13:28] Thanks a lot, Dale. So the what's before us now is to keep this public hearing open until August 5th for anyone to comment on the resolution. Would anybody like to offer any public comment at this time?

[00:13:50] My name is, do you get the green, make sure the Greens on and then just say, OK, good, thank you. My name is Jason McDonald.

[00:14:00] I guess I moved here a few years ago. Born here? Um, yeah, so the diversity, equity and inclusion stuff. Now we can think back to like the phase one B program for the vaccine distribution, and it was like a middle aged man like myself with asthma was not allowed to get the vaccine. And a young kid was because the color of our skin was different. These policies are inevitably like trying to get, quote unquote getting rid of a systemic racism and inequality and the policies themselves are geared towards race. So the policies themselves are racist, and I don't know how people just can't acknowledge how just terrible and cancerous this is. I mean, I could go on examples going back to my days. University of Washington. I mean, I was an A-plus student here in the welding program of college two years ago. And then this year I walked out because some activists decided that my project in the class was too offensive. And the head of the department told me I could not do it. And I told him that, you know, you have to protect the freedom of expression for your students. And if you don't, I'm leaving. And I did. And that was it a straight f's last year? Oh, yeah, this stuff sucks. It's like, I say, just sucks.

[00:15:35] Any other public comment? All right, then we will keep this open until August 5th and jump on to our next hearing, which is the Manley Subdivision Covenant Amendments.

[00:16:08] Good afternoon, Commissioners Matt Hymel here with community planning services. I'll be presenting the proposed amendments to the Manly subdivision covenants. Oh. I have a PowerPoint here with the property location. Sorry. Ok, thanks for your patience, so this is a proposed amendment to the covenants for Manly Subdivision. And mainly subdivision is a three lot minor subdivision located at the southwest corner of Waldo Road and Highway 93 South. We received a request to adjust the filed covenants that would correct the amendment section of the covenant so that items not under purview of the Board of County Commissioners may be amended without governing body review. So with subdivision review, we see draft covenants and there are always a amendment section to the covenants. In this case, that amendment section wrapped in items that we typically see that are left to a homeowners association, for example, such as land use and architectural controls that are not under the purview of Missoula County. But in this case, it was left as an item that would need governing body review, so the applicant is requesting to amend that section. That you can see here so that land use, an architectural control are removed. This is a request that gets reviewed for the plat adjustment section of the Missoula County Subdivision regulations, which can also contemplate changes to covenants. And in our review, we found that other necessary aspects such as weed, Wildlife weed management and restoration plan address signage, rows, driveway fire prevention and the Stagnation Zone water use and writes radon and energy efficiency. All points that we look at during subdivision review are not going to be sufficient or significantly altered through this request. So staff is recommending approval of this request, subject to one condition of approval. And that condition of approval is at the Fire Suppression or Fire Protection section, be left unchanged. And that is staff is recommending that condition because the proposed changes to the fire section are not in strict compliance with how it reads in these subdivision regulations and the covenant section, as they are now filed, were reviewed by the Missoula County Fire Inspector with the first sufficiency review for Manly Subdivision. So that was reviewed and approved with the subdivision. This request originally came to Missoula County just based solely on the amendment section and the problem that

that posed for the for the applicant and the property owner. And so this, if approved, this should address those concerns on that amendment section, so I can answer any questions that you have on this. I think the applicants representative is also with us today.

[00:19:37] So essentially, this just cleans up. The covenants so correct.

[00:19:45] Exactly, yes, we're cleaning up a part of the covenant that really is not under the purview of Missoula County or the Board of County Commissioners.

[00:19:57] Don't have any unless, Jamie,

[00:19:59] So was the developer or or property owner here would like to say anything.

[00:20:07] Hi, Josh, this is Jamie Erbacher at WTM Group. Um, my only comment would be change to the fire prevention section is also fairly minor. And really, it's just a clarification. Do you happen to have that section that you could pull up?

[00:20:26] Yeah, just a moment. Thank you.

[00:20:29] And really, our change to that is clarifying that it's only the new dwellings that require fire sprinklers. And that is stated in the first part of the sentence as all dwelling units are required to provide fire sprinklers and then then the second part of that sentence. It says they're only required in each new home. So we're just clarifying that really, it's only for those new dwelling units that fire sprinklers are required. And then as you see on the screen, the other changes are minor, changing shall to must, which essentially means the same thing and capitalizing subdivision. So we just ask that the commissioners recognize that clarification and support our request and not the proposed condition by staff to not change the fire prevention section.

[00:21:29] I'm sorry to say that you don't want the changes.

[00:21:33] We we want the changes as proposed on the screen and staff has a condition proposed to you that would not make these changes.

[00:21:45] Staff discuss.

[00:21:49] So the recommendation from staff is to approve the covenant amendment request with a condition of approval that the fire prevention section be left unchanged. So all the other proposed aspects that are in your packet, including the changes to the amendments that had just shown, could be approved and then her the recommended condition of approval. The strike through text and underlying text on the screen here would just be left unchanged back to the original version. So there would be no changes to the fire prevention section, so what's the substantive difference between staff version and the developers version in terms of fire protection? In terms of fire suppression, we would still see fire sprinklers required to be installed. The language in the covenants, however, would be inconsistent with other covenants that we see recorded for subdivisions in Missoula County relative to the requirement for fire sprinklers.

[00:22:48] What's the nature of the inconsistency?

[00:22:51] The wording for new dwellings shall or must. Pretty much that was

[00:22:59] Just the differences in shall or must

[00:23:02] And and the differences in new new dwellings.

[00:23:06] Maybe I'm not tracking Jamie Kennedy. Can you explain then your position?

[00:23:11] Sure. Missoula County has only required spring fire sprinklers in new dwellings, and so our proposed modification, as shown on the screen, clarifies that if you read the third line in that section, it says. Let me say, as

applicable, is required in each new home for the purpose of fire protection. And so we're just clarifying that really this the sprinklers are only required in new homes and they don't have to be retrofitted into an existing dwelling unit. There is one existing dwelling unit on this property or within the subdivision. And so just want to clarify that that does not need to be retrofitted with sprinklers and must if Matt is firm on that. Certainly, I'm fine referring back to the original language and going with shells rather than must. In my opinion, though, they do mean the same thing. We did have these covenants reviewed by an attorney, whereas previously I don't believe that they had been. And so in her opinion, and must also meant the same thing.

[00:24:27] So, Matt, if if the language were language around fire suppression remains the same as you are suggesting, could it be interpreted that someone would need to retrofit an existing structure with sprinklers?

[00:24:45] No we would not require a retrofitting of a building with sprinklers.

[00:24:51] So then Jamie's, Her language is just clarifying that.

[00:24:56] Stretch it out. Is that right, Jamie?

[00:24:58] Yes, that's correct.

[00:25:00] Does that cause staff heartburn?

[00:25:02] Yeah. Good question.

[00:25:05] I wouldn't say it causes me heartburn. It's it's simply a matter of consistency with what we see adopted across the Board,

[00:25:11] All the other candidates.

[00:25:12] Ok. We would still see requirements for sprinklers in new dwellings and mainly subdivision.

[00:25:19] Yes, I agree. And that's why we clarified and added the word new in front of dwellings.

[00:25:27] Group adding the word new in front of dwellings is different than other covenants, is what you're saying, Matt.

[00:25:32] To my knowledge, yes.

[00:25:36] Is that a problem, John?

[00:25:43] Well, I understand Capps position that you want to have consistency from subdivision to subdivision, so if. I mean, it seems like there isn't really any substance here, so it feels like I don't I think we could keep it at all dwellings because it's clear that there isn't going to be a requirement for retrofitting. Ok. And then that maintains the consistency with past subdivisions.

[00:26:10] Thank you.

[00:26:11] Can you live with that, Jamie?

[00:26:13] Yeah. I mean, I don't think it's a deal killer. It was just a clarification because the second part of that sentence had said new homes. So.

[00:26:20] Ok, thank you. Do we have any public comment on this?

[00:26:30] Hi, I'm Ryan, Fry. I'm the future developer of this, but I did not bring this petition forward or work with GM on it. It's the current homeowner who set up these covenants in the beginning. She is asking for this change as well. And I just comment that. The covenants, as written, would not allow us to conform with the master plan

density that the county is proposing in that that row along Highway ninety three. So the architectural dwelling requirement is for a single family unit in there. And so we're asking that that be dropped as well, which is part of this proposal, if I'm correct, Matt, and for that reason, so we can get the live work units and the proposed construction going in there. So.

[00:27:26] Matt, could you speak to that?

[00:27:31] Commissioner, there are restrictions within the existing covenants, however, for any current land use review, we would look to our land use resolution, which would look at subdivision conditions or zoning. So in short, existing terms in the covenants for land use controls, architectural controls are not enforced by Missoula County. There would be a private matter that could cause issues within this subdivision between private property owners. So to my understanding, that's why we're pursuing this request. And it's an aspect that right now is requiring governing body review for any amendments. But the substance within those sections is not even enforceable by the county, as I said.

[00:28:19] So if you're OK, can I just ask you a question with this, so hearing that, do you feel like this still makes it not possible for you to do the live work?

[00:28:28] I think if this was approved, it would just make it a cleaner process. I mean, I feel like the homeowner is asking for changes to covenants that that were created when she subdivided her lot. And so it's really it's still her asking for those changes. She just didn't, from my understanding, review the covenants in the subdivision rules. I guess if that makes sense. Basically, so I think it would make it cleaner on our end, knowing that there's no covenants or enforceable or not to hold us up or create sticking points with anybody. And I will also comment that the fire suppression was part of our zoning change requirements as well. So it's kind of we're doubling up on it already. So. Yeah.

[00:29:22] Thanks.

[00:29:24] So if we if we approve this recommended motion, who has heartburn?

[00:29:35] Jamie saying not a deal killer. That was a quote, I want to make sure I got it.

[00:29:39] That's correct, Josh.

[00:29:40] Not a deal killer.

[00:29:41] And so basically what this does is allows Ryan to move forward with his development or any use that is allowed per the zoning regulations and doesn't restrict them to one single family residence on the property.

[00:29:57] Sounds good to me. Is there any other comment?

[00:30:01] Any other comment sounds like we may have a motion coming motion coming?

[00:30:07] I can't see, so I'm going to move that request to justified covenants, conditions and restrictions for Manly Subdivision be approved based on findings of fact in the staff report and subject to the recommended conditions of approval.

[00:30:21] Right. All in favor, I, Thanks a lot, Matt. Thanks, Jamie. Thanks, Mr. Ryan. All right, next up is buildings for lease or rent, three needles Lane, Bailey is attached to this, but I don't believe Bailey's here.

[00:30:42] Hi Commissioner, that that memo, again, I'll fill in for Bailey Minnick today on this building's release around item. So first, a little bit of background, this project falls under buildings for lease or rent review, which Missoula County has had regulations on since around 2013. That came after a legislative change that replaced a process called subdivision for lease or rent. And the idea behind this is that it is a review process looking at impacts and. Adequate services for development that creates units that can be occupied or used with a rental agreement or a some kind of lease contract, but not necessarily through a method of ownership. So like storage units, apartments,

office space, multi dwelling. Buildings it occurs on on zoned lands, zoned lands are exempt from this review because they're covered under the zoning regulations. Typically, we've seen these projects come forward as storage unit complexes or a collection of smaller multi dwelling units. This that's what you'll see today, is one of the larger projects. So I'll go ahead and share my screen where we can see the property location. Range technical difficulty on my end. There we go. Ok, so this project is the Laurent commercial park phase two buildings for lease or rent. And as I said, falling under building for lease or rent review where? The property is located at six one, six three three Needles, Lane and Lolo. The applicant is Lolo Creek Properties LLC, represented by Missoula Engineering Inc.. So this is a proposal from Lolo Creek LLC and Typekit of Homes Inc. to build seventy one residential units in 11 buildings. Well, the development is on a five point seventy six acre, currently undeveloped vacant parcel. Oh, out. It's unknown outside a FEMA map, flood plain and access from Ridgway and Renals Lane off Highway 90 three South. Ridgway is on the north end of the site Plan Crossing currently develop property and highway ninety three is on the right hand side of the site plan. The proposed buildings include development of five six plex, multifamily structures, one eight Plex multifamily structure, one 30, two Plex multifamily structure and one live works structure. So again, seventy one units across 11. Buildings there will be 10 garage parking spaces within two of those buildings. Additionally, there's an existing commercial workshop located on the property. There would be one hundred and eighteen new parking stalls in addition to the 10 garage spaces. There will be accessible sidewalks proposed adjacent to parking areas for access to each of the buildings from those parking spaces. And the proposed development is adjacent to another building for lease around a project that was approved in twenty eighteen and that is just north or to the. Above the area on the site plan. And that prior development, the first phase of this project with 38 units within seven multifamily structures, and that's currently built out. So this would be a continuation to the South. All proposed buildings will be connected to the Lolo Water and sewer district are said nine to one, main extensions for water and sewer would be required and have been reviewed by the Department of Environmental Quality. Of regarding emergency services to this area that will be served by Missoula Rural Fire and the Missoula County Sheriff's Office and access to the site, as I said, is off of two existing approaches one paved off Ridgway and the second access is unpaved and shown on the right hand side of the screen to Highway ninety three. That would need a review review by the Montana Department of Transportation for that access. They would redesign and pave that, and that that would actually be the primary access to to this site with that alternative access to the North. And internal roads and parking areas would also be paved. So in building for lease or rent review. And as detailed in the staff report, there are points, findings of fact and conclusions of law relative to the review criteria. So I'll summarize the criteria that those fall under. And if you'd like me to touch on points, please just let me know. So that criteria we look at. Physical environment impacts, we look at general compliance with overall regulations, get impacts to human population growth policy compliance. And I don't think I said it earlier, but this is within. The Lolo regional plan land use is designated as light, industrial and commercial for the two thousand two Lolo Regional Plan. We also review whether there are adequate services. You know, adequate water, wastewater and solid waste facilities, adequate access, adequate medical, fire protection and law enforcement services. Our compliance with floodplain regulations with this has no issue with. And staff is recommending approval of this project, subject to 13 conditions of approval. And I'll just summarize those conditions here. So first is a well, first two or four land use permits and building permit, some metals to be reviewed by the appropriate county agencies, and those permits must substantially comply with what's reviewed here today. A road maintenance agreement needs to be recorded for three needles lane. That should also be reviewed by Capps in Missoula, Rural Fire District. A fourth condition is all drive aisles and parking areas within the development need to be paid a minimum of 20 feet wide for emergency access. The fifth condition of approval is relative to some slopes on the left hand side of the development. There's a requirement for a geotechnical analysis to be completed prior to any permits being issued for three to six Plex buildings located on that west side of the site. A six condition is a requirement for a grading and drainage plan to be reviewed and approved by County Public Works in accordance with the Public Works Manual. Seven. The condition is for a landscaping plan. Condition conditions for a weed management plan for the property. A that condition, as I stated earlier for Montana Department of Transportation, to review and finalize plans or review finalized plans, excuse me for that access onto Highway ninety three. So the last four conditions, conditions 10 through 13 have to do with fire suppression condition 10 requires residential fire sprinklers in each new structure, and plans for the sprinklers need to be reviewed and approved by Missoula Rural Fire District prior to approval of land use permit. A fire hydrant replacement plan also needs to be reviewed and approved by Missoula Rural Fire District. There is a 12 condition requiring standard language that we see for adequate road width for emergency vehicle. Firefighting apparatus to access the site. So making sure that those have adequate width and radius for access and the thirteenth condition of approval. Requires access roads to extend within one hundred and fifty feet of all portions of the exterior walls of the first story of buildings unless an exemption is approved by Missoula Rural Fire District. And that is really relative to the building you can see on the lower left hand corner or the southwest

portion of the site that I believe is over one hundred and fifty feet away, so. That should be cover for fire protection, either with a required access way or with fire sprinklers. So that summarizes the key points, the conditions of approval, if you have questions, I'm happy to dig through the findings to address those. I think also the applicant should be on the call with us today.

[00:39:43] Go ahead. Do you have any questions? Yeah, I just had one when you mentioned the slope and the geotech piece that public works would do. Can you describe that? A bit more of what? What you're After?

[00:39:56] Public works doing, and I thought it was a firm needed, I thought public works was doing the the northern drainage

[00:40:03] While public works in the drainage right.

[00:40:07] Correct, so Missoula County Public Works needs to review the grading and drainage plan.

[00:40:11] Ok. Was the slope in the geotech was the piece. I was not quite sure what was going on there.

[00:40:16] So a geotechnical analysis, I believe, is really to ensure safety and slopes stability prior to structures going on that that western part of the property that needs to be prepared by the applicant prior to any permits being issued.

[00:40:33] Because of the slope is so steep.

[00:40:35] Correct.

[00:40:37] Great Thanks

[00:40:42] The developer or the Mr Sage is here. Sage.

[00:40:48] Good afternoon, commissioners, I just like to thank Bailey for her work on this project, a Capps, I know it's a larger building for lease or rent application. We've worked with, I think, everybody at caps on this, so it's been really good effort with everybody. I would like to comment on the geotechnical report we did. We did have Lorenzen soil mechanics prepare a geotechnical report for the site back in, I believe, 2017. He found that the soil conditions were suitable for structures. There were no stability issues or concerns. The slopes are predominantly sands and gravels. There's some hard rock underlying a lot of this. So we we already have the geotechnical report. There have no issues submitting it with this up. With the building permitting.

[00:41:46] Do you have any other issues with the 13 conditions?

[00:41:48] No, we agree to all the conditions. They're all reasonable and had intended to provide that, that information so wonderful. Do you have any questions I'm happy to?

[00:42:02] I don't see it. There are other other public comment.

[00:42:07] Yeah. Any other public comment on this? Thank you, Mr. Sage. So this was a this is a large development in the buildings for lease or rent, and so thanks to Bailey and Matt and Mr. Sage and everybody, it's a big project.

[00:42:23] Well, Matt, what's it like a one sentence definition of buildings for lease or rent project?

[00:42:32] Do the best I can, I tend to speak in rambling paragraphs, but buildings for lease or rent provides for the review of development that provides leasable or rentable.

[00:42:45] Property.

[00:42:45] Property on zoned land, right?

[00:42:47] It is on zoned land. There was a question on Monday about condoling and I can provide some, yeah, if you'd like. So buildings for lease to rent does not provide a method of ownership. However, there was a question during the BCC Caps update on Monday as to whether these could be counted in the future. So while the review of the this project does not provide those condo units, it would be possible in the future if the applicant chose to do a condo declaration that would be through. A either subdivision for a possibly one, that's one lot subdivision and zoning to be eligible for condominium declaration or a subdivision proposal that has a what we call a contemplation of condominium units and there are provisions in the subdivision regulations for that. Just to clarify from a question. Thanks.

[00:43:38] Thank you so much for that. I'm going to move to the board, approve buildings for lease or rent project at sixty one sixty three three Needles Lane based on the findings of fact and conditions of law subject to the recommended conditions or approval found in the staff report.

[00:43:55] All in favor. I. Thanks everybody.

[00:43:59] Thanks.

[00:44:06] All right. Next up is the Georganna Edition plat adjustment and Nick is on deck.

[00:44:46] Ready. Thank you, commissioners. I would be discussing the Georgian addition adjustment. This is a request to remove the 50 foot sanitary drain filled restrictions on lot two through two through four of the Georgianna Edition subdivision. Start with project background here in context. So we are the location of this project is an upper rattlesnake at the intersection of Georgina Drive and Oak Ridge Court. This subdivision is a five lot subdivision that was planted on October six nineteen seventy six. Current zoning is RR one. At the time of subdivision approval, there was a gravel pit that was active on the property on the western edge, bordering lots two through four. That is where the restriction came from for the four drain fields, and this was due to worry about the down gradient slope with the gravel pit being there. The gravel pit has since been reclaimed and is no longer active and no longer poses a threat to potential drain fields. Project was sent out for comment to both Missoula County agencies, as well as the city of Missoula, since it is bordered by city land. The only comment received was from the health department, which commented that this project approving this adjustment would not violate any health department rules and health has no objections. There's also a notice posted in the Missoulian on July 4th and July 11th, and we received no comments from that posted notice. With any proposed adjustment to file pilots or or related documents, we use the review criteria in six point seven point four of the Missoula County sub regs. You see those criteria points here screening. Based off those review criteria points, I'll go over a few of the more relevant staff findings. So the request was found to be minor in nature as. Previously stated, the gravel pit is no longer in operation and has not been since nineteen seventy seven point seventy eight era, and it has since been reclaimed. That is now part of city open space and parkland and the B. The Lincoln Hale is Mount Jumbo area. The removal of the 50 foot sanitary drink restriction on lot two to three or four will not create any new impacts or mitigate any impact on the neighbouring land. And lastly, proposal is consistent with health department standards and is supported by the Missoula City County Health Department. So based off findings of fact and staff report staff is recommending approval of the proposed adjustment with two recommended conditions, the first condition is that a licensed surveyor would need to prepare an exhibit or an affidavit showing the removal of the restriction condition. Number two would give the applicants 60 calendar days to submit all the records, all the required recording documents to fill the adjustment request. That's all I have today, and I can take questions. Thank you.

[00:48:07] I have no questions.

[00:48:09] Do we have any public comment on this?

[00:48:17] Tom Anderson with Eli and associates representing the people who made the request, if you have any questions, I'm here to. Did a great job. There's not much going on here.

[00:48:32] Yeah, it seems like there was in 1977 and 78, but the gravel pit is long gone and remediated, and this 50 foot buffer no longer needs to be there.

[00:48:41] Correct. I think they were concerned that the gravel pit would get too close to the property line, and it never did, and it's not going to. So we'll have the 10 foot setback from the health code regulations and obviously any drilling fields that are put there will be done for DEQ and to the county standards.

[00:49:05] So, yeah, thank you.

[00:49:07] Thank you. We get the thumbs up from the health department, so I'm going to move that request to adjust the Georganna. How do you pronounce that?

[00:49:16] I'm probably not the best one to answer that, but I've been going with Georgiana,

[00:49:19] Georgiana addition plot be approved based on the findings of fact in the staff report and subject to the recommended conditions of approval.

[00:49:29] All right, all in favor. I, thank you.

[00:49:31] Thanks, Tom.

[00:49:34] All right, next up, the Pontiac Commercial Subdivision and Tim Worley will present. A major subdivision.

[00:50:04] All right, commissioners, this is Pontiac Commercial Development, a major subdivision coming from Matt Wetzel represented by IMG Corp.. The property is roughly 20 acres and accessed via Roller Coaster Road. Again, eight lots are proposed with a three point eighty three acre common area along the western edge of the property. A similar layout was approved in 2008, but this was never filed and the site has been graded out. And I think this was in about 2006 that was prior to that original subdivision review. The zoning is CII, light industry. And if we take a look at the growth policy, this is an area in the 2019 land use element recommended for residential uses at a density range from three to 11 dwelling units per acre. And that's in that yellow color. If you move to the north of the railroad tracks, you can see industrial center and moving down Highway 10 toward the airport as well. So the growth policy is certainly residential, and essentially this property is currently on a light industrial residential zoning boundary, if you will. There was a rezoning dating back to 2008 that removed a small area of residential zoning along the southern edge of the property. And you can see that in the zoning maps, actually. Let's see if we can go back here. That strip on the properties to the east was essentially removed on this property. So this subdivision is not compliant with the growth policy, but it has had industrial zoning for some time and planning board in their review of the subdivision recognize the need for housing, of course, but also acknowledge the need for commercial and industrial land within the greater urban area. So CII, light industry includes, as you might expect, industrial uses, industrial and commercial mini warehouse, as well as repair services. Roller Coaster Road is the county road that provides access to this property, it's a gravel road. What's being proposed to access the eight lots is Grand Dam Way, which is proposed at a twenty six foot width. It will be a private road and privately maintained. There is a paved road standard in the regulations that would require curb and gutter to be attached to this road. The applicant request a variance from this standard and staff is in support of the variance due to the fact that this would be a unique drainage feature in this area, especially considering that roller coaster remains a gravel road immediately to the North. This is the proposed Road S. Road section, as you can see, there is no curb and gutter proposed. What's instead proposed is roadside swales. So non-motorized facilities are also required along major subdivisions, and in this case, a five foot facility is required with a seven foot boulevard. What's being proposed in place of that is a four foot wide, contiguous path, with physical separation indicated in all likelihood, by a reflector system. So again, basically, this amounts to like a four foot extension of that twenty six feet of road pavement with reflectors delineating between the walking space and the driving space staff is recommending denial of this variance due to the fact that the seven foot boulevard would provide separation between trucks and pedestrians. And the health department also noted that the boulevard would help with snow storage. So the required walkway again would be a five foot wide facility separated from the road by a seven foot, essentially a swale. There is a three point eighty three acre riparian or common area along the western edge of the property, which contains a riparian resource area as well as an adjacent buffer. And if we tilt this plot to the right, you can see probably a better depiction of that area of riparian resource, much of which actually is on the neighboring property to the West. These drawers within this area are key habitat for sensitive bird species, which have been studied for years, and so there's really good longitudinal data about these bird species. And the goal, obviously, is to minimize the impact on these grassy areas, these

drainage areas, and preserve the resource and preserve the species, which includes swinson's hawks and long eared owls. So we do have some recommendations to clarify that the riparian area and the buffer are no build areas to expand the buffer to the edge of Grand M way on the north end of the property and to the berm on the southern end of the property to expand some buffer restrictions and to add some best practices for protecting riparian areas. Fire protection will be in the form of a thirty thousand gallon buried cistern adjacent to Grand Dam Way and automatic fire sprinklers may be required based on occupancy scale of the buildings, et cetera. It's kind of a lot by lot requirement in this case. We do recommend some language changes for fire protection, but the essence meets the regulations of what's been submitted. We did receive one public comment it was concerned about drainage from this commercial development, considering its proximity to Level Creek and the Grass Valley French ditch. The recommendation was to keep Lot eight as a no build zone and to keep vehicles out of the bird gully. I thought I'd just provide some context of where we are here. This is the roughly 20 acre property with the draw. It's hard on a map to actually see the draw. It doesn't really show up very well. But here's Grass Valley French ditch at the base of the The Bluff. Kind of the clay terrace in that area of the valley. And here's the creek here. Of course, this is Lavelle Creek north of the interstate. But the two cross each other, and Laval continues down here in a kind of a low floodplain area. Continuing West. The Planning Board did support the curb and gutter variants, I should know that there were five members present and they voted unanimously. They also recommended denial of the Walkway Variance. Planning Board questioned the lack of growth policy and compliance, but understood the benefits of industrial and commercial uses within the urban area. They discuss the highest and best use for the property. They did request clarification of the riparian resource area. What our recommended amendments were and then they clarified the issue of road maintenance, whether this was a public road. The findings do say that it's planned to be a public road. I should emphasize again that it's planned to be a private road and private maintenance. Just a handful of pictures here showing what the property looks like, it's been occupied for storage for a number of years. This is looking to the north and west. This is looking down into the area of riparian resource, much of which again is on the property to the West, but a portion of this is on this particular property. And this is the berm in question looking to the south southeast. Commissioners, there are motions again, staff is in support of subdivision. I'll be available available if you have any questions that I believe Paul is going to present as well.

[00:58:47] Thanks a lot, Tim. Paul looks like he's eager to chat.

[00:58:57] Paul Forsting IMG Corporation. Tim was actually going to pull up my PowerPoint for me and I'll grab a pointer from I'm here today with Matt Wetzel, the property owner and then his consultant, Scott Johnson, there in the back row. Matt's going to say some words after I get done talking. I have a PowerPoint, I'm just going to show some photos to add some context to what Tim has already mentioned. And in summary of what I'm about to talk about, we're in support of what we appreciate the supportive staff report. We it was good to get the planning board's approval. We appreciate having the curb and gutter requirement removed, at least as far as the recommendation goes from the planning office. And our only issue, if you want to call it that is we would like your consideration of our proposed walkway. And so I'm going to focus on that primarily for this today. Tim, is there something? Is there a second or do you want to just run it for me? I'd be happy to run. All right. Thanks, Tim. I appreciate that. This is just a general overview here of the site. Tim, you could you could probably click through this. You did a good job of explaining it. Here's a picture from the road to our site. There's a couple more of these, Tim. Maybe you could just hit that. There's another one you can. It does a good job of showing Roller Coaster Road. Maybe stop right there, Tim. This is Roller Coaster Road. As it leads up to our site, you can see our site.

[01:00:24] We're looking south.

[01:00:25] This is looking. Roller Coaster Road goes east and west generally. And so this is looking west.

[01:00:31] All right. Thanks.

[01:00:31] Yep. And then here I've highlighted four different photo areas I'm going to show you two are just east of us on Roller Coaster Road. If you look, look at the stars on there, you can see them on our exhibit. And then there's two north of me. I'm just going to show you some photos of it. It gives you a good context of what we're what the area has been used for. Tim, if you could, this is this is I believe this is I was going to say shadow asphalt, but I can't remember if this is shadow or if this is. This looks like what Matt called the chop shop, but you're not exactly sure what a chop shop is. It sounds nefarious. It's it's what they're doing out here is they're using the full site, they're filling it up with vehicles, they're fencing them off. These are a couple of acre sites and there's for lack of a better

word, junk all across them. Tim, the next one here. Here's shadow asphalt shadow asphalt has completely utilized their full site. They're east of us on Roller Coaster Road. They've got their equipment on there. These photos aren't great, they they do show what they're doing, and this is a lot. The reason I'm showing you these photos is there's a lot of what we expect to be on our site. These are the type of folks who are looking to buy our one or two acre tracts, TIM to the next slide. Here's inspiration drive. This is to the north of our site. There's in the magnitude of one hundred or so industrial commercial properties using Inspiration Drive. The next slide to Summit Drive what I'm wanting to show you here, they're not paved there. They're used heavily by truck traffic. We don't see any sidewalks. We see people fencing off their full extent to their property. And so it's not it's not a commercial coffee shop type of area. It's really an industrial wrecking yard, large lot area. Tim, onto the next slide, here's our layout. What all I wanted to point out here is we do have it is a private road that we're proposing. Our private road has a private gate on it. And so it's not going to be a road that we get a lot of traffic. That's not by the contractors or folks who own these lots. We don't expect a lot of through traffic. Again, there'll be a gate on it. And so we don't expect to get much, much traffic other than people who are utilizing the lots for their use. Onto the next slide, here's a slide of our proposed path. Tim did a good job of showing it. I wanted to just clarify we talked about reflectors being the the separating mechanism from the the twenty six foot of road and then the four foot of additional roadway. We're actually proposing a rumble strip. We think that would be the most effective way. We would paint that with reflective paint. So it would act as a reflective, delineated physical barrier between albeit just a rumble strip, but a barrier where where our traffic? If if somebody you know doesn't recognize that there's a a path there, they would be immediately notified. We see the highway department using these all over the place. They use them on really high speed roads where this is going to be a low speed road. And so we think it's a really good effective use. We compare it versus what what the required trail and boulevard would be. Tim to the next slide here. Here are two examples of past in the area. One is the gravel. One is a paved path, five foot separated by a boulevard and one is a concrete sidewalk with that same seven foot boulevard. And you can see this is what happens to trails when they don't get used and they just kind of start going back to start. If you're not using them, they have a tendency to start going back to the land. And so here are some examples of unsightly trails. So I could show you that how bad it would be to to have these type of trails. We think there's a lot of good reasons to have the extended sidewalk on as part of our roadway, we we we disagree that snow removal is ideal for the boulevard putting snow into that boulevard. It's has the potential to create in the winter is there. You throw the snow in there, it melts and freezes again and it can it can damage that sidewalk. We do see that in areas. We think it'll be better for maintenance if we have it all as one big one large our roadway being all attached. We feel like we can maintain it better. It'll it won't go into this level of. It won't look like this because we'll be clearing the sides of the roads. We we don't like having to cross our driveways. So we have seven lots on the east side of our property and all of those lots are going to have a driveway. All those driveways are going to cut through the trail. We think it's much cleaner, neater and easier for maintenance to have it all as one part of a road. Tim, I've just got a couple of examples here of this is in St. Regis. This is a they use candlesticks as what they refer to as those reflective cones. It's very similar. They use concrete attached to the road here. This is on the highway highway one. Thirty five traffic at this point is going 40 miles per hour, so it's something that MDT has approved in certain locations. And then the next photo is of Clements. This is as you go south towards the school. They've since put cones along these candlestick cones along this, this this area. But I used to live out here. It's heavily used trail kids use it. This is there's a daycare right here. They're all heading to the school on it. The traffic speed here is thirty five. You may have heard of incidents where where there's been conflict out there. I haven't experienced any or seen any or heard of any. I think it's an acceptable alternative is to have a connected roadway to the sidewalk and we see it in. It's not unique to us. It's something that we see in areas. We think it's cost effective and just good for for our program on this project. With that, I'll I'll make myself available for questions and comments. Matt was going to get up and say a little bit about the just about his experience on the site and his professional experience as a concrete guy.

[01:06:28] So where where does snow removal go then? With with your proposed,

[01:06:33] We would just push it off the we would just off of everything. Yeah, off of everything. There are two acre lots. We think there's plenty of room to push it. If anything, it can go a lot. Eight. I mean, if we need it to, there's room over on that side, but we would just push it off. We don't think it's ideal one. You'll have to plow the road, then somebody will have to come in on the sidewalk and run a different piece of equipment, so we don't think it's ideal. Matt, where you.

[01:07:08] Hello. Any questions to start with or I'll. Ok. Go for it. Yeah, well, and I guess just a little bit of the background is when we bought this, it was for me to have a spot to move and put

[01:07:20] Our introducing yourself just so.

[01:07:22] Oh, OK. Matt Wetzel, owner when he bought this, it was with the idea that I had a place for my construction business park or trailers, equipment and so on and so forth, and we needed a couple three acres in in 06 and so on, so forth. The economy was just like now and you couldn't find two acres. So we ended up with this went to level of spot off and NYFF River was had the chance and the opportunity. And so we decided to expand on that just because they were there and doing. And then it kind of gone well, maybe we better get everybody else involved because they had other contractors I worked with wanted a place to park and then they saw what I had going. So that's what started this ball rolling. Never intended to be a developer. So here we are. And but I think the the sidewalk thing that we've been talking about, mainly what I'm looking at there is just lack of maintenance by being able to plow the snow completely off, not have a double set of culverts on every driveway going into the East Side, lots because we still need a drainage swale outside of the sidewalk. The whole drainage for all the lots comes to that. Roadway flows south into the water collection, so it would, you know, create another set of cul de sac or drainage structures. And in between those two, if we fill that thing full of water, which the roadway is going to drain and then whatever we plow snow, I'm a little bit leery. We're going to end up with sidewalks, lie down on an expressway with the clay and the heaving and so on and so forth, keeping my utilities outside of that area as well. Then they're accessible to the lots without digging through the sidewalk. So that's the gist of that structure. So thank you.

[01:09:19] Ok, thanks. Tim, can you bring up the map again? With the picture of the road and the plots and all that,

[01:09:27] Do we have a picture with the land use element superimposed? Maybe that's a.

[01:09:46] I guess I should have said it differently, though, where the, private road is and then where the lots are all broken up.

[01:09:57] The first slide, maybe.

[01:10:07] 10th, there you go. Thank you. So we're I just want to make sure I understanding, so let me know. So this is a private road and it's it's a. It's a dead end. It. So no one's going to be walking through this to get to anywhere else.

[01:10:34] At the moment, I would say no.

[01:10:36] So does it look like there's the potential for this to become a through street to somewhere else?

[01:10:43] Certainly not to the South, I think that would not be encouraged.

[01:10:47] So I was mixed up on my directions, I thought so. After food

[01:10:54] Roller Coaster, not so.

[01:10:55] So where the cul de sac ends is where the cul de sac is going to end.

[01:10:58] Yeah, that's the southern end. Right, so all right.

[01:11:04] You want to look at Land Use Element?

[01:11:06] Yeah, so maybe I'm confusing growth policy with land use element. Can you just show us? What Planning Board's planning board was concerned that it wasn't matching the growth policy? But it does match our land use element is that.

[01:11:21] And the land use element is actually adopted under the umbrella of our growth policy. So it's part of our growth policy. It is the the document that speaks to land use and density.

[01:11:38] And then in the land settlement, the idea was residential, but he said the planning board also recognized a need for a light industrial, too.

[01:11:47] Yeah, I mean, in this case, we had to sort through this lack of growth policy compliance. And I think in this case, we concluded that we have an industrial zone location and it's been zone for some time as industrial, though this this is like two hundred something acres and what you see in in yellow south of the railroad tracks because there were no other big issues, we couldn't feel like we could use growth policy in such a way as to be certainly not regulatory.

[01:12:18] Sure. Sure. So I just have to say, if I'm speaking me personally now, if if this looked like this cul de sac was going to connect up with something else and that's something else would be built out when the land use element became zoning and we were talking about a residential area. I would be moved to look towards a traditional sidewalk, imagining people would be walking through this space to get maybe from one neighborhood to the next. But the fact that it's a dead end road and isn't going to be any more than that and that it's a private road, I could certainly live without the sidewalk. That's just that's just me.

[01:12:58] Yeah, because right, we have the hay fields to the south and the Lavelle Creek and. It pinches off with the drainage, so I mean, is this really upsetting to staff?

[01:13:10] If no, we try to be consistent, just an application of the regulations. But as long as you have a rationale, commissioners, you can absolutely and can come up with an alternative.

[01:13:21] And I totally appreciate the lean towards consistency and fairness, and we also need to be cognizant of the different context within which these proposals exist and if it looks. As if this cul de sac is going to end there and never be anything but that it will always be just a dead end, then I don't see the need for a sidewalk as if it was going to be connecting one space to another space.

[01:13:48] I don't like excessive maintenance. So I agree with you. Or unnecessary maintenance. I don't want to. I don't want to create unnecessary maintenance.

[01:14:00] And if this was in the middle of two residential areas, I would want the sidewalk.

[01:14:07] Commissioners, I have alternative language,

[01:14:08] Hey way to go, if you want to see what kind of condition we did not plant this, this, this is happening all on.

[01:14:14] We did not scheme this, I assure you. And what we would end up doing is deleting existing condition nine. And what I would recommend is as an alternative would be the following language plans for an installation of a four foot wide asphalt pathway along Grand Amway. Shall be reviewed and approved by a county public works prior to final plat approval.

[01:14:46] Like, I'm waiting for the punch line.

[01:14:49] And I think that's it, I had some language about the reflectors, but as Paul described it, I think we can add that as a finding that enhances the record. It'll be clear what's required to install.

[01:15:02] And I mean, I don't know how this fits in, but I I don't think the candlesticks would be necessary and they are up now on on Clements and some neighbors came to us and said, cars are driving fast, kids are walking to school. We don't we don't like how it is now and we went with the candlesticks and they are they feel much better about that in that, in that space, in this space. So nobody's walking to school. So I think I think the rumble strips would probably be just fine.

[01:15:27] So we have three different motions here or how do we do this one at a time?

[01:15:33] Yeah, I would recommend taking them one at a time. And of course, you're going to want to swap deny you're going to want to plug approval in for the walkway variance.

[01:15:43] I feel like you got the heavy lifting.

[01:15:44] I'm going to take a shot at this, so I'm going to motion that the variance request from Missoula County Subdivision regulations and Sections three four seven three require installation of curb and gutter along grand way. Be approved based on the findings of fact in the staff report. All right, all in favor. Right? And number two, what's the language you want me to use?

[01:16:12] Juanita, I would just plug in approved on that third line.

[01:16:17] Am I not looking at oh, I'm looking at the wrong thing, OK?

[01:16:20] Yeah, variance number two.

[01:16:22] Sorry. Motion that the variance request from Missoula County Subdivision Regulations, Table three four nine four requiring installation of a four foot.

[01:16:34] No, you're asking. You're basically allowing them to vary from the standard. So the only word that you have to change is the denied and make that approved and then they don't have to adhere to that standard. And since we can't

[01:16:51] Turn that, oh, I couldn't find I couldn't find the word. Ok? Required installation of a five foot pedestrian walkways with seven foot wide boulevards along grand way be approved based on the findings of fact in the staff report and subject to the required condition of approval.

[01:17:07] All in favor. I,I.

[01:17:10] And three, that the Pontiac Commercial Development Subdivision be approved based on the findings of fact and subject to the recommended conditions of approval.

[01:17:18] All in favor. I, I. I think we're done now. All right, thanks, everybody. Sorry for the wait. Oh, do you need to say something? Ok, OK, good. Ok, well, for the record, you and I agreed once and the sun still in the sky, the world doesn't stop spinning. All right. Ok. We're adjourned. I believe we are adjourned. Thank you.