

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JANUARY 6, 2022 – 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 Vero

Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office

Bailey Minnich, Planner, Community and Planning Services

Tim Worley, Senior Planner, Community and Planning Services

Todd Kliez, Floodplain Administrator, Community and Planning Services

Nick Zanetos, Planner, Community and Planning Services

John Hart, Deputy Civil Attorney, Attorney's Office

Allison Franz, Communications Manager, Communications

1. **CALL TO ORDER** *[Time stamp – 00:10]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:15]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:27]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:51]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 00:58]*
[None]
6. **[CURRENT CLAIMS LIST](#)** *[Time stamp – 01:05]*
Claims received as of December 2, 2021 to December 27, 2021 by the Commissioners' Office total \$4,602,663.31.
7. **HEARINGS**

a. Clearwater River Preliminary Floodplain Maps [Time stamp – 01:23]

Todd Klietz, Floodplain Administrator, Community and Planning Services

Commissioner Strohmaier made the motion that the board of county commissioners adopt the Federal Emergency Management Agency Clearwater River revised preliminary digital flood insurance rate maps as best available information.

Commissioner Vero seconded.

[Motion passed 2-0.]

[Resolution 2022-001. Book: 1069 Page: 1214]

b. Kona Ranch Minor Subdivision [Time stamp – 08:38]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Strohmaier made the motion that the Kona Ranch 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 Vero seconded.

[Motion passed 2-0.]

[Letter 2022-070. Mailed to: Tanya Kuhl and Travis Romeo]

c. Joker Flats Subdivision [Time stamp – 43:43]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Strohmaier made the motion that [the Missoula Board of County Commissioners] approve the Joker Flats Subdivision, based on the findings of fact and conclusions of law in the staff report, and subject to the amended recommended conditions of approval in the staff report, striking Condition 11.

Commissioner Vero seconded.

[Motion passed 2-0.]

[Letter 2022-069. Mailed to Ruth Ann Duperron]

8. OTHER BUSINESS [Time stamp – 1:05:04]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:05 p.m.

BCC Public Meeting January 6, 2021 – Transcription

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[00:00:02] And. Well, we'll we'll get started. And we'll begin with a land acknowledgement that Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

[00:00:27] Please join us for the pledge. Thanks, Violet. I pledge allegiance

[00:00:33] To the flag, United States of America,

[00:00:37] To the Republic for which it stands

[00:00:39] One nation under God,

[00:00:42] Indivisible with liberty and justice for all.

[00:00:48] Thanks, Violet. Do we have any public announcements? Ok. Public comment on items not on the agenda or current claims lists as of December 2nd to December twenty seventh is totals four million six hundred and two thousand and six hundred and sixty, excuse me, four million six hundred and two thousand six hundred and sixty three dollars and thirty one cents. And we have three hearings today, so we'll start with Todd Cleats and Clearwater

[00:01:28] River preliminary flood plain maps.

[00:01:42] We see her slide, Todd, but I think you're muted.

[00:01:52] Thank you. There we go. Perfect. So for the record, my name is Todd Clouts, Missoula County Flood Plain Administrator, and we're here to adopt the FEMA revised preliminary digital flood insurance route maps for the Clearwater River. The original FEMA flood plain maps were first adopted in 1983. What we have produced by FEMA now is brand new data from what is that almost 40 years ago now that's being updated with new hydraulics and new hydrology. So just to kind of give you a timeline as to what's been going on. So in twenty fourteen, that's when the state of Montana started to work on this new study. They started with the hydrology, which is to try to figure out how much water comes down to clear water drainage during the 100 year flood event, and that hydrology was reviewed and approved by FEMA in 2017. The NRC produced their own draft floodplain maps in 2020, which were presented to the county commissioners, and at that point in time, we did a public mailing to all the affected property owners. In March of twenty twenty one, FEMA produced their version of those maps, where we did a second postcard mailing to all the property owners had some press in the Pathfinder. We had a virtual open house and of course, put information in our Caps newsletter. Those first that first draft from FEMA had an error in it.

[00:03:29] So in November, FEMA corrected that error and produced new flood plain maps, which were sent to us as revised preliminary digital flood insurance for heat maps. And that's what we're hoping to adopt today for local regulatory purposes. And the reason that we do that is that it's going to take quite some time before FEMA will formally adopt these maps. But in the meantime, we want to make sure that anybody that would be potentially thinking of building in in the floodplain up there that has not currently been identified as being in the floodplain that they build so responsibly, won't get flooded and won't have exorbitantly high flood insurance premiums when those new maps do go effective. In the meantime, if someone believes that these new FEMA maps are in error, they can of course provide us with additional information if they want to contest those maps and they will have a formal ability to contest those maps here later on this summer. So this process for adopting these is local regulatory maps has been

something that Missoula County has done over the past for multiple different floodplain maps as they come along. And again, it's not to say that these are the final maps that will be used for flood insurance purposes, but they are the the best available maps that we have for information to make sure people construct their homes wisely and in a responsible manner.

[00:05:01] So there are six maps that six or seven maps I believe that you have in your in your folder, along with a resolution for adoption. What will happen after these maps are adopted for regulatory purposes? We will, of course, use those in the planning office. The health department will use these for their septic siding purposes, so everything at the local level will be done safely and appropriately. We will then send out a final postcard mailing later this spring, advising all the affected property owners of these potential changes for the flood final flood insurance rate maps. FEMA will review all those comments. They'll produce their final flood maps in about a year, and those will theoretically go effective in September of twenty twenty three. So again, we've got at least a year and a half a little bit more, but before these will finally be adopted. So we want to make sure that we get that information out and people are able to use that prior to that final adoption date. So that's what I had to share. Again, we've got those maps in your folder, if you have any questions for me, I'm happy to answer them. Thank you.

[00:06:22] Thanks, Todd. Dave, do you have any questions about the maps or

[00:06:29] Anything I might in a second if there's no public comment?

[00:06:36] I don't see anyone raising their hands, is there any public comment?

[00:06:47] Ok. Well, yeah, I do have a question, Todd, so back in two thousand seventeen, you had mentioned that FEMA adopted the hydrology or adopted hydrology. What is what does that amount to since I'm assuming that's different than adopting the maps? Right. So the hydrology is just the the initial portion of of making flood plain maps for FEMA's purposes. First, they have to figure out where, how much that how much water is going to be coming down during the hundred year event. And that's what the hydrology was. The state of Montana hired contractors to figure out that hydrology and before they wanted, before they went to start mapping that floodplain, they wanted assurance from FEMA that they were on the right track with how much water they thought was coming down during that hundred year event. So that's what was approved by FEMA in 2017, which then gave the state the confidence to go ahead and map the floodplain based on how much water was coming down during the hundred year, 100 year flood. Thank you. Well, I'm happy to make a motion for ready for that. Ok. Ok. Well, I've moved at the board of County Commissioners Adopt, the federal emergency management agency Clearwater River revised preliminary digital flood insurance rate maps as best available information.

[00:08:22] Second, any further comment or public comment? Ok, all in favor.

[00:08:28] I I thank you, commissioners. I'll get that resolution to you for signature. Great. Thank you. Thank you. So next up, we

[00:08:39] Have Conor Ranch Minor Subdivision. Hey, Nick.

[00:08:45] Howdy. Let me share my screen here and we'll get going. Here we go. Good afternoon. Will be talking about the Corner Ranch Road minor subdivision. This is a five lot minor subdivision proposed by Tanya Cool and Travis Romeo, and they are represented by four of six engineering. I'm going to start with the project background. You project location is at the corner of Grange Road and Mullen Road. It's on the western side of Missoula Valley. It's this red triangle here in the top left corner of the map. Property is currently zoned one neighborhood commercial, and the 2019 Lebanese element does this track as rural residential and small small agriculture, excuse me. It's taking a quick look at the proposed new zoning draft, since we know it's in the pipeline. It is proposed to be zoned Neighborhood Center, which is the equivalent to the one zoning district that it is zoned now, and this district allows for similar uses as its current district. Now we're taking a look at the applicant proposal they are proposing to divide the 1.3 acre parcel into five lots lots one three for our proposed duplex plots with Lot five proposed as a single parent single family home, the duplex a lot for is already constructed and then all remaining sectors have already received building and zoning compliance permits, with a few of the structures being at various stages of construction. We're going to look at zoning and growth policy compliance. So the one was one zoning district has requirements for a minimum parcel area per dwelling and a minimum lot area for residential uses.

[00:10:50] Both of these requirements are satisfied in the proposal. These proposals also set back compliant and duplexes are allowed in the district as a permitted use. Looking at growth policy, the rural residential and small AG designation recommends one dwelling per one unit per one acre to two units per one acre, which this which this proposal does exceed. However, this designation also allows for a density bonus where properties can connect to public utilities. In this case, the proposed subdivision will be connecting to the City of Missoula sewer system and has an onsite multi-user well. The proposal also complies with the good policy goals and objectives specifically objective eight point two, which is to provide opportunities for very land uses in and around the existing communities and objective eight point three, which is the guy new subdivisions and development to areas that have the least impact on natural resources and are the most suited for development. So now looking at impacts on local services, as I just mentioned for water sanitation, they are connecting to the city of sewer. Sorry, City of Missoula sewer system and already have a multi-user well installed on site further water source for roads. The primary access to the subdivision will be from a single approach from Konar Ranch Road. Lots one through three will be served by a proposed private drive. Mayor Jane Lane, which comes off of the Konaté Ranch Road approach the last four through five will have direct access from Kinder Ranch Road via private driveways from the single approach.

[00:12:37] Uh, for parks. Parks and Recreation. There is no parkland, dedication or pedestrian infrastructure that is required for minor subdivisions and for emergency services. The subdivision is serviced by the Muslim Rural Fire District and the Missoula County Sheriff's Office. Now, there's two comments that I want to highlight. The first was from the missile fire district, which recommended. The residential fire sprinklers in all new dwellings and staff is recommending a condition of approval requiring this. I do want to note that even though the structures were permitted already permitted, they do include fire sprinklers, so this will just be an extra extra affirmation for that. Second, in order to help expand public transportation in the Mullin area. Mountain Lion recommended incursion into the Missoula into the Missoula Urban. Transportation district prior to final approval, and there's also a condition of approval to affirm this. For public comment, adjacent property owners within 300 feet were notified via mail, we received emails from adjacent property owners. To summarize those comments, there is concerns over the density of the subdivision and how the proposed high density fits into the overall character of the surrounding area. The area? Excuse me. Concerns regarding the increased use of local and private services. Then there's also concerns about the proximity of the development to the corner of Mullen Road and Ranch Road. And in conclusion, staff is recommending approval of the subdivision, subject to 14 conditions of approval. I can turn it back to you.

[00:14:35] Thanks to the developers, want to say anything? Who do we who do we have for that?

[00:14:46] Carl, from four oh, six, I see the. Yeah, I see them on.

[00:14:50] Oh, OK.

[00:14:52] They went from five six one to add.

[00:14:55] Yeah, this is Carl from four 06. I have nothing else to add. I think Mick got it pretty good. I also have Tanya and Travis here with me. Do you guys have anything you want to share? No, I feel like you covered it very well.

[00:15:10] And Nic, maybe is this the last comment about the concern about the intersection with a Ranch Road and Mullen? Can you talk a little bit about how staff thought about that or the response to those concerns?

[00:15:31] Yeah, totally. So we did send the project to Montana Department of Transportation for comment. Since Mullen Road is managed by the state and they did not have any concerns with the proximity to the intersection. And then I also over two public works, and they also did not see an issue. It is the second of two I can pull it over on the map, too. That might help. But see, I mean, it's the second of two of the two triangles or the other triangle being over in this way for zoning. But the approach you can see here is quite a bit away from the intersection. Oh, OK, and what happens at six feet?

[00:16:14] Ok, and what happens at the next approach that?

[00:16:19] Uh, this one right here, that one, I'm not sure that is a part of a different parcel that is not part of this project. So if they were at that party, there were to come forth, we would address that. Starting from scratch on their proximity. Ok.

[00:16:42] And is there maybe I'm not sure then a subdivision south is just off the screen?

[00:16:51] Yes, but attributed this to the waters and their intersection is the copper John Drive.

[00:16:59] Ok, and that's a pretty current photo

[00:17:02] That shows

[00:17:03] Current aerals. What things are looking like now, OK?

[00:17:07] Yeah, I think this was 20 20. I think it might be the most current, but not it's not a little more blurry there. Ok.

[00:17:22] Dave, do you have any?

[00:17:25] Oh, I'd love to hear what the public has to say, they're out there.

[00:17:31] Any public comment? Oh, OK. Christina Ashton. Has their hand up. Can you hear me?

[00:17:47] Yes.

[00:17:48] Ok. High Commissioner, this is Christina Ashton, just for the record, and we were one of the two emails that sent in public comments prior to this meeting getting notified of the proposed subdivision. We are actually the lot that is completely adjacent to the lot line for this proposed subdivision and the current two buildings or structures that are there right now. So where that diamond shaped triangle, if you see it on the map and the aerial view, so we would be the ones that would be directly affected by this subdivision proposed subdivision. A couple other things that weren't mentioned in there is we weren't sure if these units were proposed to be sold or if they were going to be rental units. That would also make a huge impact as to what type of subdivisions and this would be, as well as they're supposed to be a T-shaped road in the proposal that butts up against the back side of the current duplex. So they basically have to rip out the entire yard and put up an asphalt driveway for fire lane access. And then we have a fence there that divides our property from their lot line. So I'm wondering what's happening with the fence there? And then as well as parking becoming a concern with all of the shared driveway, it basically looks like an amalgamation of concrete to one shared driveway for one road. Basically, you're on top of everyone's driveway and vehicles being another concern. And then if you do, because I know you noticed that with the aerial division of view is the density population, there isn't anything even remotely close to that. And that's the reasons why most of the people that live out here live here for those reasons, is to have that lower density area. And historically, that's what it has been respected and recognized as down here in this area. Thanks, Christina. Nick, can you show us the aerial again because I'm having I was having problems visualizing what Christina was talking about. With. The road and her fence.

[00:20:09] So I can pull up a copy of the Rudd plan here, I got the applications large file, so it's loading, but sorry. Ok. No, no. Oh no, it's right. So I think what you're referring to is there will be a T shape hammerhead turnaround approximately in this area here. And that is a requirement for for a fire apparatus turnaround for coming from Maya Jane Lane, which would be coming this way. And once this document loads, I can pull it up here. Our commissioners are sort of had this one pulled up before started.

[00:21:03] It's OK.

[00:21:07] Ok. Here we go. Ooh, it's a large file, so just kind of act up, but there's the hammerhead turn around. We were talking about.

[00:21:30] Ok, thank you. And Christina, is your hand still up? Sorry, I can take that off. No, no worries, OK. No, so I just if you have any other additional. Questions for me or. No, now I now I see what you are. I just needed something, I needed a visual to follow what you were saying. Yeah, thank you. So that would be on our lot line right there. And I'm not exactly. That's one of our biggest concerns is parking abandoned vehicles, being back there. Just what would happen because I've never seen a fence that lines up to asphalt on a road. So I don't know what would happen with the fence on something like that. And then if you look at the highway as I think there was a lot of comments in there, they only summarize what Nick had, but we had two pages worth of comments. The other one that we had was if you look at the hose that they propose, they're proposing up to four dogs per unit, which means there could be thirty six dogs in a very small lot. So. Up against our long line. So I think I think looking at the hose is a definite concern and then hugely the area aesthetics with that density that high of a density on such a small plot of land. Thanks. Thank you. And does for six or Tanya Travis want out?

[00:23:12] We just want to say we we do intend on keeping a fence along the property line. We're not going to open that up the allotments for four dogs per unit. It must be a misprint that's not correct. We don't intend to allow that many animals on the property and in the covenants. We do have parking restrictions. There won't be any parking in that to turn around. People got to stay to their driveways in the designated parking areas that are shown on there. And those additional parking spaces were requested by planning just to have additional spaces besides the driveways for guests. And there's also

[00:23:54] Regulations in

[00:23:55] The covenants that

[00:23:56] People can't store, like boats or

[00:23:58] Rvs or anything like that. It has to be in use licensed vehicle at all times

[00:24:03] And on the hammerhead. The fire department doesn't

[00:24:05] Allow any parking ever like that has to be kept clear at all times. The part of the road that would be adjacent to.

[00:24:16] Well, I think I missed that one. Can you repeat that?

[00:24:20] I was just saying that the part of the road that does connect to their property, that a fire department requires us to keep that completely clear of all vehicles. Anything, nothing can be there. It has to be a clear turnaround for fire. And we also plan on keeping this. We plan on keeping these as rental units for us.

[00:24:40] The only reason

[00:24:40] We're looking at a subdivision is if we ever got into a financial hardship and had to sell a line for medical or whatever may come up as we get older.

[00:24:53] Ok, thanks.

[00:24:55] Can can we vote in a question as well

[00:24:57] Or a

[00:24:57] Comment? Oh yes, unless I'm sorry. Another neighbor, I want to make sure that the Tanya was done. Tanya, were you done? Sorry. Yeah, I'm sorry. Sorry. Ok. And then 11 phone number ended in eleven eighty two. If you could just state your name, for the record, that would be helpful.

[00:25:21] It's Patrick Dalton, and my wife and I are also in the Stillwater subdivision and neighbors to the proposed development. But my biggest comment or biggest concern, I would say, is that the current duplex that's there is average five vehicles over the course of the last year. A few times that by four you're looking at 20 20

vehicles, plus the single family dwelling at another two. I don't know on one acre how you ever fit twenty two vehicles, let alone have them turn around and exit on to busy going on.

[00:26:04] Ok, thank you, Patrick. There any one else on the phone that or missing? Any other additional comments? I think is that is that Patrick again on that one one, eight two?

[00:26:48] Yeah, sorry. I just didn't know. I didn't know if you had any more questions for me, but that's our biggest. I just don't understand how you can ever fit that many structures plus parking on fairly over counties. Look at and think that it really fits any plan bill. You know, there. You know, there's that nice block that is right in front of that. So hopefully that will be developed and cleaned up, too. So the path it's been in horrible shape in the last year or two from the beginning of that subdivision. So hopefully that gets cleaned up. But the additional buildings,

[00:27:24] So maybe four or six or year, Travis,

[00:27:31] All these things are designed to accommodate vehicles for all the duplexes that meet our regulations as far as space for parking and living. We do have the building permits for all these, so they're all approved by the county. And as far as logistically, everything will work out is designed to work out appropriately for that density.

[00:28:01] So, so for each structure, you have two point five or I should say three to duplex, you have five vehicle parking drawn in and it actually does fit.

[00:28:13] So we have four. There was an extra vehicle there for a year because her son was deployed in China and couldn't come home due to COVID, so we allowed her to store a vehicle there because of special circumstances.

[00:28:28] All right, it just seems like there's always an extra vehicle and, you know, friends, neighbors come over, you know, extra kids, everything else and parking all over town, if you're familiar with any of these other, more closely dense subdivisions. They a lot of them do have huge parking problems, and it seems like a ridiculous place way out there in such a beautiful spread out area of town to have those issues and be so, so congested. So I still I don't see how, if it's only if it's built just to handle the bare minimum, then when you're parking in that in that turnaround restricted lane, that's the only place that people are getting before they'll be out on bowling and Kono, which is even a bigger hazard. So I think that I think I question the density or at least the layout, but those are, I guess that's my biggest comment and concern, and I don't see how it really fits on paper.

[00:29:26] For what it's worth, the developers will be living in the single family residence on the property. They will be enforcing the covenants and trying to keep everything under control without any vehicle. They don't want it, but an overflow of vehicles there either

[00:29:48] Is there, so it is restricted to two vehicles per dwelling. That or per unit.

[00:29:55] Is that correct? Two per unit.

[00:30:05] Ok, thank you, Patrick. Thank you, Tanya. Nick there of the of the staff conditions. Is there anything that you wanted to note or highlight?

[00:30:22] No, I think the most important one was the fire sprinkler requirement and the integration into the model urban, excuse me, transportation district. There is a number of conditions cleaning up some covenants language, then they will have it through to get there. Well, well, right permitted are kind of just the administrative thing with the NRC, but I think the major ones were the translation into the urban district and the fire sprinklers.

[00:30:54] And then can you again remind us about the compliance with the land use element?

[00:31:02] Yeah, totally. Let me go back to that spider fest. So the it is ruled residential and small agriculture, which is a one unit per one acre to two units per one acre, but this designation does have a density bonus for certain areas where public facilities can be provided. I think that was put in place knowing that as Missoula grows, some of these rural residential small AG designations could be developed at a higher density as the sewer comes outward. So in this case, the sewer systems in the Stillwater subdivision, so it's a pretty short connection there. And then you had

just going over those two objectives. Again, up of the growth policy, going number eight is to provide opportunities for varied land uses in and around existing communities and to guide new subdivisions and development into areas that have that have the least impact on natural resource, at least impacts on natural resources that are the most suited for development and in this case, with the connection to public facilities. This would be deemed an area suited for development.

[00:32:19] Ok, thank you. And Stephen Ashton has a hand up.

[00:32:24] Thanks, everybody. Sorry, I'm late. I'm Christina Ashton's husband and neighbors to Pat and Wendy. We have the biggest lot lined up borders right where this proposal is, and I apologize. I'm going to try to just make a few points and concerns as well. And I apologize since I'm late if I rehash any of them. But I know I'm kind of with Pat. I just very concerned that density here is just unlike any I mean, the closest density from what's going to get fit in here, you'd have to go to the condos in the apartments next to Wal-Mart, like five miles away, and it just seems really out of place to try to cram something like this into such a small little spot when everything around it, the whole reason we picked where we lived and this isn't I fully get there's there's affordable housing issues in Missoula. I completely understand. But the majority of us that. Bought here was to have somewhat of that space and quiet and solitude, and this just seems like a really misuse of that A.. Point three to try to cram nine units. And the fact that the majority of those are going to be rentals. So you really don't even they're not even neighbors that you can truly get to know. I mean, there's just I don't want to sound like I'm griping or complaining, but it's just really counterintuitive to really everything that the majority of us moved out there for.

[00:33:58] And so that's the concern I saw in the haze that you could have up to four dogs per unit. And I mean, if you multiply that nine times for thirty six dogs, 20 some cars, how does that work with no common area? And literally, you're living on pavement. If you don't even have grasped that the duplex that's there is going to walk out their back door to asphalt seems completely counterintuitive to that space and not honoring what that area out there resides. I mean, to what was just said, if the sewer wasn't there, this wouldn't even be up for discussion. There'd be no way to put something like this in. It'd just be impossible. So not that that means it should be negated. But man, I just think we should be a little bit more mindful of what we're really trying to accomplish here. And then I think my last comment would be it's great that I think Tanya and Travis are going to be there and living in that one spot. But you know what, if they they decide to move in two years and they cash it out, you know who's who's there to make sure that that road that now is my backyard doesn't fill up with RVs and trailers and cars and rental whatever. It's just that it just causes me a lot of stress that wasn't really what I was looking to have sitting behind me permanently, so.

[00:35:27] Ok, thanks, Steve. And I believe that Tanya did respond or did answer parking and the dog concerns, but Tanya, if you wanted to or I'm so embarrassed that I'm forgetting the Oh, go ahead, Dave. Sorry.

[00:35:46] Yeah, and I can hold this until after public comment is completed. But I do have a few thoughts on some of the input we've heard from the public. But I can. I can wait.

[00:35:58] I'm embarrassed, I'm forgetting for 06 representative's name.

[00:36:04] Carl? Carl? Yeah, yeah, so we've discussed all these issues before, they'll be living there. We have covenants in place in order to control whatever concern, whatever additional concerns may arise outside of the density. But I. I mean, I know we can.

[00:36:33] I know we can, but should we that I know we can fit that many on there, you've made the point it's all been vetted and permits have been made. But the question is, should we should we be putting all that out there? I think that's really where I'm trying to get at is should we be doing that?

[00:36:55] Ok, thanks, Steve. Is there any other? Public comment. Let's see any more hands or anyone else on a phone. Ok, we'll close it. For discussion, then, Dave, go ahead.

[00:37:24] Yeah, thanks. We need so yeah, I completely sympathize with concerns as far as how this might change the character of the landscape. That and just so folks know and. Um, I don't mean to sound dismissive at all, but in terms of the authority of the Board of County Commissioners, we don't have as much authority as some folks might

think that we have. And what's being proposed here complies with the law is legal. The zoning is what really is is the bedrock upon which proposals like this are built. And my understanding and correct me if I'm wrong, Nick. But the density that's being proposed does comply with zoning. I see a head nod and and so if that's the case, then we would be hard pressed to say you cannot build at this density since it's allowed by regulation and by law to be built at this density. I suspect that there are plenty of other parcels out in the Kona Ranch area that that also have not been built out yet to their full potential of zoning density, but higher density would be allowed. So I totally get it when you purchase a piece of property. If you're unaware of the potential for higher density being built out, you might see an open field and think it's going to be that way in perpetuity.

[00:39:07] But it for better or for worse likely will not be. Also, I'll just want to be real about it as far as how covenants will play out while while it does provide some. Greater level of comfort that that that certain things will or will not happen on the property covenants are enforced between private parties, and that's not something that we will be wielding regulatory control over. So while I think covenants are something that you can say will hopefully be what plays out on the ground. I just want to temper expectations that that it's whether covenants are enforced or not is totally going to be a function of the the property owners within this proposed development. One question I guess I do have Nick, and I think I know the answer to this is in terms of maximum amount, the maximum number of vehicles that would be allowed on a property. Clearly, during the subdivision review process, we might be or even perhaps zoning looking at providing adequate parking. So kind of a minimum number of parking spaces available. Do we even have any regulatory authority over the maximum number of vehicles that might be parked on a on a lot or property?

[00:40:52] I'm not that I'm aware unless they meet like the junk vehicle classification that the health department would administer through their program for his own compliance, we look at minimum number of spaces provided. So in this case, it would be two per unit and with each each unit having a garage stall plus a driveway, they do meet the the minimum requirement for parking.

[00:41:16] And I guess thank you. And I guess my last question and this would either be four or four, oh, six or four Nic would be everything that's currently contemplated to be built out. There is able to be built by its regulatory regulatory compliant to build what you're proposing right now. What we're contemplating is simply dividing the property such that what's being proposed to be developed is going to be on its own separate lots. Is that is that a correct interpretation? Correct. I'm seeing head nods from four 06 also. Yeah, that's correct. Ok. I don't have any more questions we need to.

[00:42:03] You know, so what you're saying is this isn't space. It's pretty darn narrow in the end because the buildings and the infrastructure, it's already there. This is just a matter of essentially plot lines.

[00:42:14] Yeah, this is all permitted. It's going to be built. And this proposal is about subdividing it and putting lines on the paper. And I guess that's that's my whole upshot of of my comments is our our decision space because of what the zoning is, because of what the land use element and and growth policy prescribe or our decision space is not unlimited and in fact, it could all be built regardless of the proposed subdivision.

[00:42:55] Are you prepared to make a motion?

[00:43:00] Yeah, if I could cue up the motion, I'd be happy to do so. Oh. So I would move that the zone around subdivision be approved based on the findings of fact and conclusions of law and the staff report and subject to the recommended conditions of approval in the staff report.

[00:43:22] Second. And. Any further comment? Ok. All in favor. I. Thank you all. The next next is Joker flat subdivision with Bailey Minnick. High commissioners give me one second to get my screen chair going here. Ok, hopefully you guys can see my screen, see head nods. Ok, great. So good afternoon for everybody on the line. My name is Bailey Minnick. I'm the planner three with the Caps Planning Office and we are here to talk about Joker Flats subdivision on the right screen. There we go. So the subject property is located at twenty six hundred big flat road. So that's I've got it outline there. It's actually not far from the subdivision we were just talking about off the corner of Kona Ranch and Big Flat Road and Melody Lane. The existing zoning on the site is C RR one, which has a maximum residential density of one dwelling unit per one acre with no minimum lot size stated. And as Nic mentioned in his previous presentation, this area is part of the zoning code update that will be coming forward. It's

projected right now to go to rural residential small agriculture, one which has a minimum lot size of one acre, and the max density would stay the same at one unit per one acre. So really, it's not changing as far as density, but there would be a minimum lot size. The existing land use designation, this property actually has two designations currently on it under the 2019 land use element.

[00:45:27] One is the rural residential and small agriculture. That's really the main portion of it. That's kind of highlighted in that yellow color you see on the screen, on the property. And then there is a small portion of rural residential and agriculture as well. So the proposed preliminary Platt and bear with me, I did a screenshot of it, so I apologize if it's a little blurry. But this is a three lot minor subdivision proposed for residential use. It's on nine point five six acres total. There is an existing residential dwelling with a driveway, domestic well and septic system that's located on Lot one. Let me see if I put my little laser pointer on here. It's actually it's located in this area. Down here to the south is where the existing home is located. So going over the main criteria, so the property has been historically utilized for agricultural use, but is currently there are no agriculture operations that are occurring on the property. We are proposing as a condition of approval that their notification for agricultural purposes be included in the proposed covenants just for future land owners to be aware that there are agricultural uses in the area and that those types of activities are present. The primary access for the lots is off of big flat road, but there is where the existing driveway currently is on the property that will become a shared access. And because there are more than two units accessing the off that shared approach, it effectively becomes a road.

[00:47:12] So it's Joker Flats Road is what it will become. One unique condition about the road, so lots one and three will have property lines that actually but up to big flat road, but lot two will not. And so that one would only have physical access once the internal road is constructed. So we are recommending a condition of approval that that portion to lot to be constructed prior to final plat and actually not be permitted for bonding or part of a subdivision improvement agreement. So that lot actually does have both legal and physical access to it at the time of development. Minor subdivisions are not required to have pedestrian facilities. All three lots would have individual septic systems. It would include two new wells would be drilled to serve lots two and lots three. Groundwater monitoring was completed by the health department in spring of twenty twenty one. Oh, I just got notified. I have bad network quality. Can you guys still hear me? Ok? Sorry. Just making sure I don't date. Are you OK? Ok, perfect. Ok. Groundwater monitoring, as I said, was completed by the health department in spring of twenty twenty one. There was no high groundwater present at the time that they did do the test holes. The subdivision minor subdivisions are exempt from parkland dedication requirement, so there are no parkland requirements. Fire hazard assessment was completed for the subdivision.

[00:48:46] It did return a score indicating low risk for the property. However, under our Twenty Eighteen Community Wildfire Protection Plan, this area is depicted as a very high wildfire hazard level. So we are recommending a condition of approval that residential structures be constructed with Class A fire rated roofing, and that this language also be included within the proposed covenants for future landowners to be aware of. They are proposing residential fire sprinkler systems for their fire suppression plan requirements. And finally, the floodplain, so this property does have flood plain on the northern end of the property. It's shown a shaded Zone X and then Zone H, which is the one hundred year floodplain with ponding available as a condition of approval. We are recommending the delineation of the hundred year floodplain elevation on the final plat, defined by bearings and distances to be reviewed and approved by Todd, the floodplain administrator. Prior to that, they are proposing this area as a no build zone to prevent any disturbance. And as part of that, it would prohibit access from Melody Lane to the proposed or to the any homes on the other side of that. And then we did receive comment from the water quality district stating that they do have a nearby monitoring well off of Melody Lane that actually has captured groundwater elevations within six to seven feet below ground surface. And this tends to coincide with the high water elevations we see with the Clark Fork River.

[00:50:35] So to prevent any potential flooding from groundwater during high water times of the river, they are recommending no basements. And so we do have a proposed condition that would be included in the covenants. Or excuse me, they have included this in the covenants, but we're proposing really to make this kind of hard and fast and not be able to be amended. So we're recommending a condition on the subdivision that no basements are permitted within the development. Sorry, clicked on the wrong screen. There goes. Ok, so we did notify agencies for comments. Most of them I've discussed Fire Department Air Quality Health. We did get a comment from Five Valley. Audubon's basically saying that yes, there's wildlife in the area, but because this property has been developed for so long for agricultural use that it's actually kind of lost its natural resource protection viability of it.

So they didn't see an issue with the subdivision, but they did encourage the owners to make vegetation an important part of development within their future plans for it. We did notify adjacent neighbors as well, and I've had no comments received on the project. So staff is recommending approval with proposed conditions, and I have a motion for you and I'm happy to answer any questions and I know Imag is also on the line as well for anything. Thanks. And I make that be Paul or who? Who from IMG?

[00:52:09] I'm Joe Denner. I'm here with IMG. I'm also joined by Paul and then also the applicant, Ruth Duper.

[00:52:15] Ok. Yeah. Do you want to add anything?

[00:52:21] No, nothing really. To add. Bailey, thank you so much for the for the thorough report. I just have a question on the motion and act and action section of that report. Under Roads Number 11 regarding the detention ponds on the proposed lots needing to be depicted with an easement. Has that been updated on the staff reporter? Is that still existing?

[00:52:41] No, that's still existing. I figured I would let you guys bring that up if that was something that you wanted to be amended.

[00:52:49] Yeah, so we're proposing that be amended predominantly because the stormwater plan that we presented that we put forward has each individual lot as its own drainage basin, and those detention ponds on the individual lots were calculated for just retaining that stormwater. So there is no bleed over from the road. The road already has a stormwater easement for retention or excuse me, for detention, and the other lots don't contribute to that whatsoever. So the requirement to have the other lots individual detention ponds as an easement we believe is unnecessary, and we'd like to see if that's possible to get removed.

[00:53:38] Bailey, do you have can you? Is there a map that shows the detention sites? I have it. I have it as a PDF. Just in case for this, for this. Uh, let me give you a second to get to the right window. We should this one. So what Joe was bringing up? Let me get everybody back. I like to be able to see you all while I'm talking to you. So the detention, so these are the subdivisions. Hopefully you can see this. Do you need me to? Maybe I'll make it bigger and see if that helps at all. So these the detention ponds, there's one. I don't know if you can see my mouse, but there's one here. There's one in the road here, here on Lot two and then here on Lot one. And the reason why we staff proposed this condition was because I'm not a hydraulic engineer in any sense way, shape or form. But we were just concerned mainly with looking at the directions and the topography, making sure that the storm water on Lot three isn't going to go to Lot two or. And now you basically have potential maintenance issues, right? Like if lot owner, a lot too isn't maintaining their, you know, storm water. It affects lot three and just kind of those types of things. So it's something that, again, if they can provide information that shows a lot too is not going to be affected by a lot three or a lot one. Anything like that, I don't think we have an issue with that condition being removed. That's just something that we didn't have confidence at this time that we could definitely say for sure. And so that's why we were proposing any easements that would be necessary.

[00:55:25] So I guess a follow up on that what? If what you're saying is that to have the confidence level to modify or remove that condition, you would need additional information. What would need to happen procedurally today to move forward? Could it be provisional action on our part pending staff and caps receiving additional information because I don't know if without that information in hand and without you having the chance to review it? I don't know that we'd be in a great position to make a decision on the spot about that.

[00:56:10] And yeah, I know Dan Foltz has his hand up as well, but before and he might be able to say this. One idea I have thought of as well is could just be maybe a slight modification to that. That just says unless information can be provided prior to final plat that you know this, the easements are not warranted or necessary from a stamped engineer. And maybe Dan has some thoughts as well, but.

[00:56:36] Ok, Dan.

[00:56:41] Hey, guys, how are you? I just wanted to.

[00:56:45] Oh, sorry. Dan, can you fully introduce yourself with proper title, et cetera? For the record?

[00:56:51] Yes, sorry, sorry. Insults work here I Meg worked on some of the application for Ruth-Anne duper on on this. What you're looking at is a is a stormwater plan that was stamped by a professional engineer, Kale Mages in our office here that does show that this the hundred year storm is going to be captured captured on each lot. So Basin Sea is its own basin and those are the calculations done to be captured in that stormwater swale and retention pond. Same with Basin B, same with Basin A.. And then the road of itself has two retention ponds with roadside ditches that will capture just the stormwater for the road and that is located in an easement. So kind of the shared common elements will be captured and they are in an easement. We can't get through a DCPS review process that that double checks our stormwater if any of the water from one lot goes to the next. So I know there's some flow arrows that may be confusing this a little bit. Let's, for instance, on three that shows a flow arrow going towards lot be the reason why that's OK is there's no impervious surface in that area that would cause additional stormwater runoff.

[00:58:13] So if you look at the impervious surfaces where the driveway in the house is and you look at those flow arrows that's showing that the roof gutters are going to hit the Swale, the driveway is going to be cross graded to hit the soil, and all of that for the hundred year storm is going to be collected in that pond. So I think we've provided the information to show that easements aren't necessary. I just don't know that, as Bailey said, I mean, planners, no offense Bailey. But I'm not an engineer either. But planners aren't really stormwater people. And so when the county public works doesn't comment or review these plans during the process, we're kind of left left in the situation where Bailey has to make a suggestion that might not be, you know, you know, how could she understand that? So there's a lot going on there. I think we have provided that information. But if you still need a condition, I'd suggest that we maybe just say upon public works approval because they're also the ones that check these grading and drainage plans for road construction. So hopefully that helps.

[00:59:19] Thanks. How does that make you feel, Dave and Bailey?

[00:59:26] That's yeah, I guess it's just a matter of Bailey or anyone else from caps on the line here who can quickly craft the language that would capture what what Dan just stated.

[00:59:51] I'm thinking in my head, Sorry, sir, I'm like Tim or John Hart have anything. All right. Dan, is your hand back up again?

[01:00:04] Yeah, it is. Yeah, I think the standard conditions of approval that we meet DK requirement and you know, the county public works requirement for grading and drainage and roads already covers it because it's the same standard. So. Just a comment.

[01:00:25] Oh. Ok. That is the question is it is the for all intents and purposes, is that base covered without the condition? That's. At play here, or would any language need to be modified, I mean, if it's if, if any problems are going to be caught by subsequent review processes?

[01:01:00] And I think caps would be OK with removing that condition if that, you know, I mean, that's and what what Dan is saying. I'm not not hurt by, I'm not an engineer. So I mean, we are kind of left and that is kind of the issue. If we don't get comments from other agencies that are the ones that are supposed to be reviewing these types of things, we kind of have to use our best judgment in making sure that public health and safety aspects are covered. So I think understanding that process, I think perhaps would be OK with removing with just removing that condition. I mean, so removing 11 altogether, is that what you're saying or yeah, yeah. But for the purposes of today's meeting, do we want to? Wait until you get confirmation. How do we want to? Well, so part of why today, I mean, we are at the thirty five working day like today is unless they're going to unless, you know, the applicant is willing to push it down the road where at the end of our review time. So the decision would have to be made today as far as. And it can be. I mean, it could be part of the motion as well to just, you know, recommend approval with the conditions, just with the removal of condition 11 a slight change, if that is the way we want to go.

[01:02:27] Yeah, I think that is the question if if striking condition 11 doesn't give anyone heartburn, then. They strike it as part of the motion to approve the subdivision.

[01:02:45] So who on this call is prone to heartburn? Ok, well. Any further comments?

[01:03:02] Commissioners, this is Tim, sorry, I'm a little raspy, I'm under the weather.

[01:03:06] Oh, sorry.

[01:03:08] But I can affirm that I have no heartburn.

[01:03:11] Ok, OK, thank you. And I hope you feel better soon. Ok, Dave, do you know, I don't see any other hands up and no further comment? Did we did open the public comment period, right, I got thinking, Oh, storm water, so I was still in public comment. We haven't closed anything yet. Ok, OK. So now we're going to close public comment. Any additional comments from you, Dave?

[01:03:49] No, I don't this looks pretty straightforward, and if striking condition 11 doesn't create any. Unintended consequences, which I don't think it will then I think we move forward with that, I'm ready to make a motion. Ok.

[01:04:06] I agree. So I'll put up my slide here, but just bear in mind that I didn't add anything as far as that striking that condition, so you could just put that in as part of. At the end, if you want to

[01:04:24] Withdraw, I would move that we approve the Joker flat subdivision based on the findings of fact and conclusions of law and the staff report and subject to the amended recommended conditions of approval in the staff report. Striking condition 11.

[01:04:46] Second. Any further comment on favor? I.

[01:04:56] Thanks, all. Thank you very much.

[01:05:01] Thanks, commissioners. Yeah. Any other business? Ok, looks like we can adjourn. Be safe for everyone. Goodbye. Right?