

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, DECEMBER 2, 2021 – 2 PM

Virtual Meeting – Microsoft Teams

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

ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Patrick Swart, Property Records Specialist, Clerk and Recorder's Office
Tim Worley, Senior Planner, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
Emmie Bristow, Community Engagement Coordinator, Communications
Sarah Bell, Communications Coordinator, Communications
John Hart, Deputy Civil Attorney, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:06]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:11]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:33]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 01:58]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 02:09]*
[None]
6. **[CURRENT CLAIMS LIST](#)** *[Time stamp – 02:31]*
Claims received as of October 27, 2021 to November 19, 2021 by the Commissioners' Office total \$5,330,622.78.
7. **HEARINGS**

a. Missoula Rural Fire District Annexation Petitions [Time stamp – 02:52]

Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

Commissioner Slotnick made the motion that the board approve the Missoula Rural Fire District annexation petitions as presented.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Resolution 2021-117. Book: 1068 Page: 203]

b. Alexander Subdivision [Time stamp – 05:44]

Tim Worley, Senior Planner, Community and Planning Services

Commissioner Slotnick made the motion that the Alexander Subdivision be approved, based on the findings of fact and conclusions of law in the staff report, and subject to the recommended conditions of approval in the staff report.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-061. Mailed to: Anna Vickers]

c. West Pointe Phasing Plan Extension, Modification, and Plat Adjustment [Time stamp – 28:43]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Slotnick made the motion to approve the West Pointe Subdivision phasing plan modification and extension, extending all Phase 4 sub-phases and Phase 5 final plat submittal deadlines to June 20, 2024.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

Commissioner Slotnick made the motion to approve the preliminary plat adjustment to West Pointe Subdivision, relocating one common area access further to the east and reducing the number of residential lots from 27 down to 22 within Phase 4-A.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-065. Mailed to: WGM Group, Inc. c/o Jamie Erbacher]

8. OTHER BUSINESS [Time stamp – 1:03:19]

[None]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 3:04 p.m.

BCC Public Meeting December 2, 2021 – Transcription

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[00:00:02] Right. Good afternoon, everyone, it looks like we are assembled, I like to call to order today's Thursday, December 2nd meeting of the Missoula Board of County Commissioners. We begin with an acknowledgment that this event takes place in the Aboriginal territories of the Salish and Kalispell people. I'm Commissioner Dave Stroma. I'm joined by Commissioner Josh Slotnick. Commissioner, we need a is out of town today and unable to make it. And without further ado, it looks like you've already done so unfurling the colors. Will you please join me all in the Pledge of Allegiance? I pledge allegiance to the flag of the United States of America and to the Republic for which it stands one nation under God, indivisible with liberty and justice for all. That is tougher than it would seem when we're doing this virtually. Much easier when and in person to avoid feedback and such. So anyway, moving right on into the agenda here. And just by way of some preliminary mechanics, some of you are old hands and attending these meetings, some of you who are visiting with us today might be new to this format. So if at any point in the meeting where we call for public comment and you have comment, if you're on Microsoft Teams, please use the raise hand function and I will call on you and the order in which you raise your hand if you're on the phone. I will let you know when it's your turn to talk and please unmute yourself by hitting Star six and introduce yourself and share your comments. Please be as brief as possible and try not to repeat others if they said the same thing that you hope to say.

[00:01:58] So are there any staff announcements or public announcements that we need to discuss at this point in time? Ok, if not, is there any public comment an item is not on today's agenda? This would be your opportunity to comment on anything other than what we have listed on the agenda already, if that's what you're here for, we will call on you at that point to offer comment. Look, see, none of our current claims list for the Board of County Commissioners Office, and these would be claims received as of October 20 7th through November 19th of twenty twenty one total, five million three hundred and thirty thousand six hundred and twenty two dollars and seventy cents. We have three formal public hearings today, and the first one, which I will open, is related to Missoula Rural Fire District annexation petitions. Patrick, are you with us and would you introduce this? Yes, I'm here. Hello. My name is Patrick Horton. I'm with Clark and Recorder's Office, and our office has received two petitions to Annex Land into the Missoula Rural Fire District. The first property is legally described as Parcel B two of Certificate, a survey six seven six nine, and it is located in Section Twenty Six Township, 13 North Range, 20 West, and it's more commonly known as one three eight zero Kenwood Drive, Missoula, Montana five nine eight zero four And the second property is Tract one of Certificate a survey six five five three located in the southwest corner of Section seven Township, 13 North Range, 20 West, and this property is more commonly known as three zero nine nine.

[00:03:58] Big Flat Road, Missoula, Montana five nine eight zero four. These two petitions have been signed by the property owners, who represent at least 40 percent of the acreage and 40 percent of the taxable value of the properties to be annexed, and a notice of hearing for the petitions has been published twice in the Missoulian. The petitions were submitted to our office as two separate petitions and should be considered independently. But a motion to approve or deny can include both petitions. Octavia, yes, I am, in fact, are the petitioners or property owners who are petitioning present here today? Not that I'm aware. Ok, very good, is there any public comment on these two petitions? Ok, Josh, any questions? Thanks, Patrick. Do you know what rural fire has had to say about this petition? They signed off on the petitions before they were sent to our office. So as far as I'm aware, they're they're in favor of these. All right, well. That would be good enough for me. Ok. I can I can make a motion that the board approved the Missoula Rural Fire District annexation petitions as presented. I will second that motion any further discussion. See, none. Let's go ahead and vote all in favor. Ok, those petitions are approved. Thank you, Patrick. Thank you, Patrick. Our next public hearing is on the proposed Alexander subdivision, and we will begin with the staff report from Tim Worley.

[00:05:53] Good afternoon, commissioners. I'm Tim O'Reilly from Caps, and this minor subdivision before you today is the Alexander Subdivision, which is a proposal coming from Robert Alexander represented by IMG. Four or five lots on thirty three point forty three acres with the largest of the five lots being fifteen point four acres. The subdivision is located in French town. This is the 33 acre property here right next to the state park, fairly close to the state park and immediately west of French Town High School. Zooming in a little bit again, here's that 33 acre property proposed for subdivision. Just a little bit of property history. There was a major subdivision that was approved on this property in 2009. This has since expired. There was a family transfer approved on the larger property in 2015 along Roman Creek Road. That was a total of three lots and one mile ranch subdivision was approved on the property in 2018 on the larger Alexander property. This is a plat showing the Alexander subdivision. And just to give you some context, the three lots that were part of the family transfer along Ruhlman Creek Road are right here. And One Mile Ranch consists of lots one, two, three and four. And then this is Lot five, which is proposed for subdivision as part of Alexander Subdivision. The growth policy recommends open and resource uses at this location, based on the 1975 Comprehensive Plan, the subdivision is also within the French Town Activity Circle.

[00:07:58] So that ends up being kind of a both and as far as growth policy, it's both open and resource, and it's contained within that circle where greater intensities of residential and commercial are expected being near the core of French town. And we feel that this is a supportable subdivision for a few reasons. One being that this is near what's known as the French Town Special Management Area, which is highlighted in green on this slide. Here's the boundary here. There's the sub division, the 33 odd acres down here. Anything within that green boundary is not really divide able because of the Special Management Area designation, which limits a lot divisions because of water quality issues. So this is one significant limitation to growth within the French town area, and this property represents a potential area of growth near the special management area, but just outside. Some other growth limitations in the French town area include flood plain south of the interstate. And then steeper forested lands north of the valley itself, so there's actually somewhat limited development opportunity. These are a few of the reasons we feel that this is a supportable project, and I should mention this as an zoned location.

[00:09:39] And if folks could set themselves, that'd be great. Thank you.

[00:09:45] Just some other rationale for support of this residential subdivision. It ends up being within a mile and a half of a small bank, a dentist, a small scale grocery store, French towns, post office emergency services and French towns interchange. This property does have somewhat of an agricultural history with the raising of alfalfa and winter wheat on the property, although that's waned over time. The larger lot that's being created, the 15 plus acre lot, is intended for some level of agricultural protection. And that's this lot here that's kind of in this patch. When requirement that the developer has put forth in the covenants is that all home sites must be within 300 feet of either Alexander Road, which is the existing cul de sac road that was built for one mile ranch or the home has to be within 300 feet of Roman Creek Road. And part of the rationale behind that is to keep a home from being centrally sited on this largest lot, leaving the most potential contiguous acreage for for agriculture should somebody choose to farm. The covenants also provide for establishment of an irrigation cooperative, which would allow for distribution of French town irrigation district water to each of the five subdivision lots. The cooperative would also establish facilities for physical distribution of that water, and this is a voluntary cooperative. It's not something that with the approval of this subdivision, that would be automatic, but there's a mechanism for making it happen and establishing facilities to distribute water. All the roads related to the subdivision Meet County Standard, we have Rowan Creek Road along the Western Edge, which is the county standard paved road.

[00:11:59] Of course, French town Frontage Road, which was reconstructed a few years ago along the Southern Edge and then Alexander Road, was a cul de sac road constructed to serve the One Mile Ranch subdivision. It's also going to be used for this subdivision. One significant condition that we're recommending is that lot one will need an access easement and a lot. One is in the southwest corner of the subdivision here. The proposal is to have lot one share access with the property immediately to the north. That's outside the subdivision. Therefore, a separate easement will need to be recorded for this off site property. We're also recommending a maintenance agreement for that shared space that access onto Roman Creek Road. So other conditions encompass typical plat statements and restrictions, such as side waivers related to non-motorized facilities and public water should it become available, access restrictions that focus access onto Alexander Road from French Town Frontage Road and also the placing of fire sprinkler language actually not only within the covenants where it exists now, but also on the face of the plat in

accordance with the subdivision regulations. We're also recommending water use restrictions, which the developer has agreed to in working with the NRC that those restrictions be placed in the subdivision covenants before final plat. That's pretty much it for Alexander Subdivision staff recommends approval, and I believe that I, Meg and Robert Alexander, are on the call. I will be available if you have any questions, commissioners.

[00:13:51] Thanks, Jim. Thank you, Tim. With the applicant or applicants representative like to present or share anything. Yes, this is Paul. First thing from IMG. I'm sitting here in my office with Buzz Alexander, the property owner and applicant for the project. And then on online also is Anna Vickers. She's a planner here in her office that helped with the application. Thanks, Tim, for the next detailed staff report. We appreciate the all the findings of facts that support our project, and we appreciate the recommended condition of approval. We think this is a good spot for homes. Buzz's has some history with the site, and he's going to tell you about that here in a minute. But just kind of from an overview, we think it's a good spot from homes. There's a trail that along the French Town Frontage Road, where folks from this subdivision can walk right to the high school or to the pond to the recreational pond. The frontage road has been upgraded, so it's in great shape. Our road is existing, so for that reasons, we think it's a good spot for houses and we don't have any problems with the conditions of approval. So we, I guess we appreciate hearing your comments on the project and we're available. I'm available for comments. I'm going to pull up a PowerPoint that Buzz wants to provide. Would it be possible to share the screen? Yes, we will make you a presenter. All right. I mean, once I was. If it should work now, Paul. All right. Perfect.

[00:15:21] And, you know, to just watch the slide right there. Yeah.

[00:15:27] All right. All right. Buzz your live look.

[00:15:35] I guess I got it. Can I go? I can try

[00:15:42] To help you get it full screen. Well.

[00:15:51] He was just a second or two.

[00:15:53] Oh, OK. Sorry about that. I don't know that it's full speed for them. It's not going to be for free for you, for us. Ken, so. So Paul and Mr. Alexander, we're still not seeing anything on our end. Oh, OK. Let us try again. Oh, maybe this needs to go over here in the slideshow. Maybe you can one second here, we're figuring this out on the fly. Share content. Um, this. Here we go. Ok. All right. So I think we need to share this over here, but I'm going to switch spots with the.

[00:16:41] Let me sit over here. Yeah.

[00:16:43] Let me have you sit right here so you can give the presentation all the way. Yes. So there you go. And maybe I can go back for you.

[00:16:53] There you go. Here we go. So you see the first slide Alexander subdivision. Yep. What I've done here is put together a real short 10 or 12 slide presentation, what I what I'm trying to do is give you a sense of the history of the ground. I'm 72 years old and I've been on this property for half my life now. Thirty six years. I moved here in nineteen eighty five. What we're looking at, you can see the cul de sac and the asphalt road on the left there out of sight on the left or the four lots that are one mile ranch that approved three years ago, right in the middle of the screen. That's where these four locks were proposing. Now will be. So we go back to 1985, my father, Robert Alexander, people, people call me buzz, not Robert. Last person to call me, Robert was the guy who gave me my driver's license. 1985 my, my dad and my aunt Anne Yvonne Seltzer owned 80 acres next to the high school here. You can see the French French town ditch one of the laterals of the ditch. The big ditch is a couple of miles north. So these two laterals, one to the north of the yellow Alexander Selter property and one to the east in nineteen nineteen eighty five when I showed up on the property of flood irrigation was still legal. My cousin Ed, who is on the French Town Irrigation Board, tells me that they ban flood irrigation in the year 2000.

[00:19:00] We experimented in the early days back in eighty five, maybe through nineteen ninety flood irrigating, and it went about like you would guess it doesn't work. The Egyptians could do it, but I couldn't. This is an 80 acre parcel that in two thousand was split between my aunt's property seltzer and the Alexander property. My dad passed

away in ninety four and it took that long to go through the process of getting the property split. You can see that the orange is where my house is. My house was built in 1873, the oldest house in French Down Valley, to my knowledge. The yellow is the risk of the Alexander property. You can see I have access to the to the ditch here on the right hand side. Then the high school approached me, there's there's my house. I was crazy enough to to. And a witches hat in that town, the House, and I could have built five houses in the time it took me to do that. So let's move along. So here again, I've got access to the ditch here. And then the high school came, came knocking and wanted to buy five acres from me so they could access my aunt's ground up here. And I didn't want to sell, but I was willing to trade my aunt property. So she gave me property on Ronwen Creek Road and I traded her my property on the back there.

[00:21:05] So the high school could do that. So the high school now owns all the way north to the ditch, and they have a variety of ideas. What will happen there? Things have changed over the years. My aunt ended up selling her property to the mob family. They built an acre. This is the mom's own about 20 acres. They have about an acre and a half block that they trucked farm and used for farmer's market. Saturday morning, you can see the the orange is above the line where special management kicks in. So no development above that. That line, according to the rules that were set in the special management in nineteen eighty seven. Below that is is the yellow. This was 82 lots that never happened and it ruined my retirement funding, let's say. So let's move right along. So then then we were up to three years ago when when you approved these four lots and you would think this would be enough to replenish my retirement. You would be wrong. The first lot paid for the cost of getting the four lots going through legal fees, engineering fees, cap fees and so on. The second line almost paid for the asphalt road. The third lot finished paying for the road, paid for pulling out overhead lines that were to my house here and putting underground power to my house. And the fourth lot I'm using right now, this very day paying Paul to be here with me and to talk with you folks what we're proposing.

[00:23:15] We're now up to twenty twenty one. The green is what we're proposing with a a bigger lot, two and a half acres and three smaller lots. I'm hoping in the future to have an irrigation system set up, and I'm I'm likely going to hold back the sale of the larger lot until I built a pump house and and got that whole irrigation co-op going. A little bit about the irrigation of this property for for the years, roughly 2000 through twenty eighteen. My cousin had farmed the property. He lives over here and he we we put in a four foot culvert in this ditch and gravel and build ourselves a bridge so he could bring his tractor and and various implements across here without going on the front end drove. That's kind of cut off now with the high school. And obviously when there are kids in here, they aren't going to want any tractors running back and forth. So back around 2000, my cousin installed a twenty five horsepower pump on Ed Richardson's property north of the ditch, and he put an eight inch main line above ground all the way to the end here and then had high school kids moving land line, which was a nightmare for him over the years. It became harder and harder to find high school kids that were willing to show up and do that work.

[00:25:02] And also, I think we had about half a dozen times where people ran over his main line, which doesn't really help with irrigating. What I'm proposing is a pump house, hopefully on my property, but it might have to be on the edge of the man's property and on the ditch I. A third location would be right here on Roman Creek, but I'm concerned about vandalism if it's located here. So option one is here on my property. Option two is on the ditch here. Water would be pulled from the ditch and push to all these lots. And in the future, I hope to come back and you'll see if I switch back and forth between the prior slide and this slide, you'll see the Orange getting larger down here. Or I'm adding property there and I'm taking it away this appendage and adding it to the yellow. And my hope is that there will be several larger lots. Three to four to five acre lot that will finish out my irrigating. I mean, my subdividing days. I intend to live out my days without subdividing this at all. And with irrigation, I can turn it into Butchart Gardens Wet Butcher Gardens East. If you've ever gone to book your gardens, you'll know what I'm talking about. And there again, is the property we're talking about.

[00:26:59] All right, that's that's the end of our show here, and we don't would not even need to take a watercraft to get to this Butchart Gardens.

[00:27:13] So that's right.

[00:27:18] Anything else, Paul? No, that's it from us. Thank you so much. Ok, thanks, buzz. And Paul, that was a great presentation and good historical perspective. Is there any public comment on the proposed Alexander Minor subdivision? Any public comment? Ok, CNN will close the public hearing, Josh, any questions? No, thanks for all

your information and I appreciate the forethought on irrigation and thanks for the history. Yeah. I can't underestimate how much it is appreciated, to put it in perspective, both both in terms of the history of the property and then also your future vision, that that's super helpful. Ok, well, I guess if there are no questions. Josh, yeah, I'm ready to make a motion. I move that the Alexander subdivision be approved based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions of approval in the staff report. All second, the motion any further discussion? See, no. Let's go ahead and vote all in favor. Hi, thank you guys for coming by today. Thank you, Paul. Thank you.

[00:28:37] I appreciate it.

[00:28:38] Thank you. Goodbye. Ok, moving on to our next and final public hearing, this would be on an request to approve the West Point phasing plan, extension modification and plat adjustment Bailey. Do you have a staff report for us?

[00:29:01] I do. So hopefully I just shared my screen. Can you guys see my PowerPoint? Perfect. Ok, wonderful. Ok, so let's go. So this is regarding the West Point Subdivision. As the Commissioner Stormare mentioned, it's a phasing plan modification if an extension and then a plot adjustment. So the three part thing the subject property, I get Meiselas Price. So this is the subject property. So phase one of West Point, which has been plotted, is here. Obviously, here's the airport down in this area the Y interchange. So we're just up Butler Creek Road right there. So as I said, it's three requests, the subdivision was originally approved back in two thousand one. It was a total of two hundred and forty lots on approximately seventy three ish acres. It was subject to thirty two conditions of approval at that time. There have been amendments and regarding the conditions, the landscape and trail master plan phasing planned flat adjustments. And there there was a condition that I'll get to about the weed management plan that was added. So currently I believe there's thirty three or thirty four conditions. Currently, the current deadlines for phases four and five are proposed to be extended to June 20th of twenty twenty four and then phase four is actually being proposed. So that's the extension. And then the MA phasing plan modification involves just phase four, which would be split into four sub phases and no changes would be proposed to phase five. So that's on the slide here. So Phase five would remain as it is. And then phase four is currently all of all of these colors the red, orange, yellow and green.

[00:30:52] And that's the phasing plan. Modification would split these out into four sub phases of phase four, but all the all phases four and phase five would be extended to the June twenty twenty four date, so it involves all of them. And then the third part is the plot adjustment request. So that just relates to phase four A, which is this one here. So now that's what we're talking about, and it currently contains twenty seven lots, and they are proposing to aggregate the number of those lots down to twenty two and also proposing to expand the depth of the lots to meet the required setbacks that are within the zoning districts. So this area has a specific zoning district for the subdivision. It would result in an overall decrease of Common Area around eight thousand four hundred square feet. The total needed under the subdivision regulations is eight point eleven acres, but the total parkland dedication that was approved with the subdivision is over thirty five acres. So of the thirty five acres that was approved, they would be removing eight thousand four hundred and seven square feet. And so they are well exceeding still their required amount of parkland that would be needed to meet the subdivision regulations. So this is their proposed plot adjustment, the red lines here. Those are the current preliminary plot and this is again not final. This is preliminary plat. So the red lines are the current lot. Proposed locations and the blue lines are what would become the proposed plot. If the plot adjustment is proposed, that's what they're doing.

[00:32:33] The only thing there's no common area that's being removed or that's no access to the common areas it's being removed. They are would be moving. The commentary currently would be here and that's being moved over to this way. And again up here. It was going from here, over to the East a little bit further, but the number of access is still remaining with with the plan adjustment. So we've been talking about this project for quite a while. I am hoping we are in the final stretch, I think everybody is. So I just wanted to give a little update since the last time this was presented to the commissioners was October 14th and that that meeting it was postponed. It was supposed to be on the November 4th meeting, but that was actually we ended up pulling it prior to that meeting and it was related to the subdivision improvement agreement and some issues with that. So that was finally modified and ultimately approved by the commissioners before Thanksgiving on November 23rd. And so that subdivision improvement agreement included all of the trails and fitness stations associated with phase one and the trail between phase one and good and lane. And that was important because one of the conditions to approve or the criteria to review a

phasing modification as well as the pilot adjustment, is that all required improvements for previous phases have been either met or have been secured with a financial guarantee. So that was why we had to wait and postpone. It was to get this subdivision improvement agreement figured out.

[00:34:06] The other comment that we've been getting comments on from the neighbors is about the weed management plan and that condition. It was added in two thousand six, I believe were two thousand nine. It was, I did find out the weed management plan. It has been recorded as an amendment to the covenants and that was done in two thousand nine. The applicant and I know Jamie is going to talk more about this. So I'm just kind of giving a brief overview here, but we do. They have been doing treatments have occurred on the property. And one thing to note, it is still an active condition because these phases phases four and five have not been final planted. They are still active conditions, so they are still, you know, can still be met. It'd be different if the project had been finalized and we were dealing with a condition that was supposed to be met. That wasn't and, you know, in the subdivision has been approved and everything but these conditions, they are still active, right? They are still able to be met. And if the extension is approved, they they do have time to meet those. So I think that's all I had, and I just have two separate motions. One is regarding the phasing plan modification and the extension, and then one is a separate one regarding the adjustment itself. And I can pull these up. I know Jimmy has a presentation so I can pull these up back up later. But if you have any questions for me right now to

[00:35:29] Know, we're good right now. Thanks, Bailey. Jamie. Extensive.

[00:35:41] Compare my screen here. I'm just seeing a black screen, Jamie, just so you know. Oh, there it goes. No, it finally popped up. It just took a while. Perfect. Ok, great. Well, look for myself, there we go. Ok. Ok, so first, maybe touching on the phasing plan extension, so section five, seven, 16 five does limit extensions of individual spaces for three years or in three year increments from the date of the request. And so I know that this was brought up during the subdivision improvements agreement date. Why the dates differ between the improvements agreement and the extension request. And the reason being is that the extension request was made back in June, and as Bailey noted in her slideshow, We have had to continue this hearing from June until now. So that is why there is a little bit of a difference in those dates there. And then for a total extension, the subdivision regulations state that the. Subdivision has to be filed within twenty one years from November 4th of twenty sixteen. So in total, there is the possibility that extensions could be requested in the future. That extension could potentially go out to twenty thirty seven. I don't anticipate that will happen, but just so commissioners are very much aware of that and the public is aware of that. The subdivision regulations do allow for those extensions. The extensions that we are requesting out to twenty twenty four is in part due to the trail and landscape design amendment that we are going to go through.

[00:37:45] We estimate that's going to take about six months to go through and revisit that design. And then we anticipate filing phase for a in one year and construction and trail of the landscape improvements are possible in twenty twenty three. But for the developer to have lots to continue building homes on phase four A. The infrastructure for that will need to be constructed in the summer of twenty twenty two. So we are under a pretty tight timeline even in that three year time frame for phrase for A. But just wanted to give you a little bit of background there. So Bailey had already shown the phasing plan, this is just a side by side view. Phase four on the left hand side that included about one hundred and two lots, phase five is forty seven lots and is Bailey mentioned. We will be decreasing the number of lots in phase 4a from twenty seven to twenty two. Phase 4b will include twenty seven lots, as will phase four C and Ford will have twenty one lots and phase five remains at forty seven lots. The reason that we're requesting to break this off into sections or chunks is to allow for manageable and realistic number of lots to be developed at one time. Here is just a utility plan, we did show this as well in the subdivision improvements agreement hearing, but just to recap here where we have sanitary sewer, main lines, water stubs and storm drainage facilities.

[00:39:22] And as you know, those run through phase four A.. And up into phase one. I hear is that trail plan that we have seen over and over again. Just a quick clarification, the trail on the north side of phase for a thank you can you can't see my cursor, but on the north side of phase four a that relocation actually happened in two thousand six. So the only relocation of Common Area is noted in the highlighted red on my screen. I just wanted to clarify that for you. I just wanted to show a few slides of common areas that have been completed and I should say partially completed for this area. This is south of lots 19 and 20. Scroll back here. So it's 19 and 20 are here. And the area that we're looking at in the pictures on the next slide is right in here. There is this portion that directly abuts lot 19 that still does need to be completed. Here are some additional common areas. This first picture here is at the entrance of

the subdivision and then this here is obviously between housing units in phase one. And here is a little bit more on that weed management plan showing that it was recorded in two thousand nine by Howard SEAL might be hard to see on this screen, I can't tell. But this plan is for the maintenance of all common areas, as shown on the West Point Subdivision plot and any unplanted undeveloped lots.

[00:41:15] So any changes to this plan do have to be approved by the governing body. This was, believe, the very first weed management plan that was developed in Missoula County. It was a directive, I believe, from Gene Curtis, if I remember correctly. And so weed management has been an issue for this subdivision for quite some time, though I do feel that the developers are taking control of the weeds and trying to get them under a management plan. The slide here, the picture is of the bio control that the developer has been doing and by bio control that is releasing insects to control the bugs, and so that started in twenty sixteen. Other mechanisms for weed management include hand pulling, mowing, grazing and herbicides. And we do have receipts from the developer from twenty fifteen, twenty twenty and twenty twenty one for herbicide applications. That's what this screen here is showing, so you'll note that in 2015, they did the technically the filed lots in phase one or a portion of them around patent court and on McArthur Drive. And then some of the open space common area as well. In 2020, they expanded that to more of the common area within the subdivision north of phase one and east of phase one. Twenty twenty twenty one, again, another application of herbicides. And this is a summary section pulled directly from the weed management plan. It does indicate that the developer, the owner of the property, is responsible for the implementation of this plan.

[00:43:10] Uh, the developer and the association are to form a vegetation management committee to assist in this implementation, and my understanding from talking with the client is that this was created, though it was created just this year. That committee is now in place and for the properties that have not been sold, the developer is responsible for implementation of the plan. The West Point Homeowners Association will establish a budget for yearly implementation of this plan for common areas that have been plotted and provide for a proportional assessment of lot owner for the developed plots and the developer of undeveloped properties. It does also indicate that the plan should be re-evaluated annually or as needed by the property owner and the association and the weed district. Um, the committee is also responsible for seeking active cooperation from the neighboring landowners and local agencies to ensure efficiency of the vegetation management efforts for properties that have not been sold, the developers responsible for the implementation of the plan. So not sure. Just from talking with the neighbors, if contact has been made with the weed manage or with the weed district, excuse me, but that is certainly one recommendation that we are making to our clients, though. Following up on that, we do know that they have been in contact the last two years with best weed busters bio control. This. In the next few slides or excerpts from an email that we received from weed busters, biocontrol would like to make special notes that they say that they have done just about everything available for the weeds that have bio agents, and the best thing they can do is to let them keep working.

[00:45:10] Weeds on the property include Knapp Weed, Leafy Spurge, Dalmatian Toad Flex and Canadian Thistle. And that's from 2020, as the slide notes. And then in twenty twenty one, I'd like to note that the even though there are still weeds, the bugs are doing a great job as they are doing spraying on the property as well for the herbicide. And if it wasn't for the insects, weed busters believes that the weed complex of spurge, knapp weed and toad flux would be about three feet high across most of the property. So while there are still weeds, they are being managed and not taking over the property. We Buster's does encourage them to pay special attention to the chemical control that weeds do not have for bio controls. And so I take that to mean continue with the herbicide and spray. Now back to our request, that includes the preliminary modification for the future buildout and setbacks. So this here is a diagram that shows the existing property boundaries in or excuse me, this would be the setbacks for the property in green and then the boundaries of the properties proposed with the preliminary plan adjustment. So West Point was originally planned for smaller attached town homes and detached single family homes intermixed in the development. But as construction prices have increased, the market for townhomes in the subdivision has changed and the developer has a housing type that is selling and their desire to continue this model and move phase for a.

[00:47:08] This is that same graphic that Bailey was showing for the boundary adjustments again. The red boundary is the existing boundary and the blue boundary is the proposed boundary. Um, you know, just again, noting will remain compliant with the Parkland dedication requirements. And there is additional common area provided between lots to 15 and to 16. And so that is over here on the west side. And that overall net decrease in the common area is only eight thousand four hundred and seven square feet. One thing that I know is important to emergency services for any subdivision is access to two ways in and out. So primary access is off the McArthur Access via

Butler Creek Road. There is an emergency access that is shown here in gravel that was approved with phase one and that will continue to allow that emergency access. Public works, though, has asked us to abandon the access at this point. Sorry, you can't see my my pointer, but access the. Approach onto Goulden Lane on the West Hand side and tie in the emergency access to Grant Way, which is the proposed road with phase four A.. So just wanted to make sure that that was clear that we are still providing that and that is second, emergency access will be maintained. And that is all I have for my show.

[00:48:52] All right. Thanks, Jamie. Ryan, did you have anything else that you wanted to add? I just wanted to share with the commissioners, you know, this project is has had a little bit of a bumpy history, but when the project was taken over by the developer, it was a defunct entity. No idea existed or was registered by the state of Montana. The Heya now is established and functioning and registered with the state. They have completed the majority of the phase one improvements. I think they only have four or five lots left in phase one that are either under construction now or will be soon. So there's been good forward progress in the past few years with this project in general, and significant amount of water system upgrades will be needed in advance of phase four. And so I think that speaks to the developer's commitment to finishing out this project. Thanks, Ryan. All right. Let's take a little bit of public comment here. Is there anyone on the line who would like to offer comment? Please be brief three minutes or less, and it looks like Dan and Laura and or Laura. I know this is Dan Dan. My wife couldn't be here. She had to step out. We've actually been in talks with Bailey and Ryan and Jamie over the course of this project. So to them, I want to thank them for their time. They've spent a lot of time with us, probably more than they usually spend with homeowners in this kind of scenario.

[00:50:29] I think what they just showed was a very glowing review of how the weed management plan has gone on, but what they don't know. What they couldn't know really is that the first two years, 15 and 16, those were actually weed weed management done by myself in the absence of a developer. The current development was taken over November 7th of twenty fifteen, so those first two years were something that I had to go to the extension to get a weed grant to match and to do any weed mitigation because the previous developer did nothing, really. Actually, I never talked to the guy and I've been the vice president since twenty eleven. And so I guess I would correct Ryan and saying there has been a functioning homeowners association for quite some time now, but we haven't been registered with the state until recently, and that is that is true. I would say that all this stuff sounds really glowing, but in I know number thirty three of the master list that says that the weed management plan shall be reviewed and approved by the county, weed district and OPG. I guess Office of Planning Grants shall be appended to the covenants and filed and implemented prior to additional building permits in the subdivision. That part I have not seen any evidence of, and so I'm here asking to see how we can ensure that this plan is actually codified or approved by the county and not just something being shot by the from the hip like it's been from the beginning and I yield my time.

[00:52:10] Thank you. Thank you. And we'll see if we can get a little bit of clarification on that in a moment here. Dax. Yes. Afternoon, guys. I just wanted to, I guess, follow up on something that Ryan had said in the last CYA meeting the cere. We finally came to an agreement that by and large, I think nobody was completely happy, which I think is probably the good representation of an agreement anyway, because I think all parties got something, but not everything. But to that end, I just want to make sure that one of the caveats within the SIA and that's been expressed by both Bailey, Jamie and everybody else is in respect to that one line item that we're going to basically redo the entire trail and landscaping master plan. Ryan had specifically said, quote unquote in the last meeting that we can expect it to be a Chevy and not a Cadillac. That concerns me to no end, considering the fact that the developer just listed his latest home for eight hundred and twenty nine thousand dollars. I don't feel that's Chevy Price, nor should that plan be reflected as such. To that end as well, I would like to have some sort of, I guess, validation affirmation, something to ensure that that new plan isn't just a Chevy.

[00:53:45] I guess if that to quote Ryan at this point, that it has both. That the new plan retains the value of the original plan, both on the dollar and linear foot of all trail types. Basically, I just want to make sure that they're not just going to basically axe all the trails, in essence, take all the supposed to be core trails and turn them into like just gravel instead of basically eight feet wide asphalt trails that they're calling for on the trails. So we want to make sure that that value both in spirit and dollar amount and linear foot is retained in any sort of new plan. Thank you. Thank you, Dex. Other public comment? Anyone else want to speak? Ok, we'll close the public hearing. We'll have some questions from the commission, why don't we start with a couple of the points that folks from the public who were here raised. So as far as Dan's first point Bailey? Do you have any anything that you'd like to add to that? The weed

management plan is memorialized in writing it was adopted by the governing body at one point in time. Not not those of us who are here today and presumably based on what I heard today, would require approval by or ultimate approval by the governing body if it was to be modified. Additional thoughts.

[00:55:21] Yeah, I wouldn't. I don't know for sure if it was reviewed. I mean, I would assume so. It was reviewed by some. It's recorded. I mean, the bottom line, it was recorded. It is a document that pulls up, you know, should pull up with a title search. I mean, I was able to find it just recorded on the the county's documents are just like any other covenants or things like that. So it has been adopted as a revision to to the existing covenants, which is what would the condition. Thirty three, that was one of the things that had to happen. Is it be recorded as far as that. So.

[00:55:57] Ok. Thanks. And only one round of public comment here, so Ryan or Jamie, is there anything that you'd want to add to the weed management point? No, I don't. Maybe the only.

[00:56:13] Ok, go ahead. Go ahead, right? Oh, I was going to say the only the only recommendation, but I think I would make is to our client that they do contact the weed district and see if they have any other recommendations for weed control, but they are actively mitigating the weeds. It's not a. Removal of weeds, it's a management plan.

[00:56:38] And let's go on to the second question, anything that you would like to add Ryan or Jamie relative to trails in such. I you know that we will work with parks and the neighbors, Dave, in regards to the trail. We will do an equivalent plan. I think my comment in regards to Chevy versus Cadillac is just putting some sideboards on from the developer's perspective about there are when he wants he there are certain things that he was willing to do as an equivalent and we don't know what that is. It's going to take us. It's going to be. We've been saying a six month process that we hope to get started in January and get under contract with the client after we get through this phasing plan amendment. And we'll work carefully with Juniper at Parks to make sure that the neighbors interests are met. Thanks.

[00:57:39] And Dave, I'll I'll make one comment on the trail plan to just so everybody is aware it, it is a requirement of the subdivision, so it would have a public process similar to the planning adjustment. So it actually we have a section at five point eight. It's adjustment to preliminary Platts and related documents. And so a revision to that plan would go through the same process that the plat adjustment and that does require notification, legal notice and and that type of notification. So there is there would be a public hearing that would occur with that. Just like this, just like the plot adjustment today that we're looking at. So just so everybody is aware of that.

[00:58:18] That's really helpful, Bailey. Josh, do you have any additional questions? I know Bailey pointed at something I was just wondering about. So I appreciate that. One question for for Ryan, given all this, if you were to try and characterize the reasons for the delay in moving this whole thing along, what would what would you say to? How would you characterize that as far as the the progress of phase one commissioner or. Part of it is it was a defunct subdivision, you know, went through a bankruptcy which and then the I believe the original developer Buddy SEAL died at some point and then it went to the bank for many, many years. And then it was honestly was. This project was sold in a sheriff's sale at the courthouse. Steps is when it changed hands. And then there was a couple of years of trying to determine what the market would bear. And fortunately, between 2015 and, say, 20 and 19, the Missoula housing market changed significantly and there was an uptick in demand in regards to the the improvements in the city. Most of that is construction sequencing. In this phase four, there's underground sewer lines that need to go in. There's water main extensions and really the biggest one is the mass screening efforts are not insignificant on this property because it's pretty steep. So getting all of those things and the equipment in there and out so that we can build that trail connection between good and to McArthur is probably one of the biggest holdups and the trail plan needs a lot of work.

[01:00:05] We grew up in, the neighbors can agree on that, that it's simply not a well done plan. And so we it should be revisited and updated. Great. And I'd like to hear that. I appreciate what Bailey said, that it will be in it and the Republic will be involved. So thanks a lot for that, Ryan. This kind of confirms a long held suspicion that behind every one of these really large developments, there's an entirely unique story. Yeah. This one's been very unique, the developer was very involved. I wasn't involved in the first initial phases of this that even goes beyond my time at one group. But I think a case where the developer bit off more than they can chew and struggle. There was a five hundred thousand gallon water tank, new wells, new water system, significant amount of roads and circle h in addition to half of phase one of West Point. And then it just came to a halt when the money ran out. And just to

underscore something that you said or alluded to earlier, Ryan and maybe others there will be additional public process associated with a modification to the trail management plan. Correct? Yes. And the trail management plan is part of the covenants. And so to amend the covenants, that will also be part of a public process. Ok, well, if it ends up being a Chevy, let's make sure it's a well-functioning and and smooth operating vehicle.

[01:01:40] So more to come. Any other questions, Josh? No, I really appreciate that discussion of the trails and it further defines our decision, our decision space today, which is not about those trails, but really this modification to the phasing plan and adjustments. So and within those things, I'm pretty clear on what our next step would be. Alex Bailey, would you please cue up the motions? And let's go ahead and take each one individually today. Sure. First, I would move to approve the West Point Subdivision phasing plan modification and extension, extending all phase for sub phases and phase five final plots and middle dates to June twenty twenty twenty four. Well, second, that motion any further discussion. See, none all in favor I. The second one adjustment, I would move to approve the preliminary plan adjustment to West Point Subdivision, relocating one common area, access further to the East and reducing the number of residential lots from twenty seven down to twenty two within phase for a. I'll second that any further discussion. See, none. All in favor. I thank you to everyone from the public who commented and offered good suggestions moving forward. Thank you, Jamie and Ryan and Bailey for your staff report. And with that, is there any further business to come before the commission today? See note a three or four p.m. Eastern. Thanks, everybody. Thank you. Goodbye. Thank you.