

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JANUARY 13, 2022 – 2 PM

Virtual Meeting – Microsoft Teams

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ATTENDANCE:

Commissioners Present:

Chair Vero
Commissioner Slotnick
Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Nick Zanetos, Planner, Community and Planning Services
Jordan Lyons, Housing Specialist, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
John Hart, Civil Deputy Attorney, Attorney's Office
Sarah Bell, Communications Coordinator, Communications
Matt Heimel, Planner, Community and Planning Services
Emmie Bristow, Community Engagement Coordinator, Communications
Tim Worley, Senior Planner, Community and Planning Services
Andrew Hagemeister, Senior Planner, Community and Planning Services
Karen Hughes, Assistant Director, Community and Planning Services
Allison Franz, Communications Manager, Communications
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office
Melissa Gordon, Grants Program Manager, Community and Planning Services
Chris Lounsbury, Missoula County Chief Administrative Officer
Lindsey Romaniello, Planner, Community and Planning Services
Brian West, Civil Deputy Attorney, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:19]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:21]*

Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.

3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:38]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:59]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:03]*
[None]
6. **CURRENT CLAIMS LIST** *[Time stamp – 01:08]*
Claims received as of December 28, 2021 to January 4, 2022 by the Commissioners' Office total \$1,180,284.39.
7. **HEARINGS**
 - a. **Missoula Rural Fire District Annexation Petition** *[Time stamp – 01:27]*
Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office

Commissioner Strohmaier made the motion that [the Missoula Board of County Commissioners] approve the petitions.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2022-002. Book: 1070 Page: 733]
 - b. **Wellington Acres Minor Subdivision** *[Time stamp – 03:21]*
Tim Worley, Senior Planner, Community and Planning Services

Commissioner Slotnick made the motion (1) that the variance from Missoula County Subdivision Regulations Sections 3.3.3.2 and 3.4.6.3, requiring a through connection, 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, and (2) that the Wellington Acres 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 3-0.]

[Letter 2022-095. Mailed to: Bob Rinfret, PLS]
 - c. **Duff Family Transfer** *[Time stamp – 55:46]*
Matt Heimel, Planner, Community and Planning Services

Commissioner Strohmaier made the motion that the request by Kerry Duff to utilize the Family Transfer exemption, as presented in the subdivision exemption affidavit, be approved.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2022-071. Mailed to: Kerry Duff]

d. Missoula County Housing Action Plan: Breaking Ground [Time stamp – 1:39:45]

Jordan Lyons, Housing Specialist, Community and Planning Services

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners adopt the Resolution of Intent to adopt the Missoula County Housing Action Plan: Breaking Ground as an issue plan of the Missoula County Growth Policy, as recommended by the Missoula Consolidated Planning Board and based on the findings and conclusions of the staff report.

Commissioner Strohmaier seconded.

[Motion passed 3-0.]

[Resolution 2022-003. B: 1070 P: 734]

e. Canyon Gates/Ole's Planned Variation Revocation – Hearing continued from 12/9/2021

[Time stamp – 2:07:17]

Matt Heimel, Planner, Community and Planning Services

Commissioner Strohmaier made the motion that the findings and conclusions in the staff report be amended to state the following, including but not limited to, items 1-3 [1. The permitted, conditional and special exception uses allowed under the C-R3 Residential Zoning District would not enhance or promote the development of the immediate neighborhood and do not conform generally to the objectives in the growth policy, as outlined by the Neighborhood Center land use designation in the Missoula Area Land Use Element, an amendment to the Missoula County Growth Policy; and 2. Application of the C-R3 Residential Zoning District is not appropriate for the location, character and natural features of the property and surrounding properties; and 3. Retention and application of the Canyon Gate/Ole's Planned Variation is better aligned with community vision and the Growth Policy than the C-R3 Residential Zoning District, based on its approved standards and site development plan], and that the request to revoke the Canyon Gates/Ole's Planned Variation be denied, based on public testimony and amended findings and conclusions pursuant to Section 8.25 of the Missoula County Zoning Regulations.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2022-074. Mailed to: Castletrock Properties, LLC]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 5:59 p.m.

BCC Public Meeting January 13, 2021 – Transcription

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[00:00:02] Commissioner.

[00:00:05] Dave, do you know where Josh is or should we get started, because this is kind of a full yeah.

[00:00:13] I think we just proceed and there'll be plenty of time for him to join us.

[00:00:19] Ok, we'll get started with a land acknowledgement that Missoula County acknowledges that this event takes place on the Aboriginal territories of the Salish and Kalispell. People will continue with a pledge of allegiance. Thanks, Violet. I pledge allegiance

[00:00:39] To the flag United States of America to the Republic and One Nation under God, indivisible with liberty and justice for all.

[00:00:54] Thanks, Violet. New public announcements. Ok, any public comment on items not on the agenda? There are current claims lists as of December, twenty eight, twenty twenty one to December or January 4th twenty twenty two is one million one hundred and eighty eight thousand two hundred and eighty four dollars and thirty nine cents. Looks like we have five. Public hearings will begin with the Karen Baldridge and the Missoula Rural Fire District annexation petition. Cool. Thank you. Hi, my name is Karen Baldridge, deputy clerk and recorder. The clerk and recorders office has received a petition to annex land into the Missoula Rural Fire District. The property to be annexed is Parcel B of Certificate of Survey twenty four point ninety seven, located in Section 11 Township, 13 North Range 21 west of Missoula County, Montana, located at 38 52 Galbally Drive, Missoula, Montana five nine zero four. The petition was signed by the property owners, who represent over 40 percent of the acreage and 40 percent of the taxable value of the property to be annexed. The annexation has been approved by the Board of Trustees for the Missoula Rural Fire District, and a notice of hearing was published twice in the Missoulian, so the petition is now ready for your decision. Sorry. Do you want me to repeat any of that, Josh?

[00:02:33] No, I got it. Thanks. Ok.

[00:02:37] 30. Any comment on this? Ok. All right. Josh, do you have any comments on this?

[00:02:51] Oh, no, I do not. It sounds like a reasonable request, and the fire districts are OK with it, so I would move that we approve the petitions. I'll second that.

[00:03:05] He further comments. They are all in favor. I. Thank you so much, Karen. Cool. Thank you. Have a good rest of the meeting. You too. Next up, we have Tim Worley with Wellington Acres Minor Subdivision.

[00:03:34] Good afternoon, commissioners. This is indeed the Wellington Acres Subdivision Minor Subdivision proposal by James and Katherine Palmer, represented by Vijay and A. The four point sixty nine acre property is located in Orchard Homes on 7th Street West, about three quarters of a mile west of Reserve Street. It's also in the neighborhood of the nasty property and MWP region to headquarters. Big Sky Park. Author and school. This is the subdivision layout, three equally shaped or equally sized parcels, roughly at about one point five four acres each. There's a topographic break along the. This is actually to the right of the slide is south to the left of the slide is north. This is 7th Street here. This is a distinct topographic break that runs through lots two and lots three. The proposals for a 20 foot road to be constructed to provide access to lots two and three in the rear lot, one would

continue to access off of 7th Street where there is an existing residence. These two parcels are currently vacant. The zoning in this location is Z9, which is a citizen initiated zoning district, which allows up to two homes per acre. This proposal amounts to about one home per one point five six acres. The growth policy that's applicable, the amendment that's applicable for this area is the Missoula Area Land Use Element, which recommends residential uses between three and 11 dwelling units per acre for density. Just to give you somewhat of a perspective of where that three to 11 dwelling unit per acre recommendation, what it applies to.

[00:05:52] It's this portion of orchard homes that typically has a little bit. Better access to municipal water and sewer, although in this case, Mt. or Missoula water runs in front of the parcel, the nearest municipal sewer is actually right here. So what's being proposed for this project is a municipal water connection and individual septic systems. Traditionally, hay and alfalfa have been grown on the property and there is an irrigation ditch that runs along the northern property boundary along Seventh Street and also a facility that runs along the eastern property boundary. Those are highlighted on this slide here. This is the ditch that runs along seventh, and this is an easement that's proposed for the facility along the Eastern Property boundary. Both of these easements meet the standards in our subdivision regulations. As I mentioned before, a 20 foot wide road is proposed to serve the two lots in the back lot two and lot three lot. One will continue to access directly from Seventh Street. We have a recommended condition that this road is named independently of 7th Street for emergency nine one one location purposes. There is one variance to a requirement for through connectivity, to the property, to the south. Again, south is to the right of the slide. Staff supports this variance due to the optimal home site here on this upper terrace of lot three. And also because in target range in orchard homes that are probably better opportunities for through connection that don't involve adjacent agricultural lands, which there's definitely some decent agricultural contiguous agricultural land to the South.

[00:07:58] And there's also this topographic issue here that the developer will need to contend with, but it's probably not the best place for a public road to connect through. There is a recommendation based on water quality district recommendations for slab on grade construction for the homes on the property. And that's because there's a test well, that indicates fairly shallow groundwater during the high water seasons of the year. This would be applicable below the three thirty one point fifty five foot contour, which runs right here. So a house built on the upper terrace on Lot three would not have to have slab on grade construction, but our recommendation is that any new homes basically below this line here. He built slab on grade. Again, this does have a connection to Missoula Water, which takes care of the water supply for firefighting issue as there is a fire hydrant about one hundred and ten feet from the northeastern property line. And there will be individual septic systems on the property. We received one comment from the neighbor directly to the East. He irrigates his small farm from the ditch near the common property boundary, and he asked the question about whether it was prudent to construct the road near the ditch, especially in the area where there's that grade jump up to the upper terrace because there may be a ditch impact.

[00:09:43] My conclusion was that the ditch easement that's being proposed with the Platte is the best insurance that the facility will remain functional. It's basically a commitment that the facility will remain functional. I should also note that the Missoula Irrigation District will be called on to review the final road plans for that 20 foot wide road that accesses the two lots in the back. So again, just for reference, the ditch that we're talking about is this probably hard to see on your screens, but there's a really thin line, just a couple of feet off the property boundary. That's the irrigation facility. On the eastern property boundary and the the road. Is intended to be built away from that facility. Although it will be relatively close. There was also a question from Kant as to whether utilities will be buried or not as above ground. Utilities could impact the agricultural operation to the East. The plot does show buried utilities extended to lots two and three. So let me highlight those. There's a power pole right here, and underground power is proposed to be extended via this line right here, all the way up to the boundary of lot three. All right, we have a couple of motions, commissioners, as you choose to move forward, and one is regarding the variance that's being requested. In summary, staff recommends approval of Wellington Acres.

[00:11:30] Do we have opportunity to comment? Yes. So my name is Brooke Martin, I am the co-owner of the agricultural operation that is to the east of the proposed subdivision. I did not receive legal notification of the subdivision as co-owner of that property. However, the other co-owner of that property is my husband, Ken Sugden, and he is not able to join the meeting today because I did not receive notification and because he's unable to join the meeting. We have significant concerns about not the subdivision or the size of the subdivision, but the location of the road and whether it's realistic to put the road through that grade. We can't even get a half ton pickup on that grade to pick up. Hey. The idea that a loaded fire truck is going to be able to go up and down that grade is is

something that we know is not practical. The only option to have the road in that location is described in the documentation that I received yesterday, and it involves a significant and substantial impact on the irrigation district that we rely very heavily on to maintain our agricultural operation. And for these reasons, we would like to request postponement of approval. And so we've had time to fully examine the information that's been provided and. To consider the impacts on not only our agricultural operation, but also on our historic access to our property, which is immediately adjacent to the property line, that access was there to have significant construction going through is likely to impact our ability to access our own property. And we have two historic buildings also on that property line that are likely to be significantly impacted. And lastly, and most of deepest concern to us, especially after last year and the drought, is that we are likely to see an interruption in our ability to irrigate our own agricultural operation. And so we would respectfully request more time to consider the impact to our existing property from this, not the subdivision itself, but from the placement of the road. Thank you.

[00:14:07] Yes, hi. So my name is Bob Renfrew. I am a project manager and land surveyor with GE. We are here representing the client. I appreciate Brooke, your and Kent's comments. I welcome them. I am joined here with Mike Russell, who is a professional engineer for Janney, and Grant Miry, who is a engineering tech. They have completed most of the heavy lifting on this project, and I would hope that we can use this time to to describe what we're trying to do here and hopefully eliminate any animosity or questions or anything like that regarding the proposal. So with that said, Mike, would you mind addressing Brooke's concerns?

[00:15:16] You bet. Again, for the record, my name is Mike Russell. I'm a registered professional engineer in the state of Montana. And Brooke, thank you so much for your comments and your concerns. You're right that the existing topography, if we were to keep the existing grades, it's not feasible to provide fire access or emergency vehicle access. The intent of the design is to re grade and spread out that vertical drop in such a way that it would meet county standards, especially for fire access. So there would be a little bit of cut and fill and spreading out that vertical drop so that we're within the thresholds of county standards. And I want to say that's 10 percent slope running slope, although I don't. Don't quote me on that. We did provide a design that meets county standards and your your concern is very well heard when it comes to the irrigation facility directly adjacent to the road, which is along the eastern property line. And the commitment and contemplation of the design is to preserve that in place and in fact potentially provide improvements to it if necessary. We have coordinated with the irrigation district and they understand the design and the intent of the design, and we are committed to ensuring that that irrigation facility remains in working order and the design that's currently proposed should not have any deleterious effects to the facilities. So I hope I resolved your concerns, but I welcome any questions or any feedback. I unfortunately can't speak to the noticing process as I wasn't personally involved in that but want to hear all of your concerns and we want to address all of them if possible.

[00:17:05] So at this stage and again, my husband is not able to join the meeting, so we are requesting a postponement of approval from the commissioners and also obviously the landowners, Jim and Kathy, who we happen to like, have had the opportunity to retain professional advice, and we have not had that opportunity to to obtain professional advice on the likely impact of this to our operation are historically our access is very close to the property line that was there when we purchased the property in 2000. It's we haven't changed it at all. Two of the historic outbuildings, built buildings are very close to the property line. They were there and have been there since probably the 1930s. The chance that a substantial regrading is going to impact the trees on the property line and that access to the water is something we don't feel like. We've been given the opportunity to obtain counsel and advice for. And for these reasons, we're requesting a postponement of approval from the commissioners until we can consider and obtain our own counsel on whether this is likely, as we suspect it will and must be. We have lived there for 21 years. It is very hard to see how this is not going to impact us and not significantly going to impact us. It is a very long property border. Yeah. Yeah. Mike, can you hold on for a second? Dave is going to jump in here.

[00:18:46] Yeah, maybe we could hear from staff. Is Martin, unless I'm mistaken. It is not under. It is not within the ability of the the commission to grant an extension. If we are up against the deadline, that could only be granted by the property owner and developer if they so choose. So it would be good to hear from staff both, I think, in terms of of that point, but also in terms of the notice issue, we need to.

[00:19:20] So this is back to Tim then, or yeah.

[00:19:26] As far as the an extension potential, the actual thirty five day deadline for this project was January 8th and because of the logistics of everything piling up in January, they granted us an extension to the 13th, which is today, so any further extensions would be at their discretion.

[00:19:50] How about the second question, Tim, in terms of notice?

[00:19:56] We generate an adjacent property owner notice based on essentially GIS records. And so my understanding is that the notice went to cannot. For whatever reason, he's the one listed on the property. So I can't speak to the reason why he and he only was the one that was noticed for the property.

[00:20:24] Ok, thank you. Thanks. Sorry, Bob, did you have something?

[00:20:34] I was. I was just going to say on behalf of my client that we certainly prefer a vote at this time, however, I was going to extend the the invitation to Brook and Kent that if you wanted to come by, we would be happy to sit down to discuss with you. How we would protect the the irrigation line in place, we would welcome feedback. If we just if we decide or at some point, if the irrigation district decides that at this point we want to upgrade the line, we would of course want you and Kat involved in that decision. And and just. I just wanted to say that that you're invited to be part of the of the solution here. If interested.

[00:21:34] Yeah, the concern is, again, not with the size of the subdivision per say, but the road placement is is is very concerning to us. And again, it's very hard for me to, I mean, because Ken is not able to. He's trying to join this meeting and can't. So with the length that was provided by the county, so I don't want to speak for him, I can speak for myself. I know that we are both very, very concerned that this is a very large road that's being put essentially contiguous with and right next to our own property access. I mean, it's the it is just historically that's just where it was. And the fact that that amount of construction, that that must be done, that that's not well, it's very nice place to think about having a house. It's not accessible with that event being where it is and just the amount of land moving that has to be done. It's it's almost impossible to even. Suggests that this can be done without adversely impacting us, including financially having to, you know. Upgrade our own driveway to whether we would get disruption without irrigation excess, which, oh, it would be bad.

[00:23:07] I mean, it's like I said, you guys probably don't have had a year to to work on it and we've had, well, I got the stuff yesterday, but we've had, you know, we haven't had that much time and it is extremely close to a property line and our existing access and historic outbuildings. And I just really would like the discussion to include that road not being right. Where it is because it's a very impractical. It's something that's going to be expensive to fix for the property owners, and it's very hard to see moving that much earth right up against a 12 inch plastic pipe without having to basically cut off our water supply at some stage. It's it. It's a big it's a big amount of Earth moving that's going to have to be done to make that bench accessible to a fully laden fire truck. And like I said, the subdivision itself is not the concern here. It's the location of a very large road right on our property border. Thank you, Mike.

[00:24:24] I just want to respond that the design of the road and really its it functions more of a as a driveway. The size of the road is per the county standards. So I don't think it's a very large road. I think it's a very reasonably sized access road for these lots. I can also mention that the placement of the road was made by engineering judgment, and it functions quite well. It meets county standards. There is some Earth moving required. That's true. It was designed in such a way so as to not negatively impact the irrigation facility. It meets the standard of care of professional engineering. It's a very feasible access and we want to be neighborly and, you know, make and work with the irrigation district. But as the design currently stands, there should be no negative impacts to the to the irrigation facility. I don't quite understand the concern about the the neighbors access to the irrigation facility. If anything, in theory, if there was permission for the neighbor to use this road, this would do nothing but improve access. But I might not be understanding the concern.

[00:25:38] Let's go to Dave and then we'll go to Brook.

[00:25:42] Thanks, Juanita. So a question, I think, either for Tim Worley or Mike and just may partially address this martyn's question. It's not. It's not optional for the developer to impact or not the the irrigation facility. They cannot. I mean, as designed, the impacts must be avoided and mitigated. So it's not and correct me if I'm wrong, Tim. But

it's we're not just rolling the dice in hopes that this will get built out as proposed. It must be. And it's it's on the developer and the project proponent to figure out, regardless of how costly it is to build the road that meets the accounting standards and build the road in such a way that it does zero impact to the irrigation facility. Is that correct?

[00:26:41] Yeah, that's correct.

[00:26:45] It looks like they will make it. Yeah. I'm sorry. Can't they're asking you to comment on the meeting thus far? I've requested a postponement to give us time to examine the potential impact. There's an engineer here that's been hired by Jim and Kathy, as well as legal representation that have been hired by Jim and Kathy, and they, the engineer I can speak for himself, has talked about significant grading to be done to provide access to fire truck access. And they've also described the 20-foot road as that they want to put next to us as a driveway. And you're on mute. Muted. Yeah. We can't you're still muted, sorry. How's that go? Yep.

[00:27:55] Ok, thanks. Thanks very much for. For having us. Yeah, I echo my wife's comments. But the one thing that that whole ditch along that edge has been leaking for 22 years and it's leaked down exactly where they want to put the road through on that grade. You know, it's been essentially a seasonal wetlands on the bottom for quite some time. And you know, I think the right at that, that grade where the highest contour lines are, is where they're going to put the road through. And it's right next to the irrigation ditch. And like I said, it's it's leaked for years and it's fine. I mean, we can still get water, but it doesn't seem to be a very practical place to put it. And it's as as written it's a two lane road with two foot shoulders. It's it's a huge it is. It is. It is a huge road that's impacting in a very close proximity to our to our property, and it seems like it would be a reasonable to extend it down before you go up that grade. Don't. So you don't have a plat map out, but

[00:29:22] Maybe so would you be able to put that up? He's working on it.

[00:29:33] And this is Mike Russell, again, I'll just chime in that the width of the road is, per the county standards, we actually proposed a little more narrow road going up to the third lot and the county responded and and requires a specific width for fire access. And so the the width of the road is a function of the county requirement, not necessarily the desire of the developer.

[00:29:59] So this sort of seems like we understand that that's a county requirement to have a fire access road there. But what we don't understand is why putting it in the spot, which was essentially intended for a driveway, is still a good idea. I mean, the place that you put a driveway for access to a home and the place that you run a county road not necessarily compatible. I mean, if this was intended to be a driveway probably would be a lot less concerned. But the fact it's now required to be a county road is making us question whether it's in the right spot. If you have to change the type of access by county requirements, why not reconsider the placement of that access because it may not be appropriate in this case?

[00:30:58] Yeah, and my point was, if you so if you look on the top, that's going east. So our our property is is that whole boundary line that you see on the top. And if you can see where they're proposing the road, the the Far East, the top part of that road, it's really ascending those contours at one of the steepest parts to get onto the bench. And you can see how close it is to our property line and the irrigation ditches right on the property line. And like I said, it's been it has been flooding for years and that hole right where the contour lines first come up right at between hours. And Jim and Cathy's property is where it's flooding. So that whole part down there, the whole first half of that road is basically on on a seasonal wetland. And I, you know, I that's I mean, obviously, you can grade that and make a road there. It seems like it might be better to, you know, to put it somewhere else so that it not only is it not right on top of the irrigation ditch, but then it can ascend that that up to the bench, at a at a at a better spot along that what's not shown here is the line of trees that are along that property boundary or our our outbuildings, which are also right on that property. So that is really our primary problems with this current with this current subdivision. I mean, no one wants a subdivision, but our real current problem is just we don't. The road placement is just not, I think, workable for this for under the current plans here. Thank you.

[00:32:59] Thanks. It looks like Grant Murray has a hand-raised.

[00:33:06] Good afternoon. I'm Grant Mary, kind of design engineer and been out to the site several times. We did take into consideration that pipe is leaking and that's part of our great grand plan. We create a a low spot for that water to go. And the first of all, I also wanted to acknowledge your comments and appreciate your concerns, and thanks for showing up today to to kind of help us see things. The other piece that hasn't been mentioned is this road is about 20 feet from the property line, so that gives a lot of room for. For security, for that pipe, I did personally took contact with the irrigation district and they are kind of on board to work with Jim and possibly do some upgrades, it looks to me like that pipe has been there, what, like you say, 30 years and is in need of an upgrade. And there is an existing kind of road prism and that location that that that Jim has been using for access and it's kind of a practical spot for the road. You know, the other design consideration we looked at, too, is if we put the we put the road in the middle of the property or somewhere else, then we're now we're now we're affecting Jim's existing buildings and and severely limiting, you know? The developer really wants to put a house up on that bench, and if we put the road a different spot that limits the building footprints, so it's our experience that this road can be built for county standards and there will be some Earth to be moved. But we think it can be done and done in a way that's respectful to the neighbor. So.

[00:34:42] Thank you. And, Josh, you looks like you were going to say something.

[00:34:47] And I just was going to ask about the repair to the irrigation ditch, which sounds like it might be imminent. One question I had. The approach onto the neighbouring property is that right adjacent to the property line as well. And, Tim, are there are there rules or laws about distances between approaches

[00:35:13] On the same road? Approaches are typically governed by like in our case, it would be county public works as to where the appropriate access points are out onto the County Road. In this case, that would be Seventh Street. And there's practical considerations. There are times where you'll you'll see two approaches right next to each other just because each landowner has a certain a lot of access points.

[00:35:43] So does public works have to? Give a thumbs up or thumbs down, or is there a process around that?

[00:35:51] Yeah, there are I think in all likelihood, there will be an approach permit issued for that location. Public works as reviewed this we haven't received any negative comment as to this access point.

[00:36:05] And so they're they're aware of the two approaches being next to each other and they

[00:36:09] Are OK with it. Yeah, as far as I know.

[00:36:16] I mean, the other piece of this that it is that makes me feel a little bit less unsettled is what Dave was pointing at that. The developers cannot negatively impact the irrigation ditch belonging to the neighbors, they absolutely can't, and if they do, they are liable they have to fix it.

[00:36:35] Well, just kind of to speak to that. We we're quite fond of our neighbors. But you, I feel a lot like we're being put in a situation where should it be impacted? I mean, they cannot, but, you know, cannot and will not a two different to different things and and should either our access to irrigation through these upgrades, you know, impact our ability to continue our agricultural operation. Or or should this end up impacting our ability to access our own property, we're put in a fairly awkward position of having to litigate against our own neighbors. And like I said, we're really quite fond of them and that's I'd rather through this process make sure that we are put in that position. That would be extremely uncomfortable for us.

[00:37:34] Dave? Yeah, I guess going back to staff again. So in a situation like this, Tim, what would happen if if the developer here, the adjoining property owners did damage in some way, the irrigation facility? What I would I would argue they they they will not. And if they did, there will be repercussions for that and it would need to be dealt with. Could you walk us through how this would play out if some condition of subdivision approval does not play out as proposed or if there's a violation of some sort?

[00:38:17] Well, on the front end, Missoula Irrigation District will be part of the review of the road construction, so hopefully that would be the preventive piece if there was some sort of damage to the facility to where the neighbor lost access to water. It's a little more of an obtuse argument, but I think you could say that the plot would be out of

compliance with the spirit of the approval should the subdivision be approved because the the subdivide are committed to maintaining that facility simply by putting that easement on the eastern edge of the property. So you have an adverse impact to an agricultural water user facility, and that's one of the state review criteria that we review for within every subdivision. It'd be a little bit. I've not seen that before and my time as a planner, but I think we would have discretion to pursue that as a violation.

[00:39:25] Well, and I guess I would say to. Quentin Brook, if indeed, it is the case that you have good relations with your neighbors, it sounds like they would probably be the sorts of folks who would not want to screw you over and damage your access to an irrigation facility, I would hope.

[00:39:44] Well, I would hope so, too. But the trouble is, if we do, we do lose access we have. We currently have five pregnant animals, sheep on the on the property. I mean, you know, we won't do it. I think one of them is not pregnant. But but. You know, we're talking about animals on the ground here. It's like talking about shoulds and woods and mitigation and responsibility if something goes wrong. And right now that those processes are all very slow and lack of water is something that happens to have consequences quite quickly and lack of access to because our driveway is like historically, we didn't put it there historically right on that line as well. Grant, and then I'm also reminded that we need to ask for additional public comment, too, but go ahead, Grant.

[00:40:41] Yeah, just kind of a practical standpoint. I just would remind that Jim's house is downgrade of this canal. So if there was some damage during construction, his house would be flooded, so he would be rather motivated to get things fixed and flowing back where they're supposed to.

[00:40:59] Thank you. There are any additional comment on this. I just a point of order that that Tim or Grant or Mike had brought up is that Jim had been using that secondary axis that is actually incorrect. It's not been functional for over a decade. Thank you. And Grant, your hand is still up. Did you have something to add?

[00:41:36] Oh, no, I

[00:41:38] Didn't put it down. Ok, thanks. So oops. Scott David.

[00:41:50] Yes. Can everybody hear me? Mm hmm. Thanks for having us in. Tim, I

[00:41:56] Have a couple questions for you. As the developer or representative of the developer, I see the

[00:42:02] Proposed sewer

[00:42:04] Is going to be on the west side of the property development. Is that correct?

[00:42:12] I should clarify. I'm Tim Morley, I'm planning staff for Missoula County, oh, I was referred to to Bob Renfrew. Ok, perfect.

[00:42:21] I apologize. Sorry, there, Scott, I was muted. That is correct. I don't know if Tim wants to maybe share a screen again, but we are proposing that the septic and drainage fields are on the western portion of proposed lot two and three. Ok, perfect. So the water

[00:42:49] Supply for the folks on the east side of Gladys. Are they on well

[00:42:54] Or city water? I believe I believe they are on city water there. It is my understanding that their drain fields are on the east side of their property. Ok. Of their house? Yes. And hooked into municipal water facilities running down seventh. Ok, all right. I guess maybe some clarification on that because in target

[00:43:31] Range, obviously we're very concerned and very protective

[00:43:36] Of our water, and we want to make sure that we're keeping good water supply to our folks out there. One other question, I guess

[00:43:44] Has the sewer

[00:43:46] Proposal if this goes through, has the target range water and sewer board been made aware

[00:43:51] Of this development?

[00:43:55] Tim?

[00:43:56] Right, yeah, they were on the contact list when it went forward as a sufficient application.

[00:44:04] Ok, perfect. Appreciate that. And then I guess my last question in dealing

[00:44:10] With the ditch, I know there's other developments that are being proposed in the target range area, and I know that they've put stipulations on those developments that the ditch be updated to a concrete style ditch in order to preserve it and make sure that water is always available if this goes through or is okayed. I feel that maybe

[00:44:35] It would be the

[00:44:35] Responsibility of

[00:44:37] The developer to look at that.

[00:44:40] It's one way that we can preserve the water supply, and we don't have any interference with

[00:44:46] Water and

[00:44:47] Or supply issues. Is that something that they would consider? I, Scott, I would say, you know, we we have been in contact with the irrigation district since since this project started, and we will continue to do that. So, so yes, if they if they recommend an upgrade during time of construction, I think that that my client in this project would would certainly be open to that. Ok.

[00:45:25] Appreciate it, thank you.

[00:45:29] Thank you. Any other comments? God, are you? Do you have another one?

[00:45:43] I was going to see if Tim would put the language back up. Thanks, Tim. Although I'd like to make a comment, if you can hear me.

[00:46:05] Yes, go ahead. Thank you. And for the record, yeah, we just need your your your name as well, please.

[00:46:13] Oh yeah, OK. Good afternoon. Yeah, my name is Scott Jones.

[00:46:16] I live over on Gladys Drive at nine 16 and here I guess the south western corner, so to speak with Jim's property. And just to, you know, we've lived here 10 years and we were on a well, and I believe that that's the state of

[00:46:32] Affairs on Gladys Driver's people are on their own

[00:46:35] Skeptics and, well, water. And like it that way. And yeah,

[00:46:41] Just listening to the conversation and wanted to make that statement to you guys. Thank you.

[00:46:48] Thank you. I'm reminded then, yes, is there anyone else on the phone out there who'd like to make a comment? Any other public comments? So we close it for commissioner discussion. Ok. Go ahead, Josh..

[00:47:16] Thank you. I was just going to ask, given that last comment, which I'm glad to hear about, I was going to ask Bob Renfrow a question if he had we located the wells on the property east of the

[00:47:29] Subject property to ensure there the proper distance from the proposed drain fields? Or is that a health department concern?

[00:47:38] Hi, yes. That's a great question. So we have not located the wells I must have. And I do apologize for everyone the phone I must have misspoke. I was under the impression that they're pulling water off a seventh street only because it's so dense in there. And I do know that the sceptics are on the east side of of the parcels that are contiguous with Jim's west line. So I would venture to guess that due to the isolation zones of the wells, that they would need to be potentially on the other side of the home, the west side of the home along Gladys Drive. But I'm not certain.

[00:48:29] Tim, can you show us where those drain fields are?

[00:48:32] They're on the map.

[00:48:35] Am I not seeing that? Thank you. Ok. Tim, what? Oh, sorry, go ahead.

[00:48:49] Say, what's that? The health department's going to have to approve those drain fields approved those whole septic systems. And imagine at that point they're also going to be looking at nearby wells to make sure that distances are appropriate. Is that correct?

[00:49:02] Yeah, that's correct. And Mike, you had you had a setback.

[00:49:12] Sorry, Tim said, I interrupted you. Can you say that again?

[00:49:15] There will have to be an appropriate setback between the new drain fields on lots two and three and the wells up on those gladys drive lots.

[00:49:27] Mike, did you have Russell, did you have your hand up? I don't see it anymore.

[00:49:34] I was just going to. I'm looking to see if I can find in GIS the location of the well, but it's it's unlikely that it would be impacted in the required offset per deck standards. But if I can find it, I'll chime in.

[00:49:53] Thanks.

[00:50:01] So one, I'm OK. We bring that language back up, unless Dave has any questions. Now, I have no questions. So I want to say I have a real deep empathy for the neighbors and their concerns about irrigation, and I feel like given the legal, professional and personal relationships and obligations that are interwoven in this, that I believe that. Irrigation will not be hurt, and if it is hurt or damage, it will be dealt with in an immediate way. And my sense is no one wants that to happen given we have neighborly relationships, also legal constraints. It's no fun to have this type of change happen right next to you. I wouldn't like it. Nobody would like it. And it's also private property. I'm OK moving that this goes forward, given that these. Conditions for mitigating harm exist. It's a rough thing, but I feel like it's going to work out. So I would move that the variance from Missoula County Subdivision regs section three point three three point two three point four six point three requiring a thorough connection 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 that staff report that the Wellington A. Subdivision be approved based on the findings of fact and the conclusions of law on the staff report and subject to the recommended conditions of approval in the staff report. Second.

[00:51:39] Any further discussion?

[00:51:41] Well, I think as had been requested earlier by or suggested by the developer's representative that Barack and can't have be afforded the opportunity to meet with the developer and developers representative to further discuss the details of implement implementing this. These are I totally heartily applaud that as well. These are part

of the professional and personal relationships that I'm referencing, and I appreciate the spirit that they've brought to this and the communication collaboration will continue throughout the process and that at the end of this, there may be a better irrigation system than the one that exists right now and no damage done.

[00:52:26] So Mike, Bob and Grant. You'll sit down with with Brooke and Kent.

[00:52:35] Yeah. Yes, that that. That invitation is ongoing throughout the entire project aging period. Feel free to stop by any time and we'll do the same. We'll be on site, come over and we can discuss it. The Palmers are are not planning on moving and they plan on continuing to live there even after development. So I think this this is a good thing. And and and yeah, I suggest just open dialogue.

[00:53:10] And did my somewhat simplistic thinking about the irrigation system, it sounds like the pipe needs to be repaired with or without the subdivision, so hopefully that will happen.

[00:53:23] So it's been moved and seconded to be approved. Is there any further discussion? Yeah, I just thought one of the one concern that that we've had going into this is is the placement of the road. And we, you know, if it was a driveway like originally intended, but the fact that it's required to be upgraded to a county road and I just feel like we're not being heard with by the representatives of the developers with Allah. Our request, which you know, is quite thoughtful, that the placement of the road be reconsidered and I feel like we could meet with the developer, the representatives of the developers. And but that that discussion, which I think is fairly important, is just completely off the table. And I just expressed frustration, and I don't feel like that discussion is being that. Our very thought long about this, that we've not being heard that that that that is just it's going to be there and and that's just not ever going to be an option to move that. David? No, it's understood, but again, that these are the standards that it has to be constructed at. We don't have wiggle room there. No, no, no, I understood it. I'm sorry, I didn't I don't want to be misunderstood, I understand that the scope of the road needs to be what it is. It just is impractical for it to be in that spot if it needs to be a county road. And I feel like that's the part that's not. I understand that the county has their requirements. They don't want to be misunderstood there. It's just that, given that this now needs to be a different kind of access. The original plans for placement of the axis seem to be impractical or at least extremely difficult. Thank you. Any further discussion? They all in favor. I. Thank you all.

[00:55:43] Thank you.

[00:55:46] Hey, we're moving on to an application by Carryduff to utilize a family transfer exemption. Hi, can you hear me? Yes. Wonderful. Well, thank you for your time. So I'm not sure where to start, but I have something that I'd like to read. Oh, that's all right.

[00:56:11] I'm wondering if we can start with the staff report on we should start with staff.

[00:56:14] Yeah, I'm sorry. I'm sorry. Sorry. I didn't realize this was Carryduff actually speaking. We just hold on, we have to do a staff report first. Ok. I'm so sorry. Thank you. Yup. Go ahead, Matt.

[00:56:30] All right. Thanks, commissioners. Matt Hymel here with community and planning services. So I'm going to provide a short overview of this family transfer request. If there are details that you want me to dig into or anything you want me to go back over, feel free to just pick up and let me know. So this is a request from Carryduff, who's a family transfer exemption, which is a division made outside of subdivision outside of subdivision review or exempt from subdivision review for a single gift or sale to a member of a. Landowners, immediate family, so I'll share my screen so we can see where this property is. So this. Property is about five and a half miles southwest of Highway 200 as it crosses the Potomac community area. This is a pretty far out aerial image.

[00:57:25] I'm not going to change anything here.

[00:57:27] Yeah, there we go.

[00:57:29] Sorry, Commissioner, is my. We don't have great bandwidth right now in the office, my internet feels pretty slow. So things might take a while. So again, here's a broad aerial image of the area showing it along West

Ashby Creek Road. So the next slide, I just changed to the next slide, this is showing the closer view of a property. A commissioner, can you see this closer a little bit? Okay.

[00:58:01] Yes.

[00:58:07] So the property is at two sixty one point ninety two West Ashby Creek Road. And there's also Ashby Creek, as mapped as flowing through the property for about four tenths of a mile. And the forty six point two three acre tract is currently developed with one single family residence and a few accessory structures. And West Ashby Creek Road does cross a property along its boundaries, and there are a few driveways cross in the road as well. So the proposal is to divide this forty six acre tract. And do five total tracks, there would be four new tracks that are transferred to the landowner's adult children. So here is a slide showing the existing conditions. You can see the existing house and its accessory structures in the center of the property. My next slide has the proposed conditions of the property. So three. New five acre tracts on the southern portion of the property along West Ashby Creek Road. And then one new five acre tract on the northern tip of the property that's also near Ashby Creek Road that will be accessed via a secondary driveway. Up so for a little bit more context, the property is unsold, so there's no zoning applicable here. And the 2002 Regional Land Use Guide describes this area as open and resource with a recommended residential density of 128 for 40 acres. So the proposed transfer would exceed the recommended residential density at a rate of about one dwelling per nine and a quarter acres. So in STAT's review of rebuttable presumptions and general evasion criteria, we did find that there does appear to be the intent to evade subdivision review. And at this point, I'd like to bring Keri back in and we have some standard questions that I'll ask.

[01:00:16] Can you hear me? Yes. Ok.

[01:00:21] Yes, thanks, Kerry, could you please state your name for the record?

[01:00:25] My name is Kerry Duff.

[01:00:28] Ok, so I have five questions. The first, did you buy the property with the intent of dividing it?

[01:00:35] No, we did not purchase with the intent of dividing you two.

[01:00:41] Do you or your transferees intend to transfer the property within the next year?

[01:00:46] That is not our intention. No.

[01:00:51] Three. Have you talked to anyone at the county about going through subdivision review?

[01:00:55] I have not.

[01:01:00] Ok, and then for will the property be developed?

[01:01:05] At this time, our children plan on putting homes and living there, yes. At least three quarters of them.

[01:01:16] Thank you, and then the fifth and last question is, will the recipients of the property be residing on the property?

[01:01:22] Yes, they will be at least three quarters of them.

[01:01:29] I thank you. So commissioners are based on staff's analysis of the application and the Chapter eight criteria, staff concluded that there does appear to be attempt to evade subdivision review and is recommending denial of this family transfer. And like I said before, if there's any aspects you'd like me to go back over, please let me know I'd be happy to go over this.

[01:01:57] Yeah, go ahead, Josh..

[01:01:59] Yeah, so, Matt, could you just say one more time what the density in the 2002 plan? Outlined and what the current density, if this was to go through would be and how those two differ.

[01:02:12] So the recommended density for the 2002 landslide is one dwelling unit for 40 acres. If we were to have five dwelling units on these five proposed lots, the overall density of the track would be one unit per about nine point twenty five acres.

[01:02:31] Thanks. Dave? Yeah, and Matt, could you just besides the lack of substantial compliance with the. With the growth of policy here, what are some of the other red flags as far as some of the primary red flags as far as invasion of subdivision?

[01:03:03] Sure, commissioners, so under our rebuttable presumptions, there were two criteria that were hit. The first has to do with the owner owning other tracts of land and not being clearly evident that there is the intent to reside. And first of all, there are two other tracts of land that are under ownership by the claimant. One is a 20 acre track that's about seven tenths of a mile north of the subject property, and the other tract is directly adjacent to the south. So on my screen, on the lower portion of the screen, you can see moose tracks trail that's south adjacent, and that property is ninety five point nine acres, an area that's also owned by the by the claimant. And then second

[01:03:55] Part on this whole hold on, hold on. But then we'll get back to you. Cory, go continue, Matt.

[01:04:04] So the second part to this one criterion is that the application stays at the intention of this form of transfer. Is for estate planning, so and in that that description about retaining ownership of various parts of property, it it appears that the intention is for financial benefit without necessarily residing on the property. So that's one of the criteria points and commissioners. If be like, I could proceed or I know there's a there might be another question as well.

[01:04:39] Well, it sounded like Kerry wanted to respond to that first. Yes, if that's all right. Yep. So the property to the south, which is acknowledged as moose tracks trail, it is actually owned by Casey and Becky and Zillow. They're purchasing it on a contract for deed from a gentleman named Bob and a gentleman named Tom at the time they purchased it. My friends were short a little bit on their down payment, so I loaned them the money and they put my name on it at the time that they paid it off, which was a few years ago, that little \$7000 stipend that they own owed me. We didn't know that anything needed to be done, but at this point we have filed a quick claim deed to remove my interest for that \$7000 off of there because it has been fulfilled. I do not own that property in case he would really take exemption if I started giving his property away. Matt, did you get the caps? No, that or. So I think because there's still the property to the North.

[01:05:53] That's right. So there's still a property to the North. As for the property to the south of the ownership, information is based on what the property information system showed at the time of staff's analysis. So it's possible that a deed was filed and not necessarily immediately shown on the data that that I was looking at or the state ownership data at that time. However, this criteria would still be applicable based on ownership of the property to the North and the application statements that I that I referenced

[01:06:27] And the property to the North is not contiguous, nor is there drivable access. It is behind a state locked gate. I'm sorry, Matt, were you showing us that or?

[01:06:51] A commissioners, I can bring up that that property. Fortunately, as I speak, I'm having trouble connecting to the information system, so I might take a minute.

[01:07:03] Yeah, I mean, it's it's it's OK.

[01:07:07] It's less than a mile just to the North.

[01:07:10] Were there other? Another question I have for Matt, I guess. Were there other rebuttable presumption that were triggered besides the two that you just mentioned?

[01:07:23] Yes, and I'll I'll I'll quickly just describe what those touch on, so one of you the other rebuttable presumption was about not being clear intent of occupancy or use because the application relies heavily on indicating estate planning, which indicates financial benefit without necessarily residing on the parcel. Up and then moving on to general aviation criteria, we did see that the claimant is in the business of selling land being a. They are possibly a licensed broker with Carryduff Properties Inc. and also moving through my agent criteria in the staff analysis. We did reference a possible boundary line relocation has been able to accomplish part of the layout, and that relocation would be with the property to the South. However, given that there might be other information to show that the claimant no longer owns it, that might no longer be applicable. However, it does not change staff's recommendation. Um, another general criteria that I mentioned is non-compliance with the growth policy. And the last thing I'll touch on is. Whether this exemption would cause significant impacts under subdivision review for an equivalent proposal, this is not to mean that we look at it pursuant to all the same standards as a subdivision because by nature of an exemption, they are not reviewed according to those exact standards. But we can see that there would be some aspects that bring up challenges for subdivision that would lead someone to choose the exemption as a way to evade subdivision review. And some of those potential factors for this property that could lead to the imposition of significant conditions of approval or possibly denial of a subdivision would be and this is not an all encompassing list, but potentially off site road standards on site road standards. Wildfire hazard mitigation standards. Because this area is in the borderline or intermix with a very high hazard rating and repair and resource management plan requirements given that there is West or Ashby Creek running through it. So that's the broad look at the invasion criteria. And if you like, I could go over any of those again also.

[01:09:47] And I would love to address a lot of those as well. Ok. Go ahead, Carrie. So I'm I'm from Potomac, Montana. I was born in Missoula and I grew up in Potomac. Three of my four children have attended Potomac or silly like schools. This is indeed our home. Two out of three of my children plan on moving home to build and start their lives. One's in college in Fargo. The other one's in the oil field, trying to get valuable lessons learned so he can come home and work in Missoula. Our third, our youngest child, she's at the U of M. She's still and currently lives on the land in question. So we're not trying to avoid subdivision. Whatever you're stating. As a family, we're trying to be good stewards of the land. We have utilized programs for this land, such as the Blackfoot Challenge for Healthy Thinning of trees and to help the land and water resources return to a healthy state. We are also part of the Potomac Fire District, which we were just added over the summer. That is a new thing because we do recognize that it needs to be taken care of up there, but we also take pride in our community. We do community service. We help whenever we can like donating needed items to the fire department to be part of that giving back to our Potomac community.

[01:11:18] We also support local 4-H. We coordinate with sharing of dumpsters with bear proof containers. You know, with neighbors, we're trying to deal with mail theft right now in the area. We have multigenerational people, including my husband's mom, living with us, trying to do our own organic farming and growing of vegetables and fruits and living kind of off the land with our family. We have no intention of subdividing as as what you're saying, but we're trying to give our children a place to call their own and call home, and it is estate planning. In August of twenty twenty one, my husband had a car fall on him and we nearly lost him. And this is what's sparking this. We have done our our wills. We have done our medical powers of attorney. This is one thing that my children need to be able to know what's theirs. We don't want to spark any fighting once we're gone. I'm a mother of four children and a wife, and I'm trying to do what's best for everybody involved. And the last thing we would want is the kids fighting. And moreover, I'm a straight shooter and I make plans, and my kids would expect nothing less than that from me. So we're trying to get our collective affairs in order and not leave the guesswork behind.

[01:12:45] But one of the criteria

[01:12:47] That I saw in the packet that came back was stating that and as the gentleman just hit on that, I'm being discriminated against because of my profession. And I would just like to point out I've never divided land. I've never requested a land division. I've not a developer. I have no idea what the subdivision things are that I'm being accused of evading. I just am trying to do what's best for my family and so they all have their peace to come home to. Thank you, Carrie. Yeah, Dave.

[01:13:27] Yeah, thanks. Thanks for that description. One response to the point about working in the real estate industry. The question is not intended to suggest that that you or anyone else who is wanting to utilize a family transfer that happens to be a realtor is somehow immediately guilty of something. It is to recognize, though, that that

that it's a factor to take into account because there have been instances in the past where by virtue of someone's profession, this is simply being used as a ploy to split up a chunk of property that will then be flipped and turned around and and sold. So that in and of itself is by no means going to be a determining factor in any of this. It's just meant to be taken as one thing to look at into the broader context question. I guess I do have a question for you, Carrie. As far as the estate planning. When you referenced that in your application, were you thinking of estate planning simply in terms of providing properties to your or parcels to your adult children? Or did you mean something else by estate planning that we're missing here?

[01:14:57] Just in light of my husband's accident, we realized we had a lot of unfinished business, and if we wanted the kids to each have the property and maintain our homestead for future generations, that we didn't have that spelled out.

[01:15:13] Sure. And will your how soon will it be that any of your adult children actually reside on these, these lots that are proposed to be created?

[01:15:24] I have one that is currently in Potomac waiting. I have one that won't be done with college for two years. At that time, he plans on coming back and the other one is on a three to five year plan.

[01:15:39] Ok, one final question, and this is from Matt. What what is the size of? I guess the smallest of some of the adjoining parcels surrounding the subject property here, because it appears as though none of these adjoining parcels are probably 40 acres in size, at least some of the ones that you depicted there.

[01:16:06] That is accurate. Some of the one that's to the south of us is more than 40.

[01:16:12] Ok.

[01:16:13] And remainder or 15 or 20, 15, 20 very close.

[01:16:20] Which is I guess the point of my question is I'm I'm not enthusiastic about deviating too much farther from the the parcel size indicated in our land use or growth policy, but also just by way of comparison. What are we? What are we looking at now in terms of those immediately adjacent parcels, the sizes of them?

[01:16:50] So, OK, you're able to put them?

[01:16:55] Yeah, there's an aerial image that shows some comparable parcels. Unfortunately, the Orion database is not giving me exact acreage right now, but I would expect smaller average, such as what you see to the lower left hand of the subject. Property would be approximately 20 acres. I'm estimating there. The intended tracks are four new five acre tracts, so we would see a five acre tracts which are smaller in area than what we see in the immediate adjacent vicinity.

[01:17:31] Now, what's what's the address here, because I'm really having I'm struggling, like seeing like the big picture, so what can we look it up if property information isn't working for you?

[01:17:45] Property information is working. It's just don't. I just don't have the Orion ownership data flowing in from the state.

[01:17:57] Juanita?

[01:17:58] Yes.

[01:18:00] Maybe this is a question for John Hart, but certainly also for Matt, as far as what would be picked up during a subdivision review versus during a simple family transfer. I mean, it's always a concern of mine in family transfers that that mitigations or considerations that we would otherwise otherwise review during a subdivision proposal just kind of slip through the cracks. Is there John Hart? Is there any way to? Condition. I think I probably know the answer here, but is there any way to condition the approval of a family transfer on? Some level of review that. Otherwise might not be required for a family transfer. Can you condition it at all or is it just a straight up or

down approval? David's straight up or down approval, at least in terms of the the Subdivision of Planning Act. Perhaps we could adopt subdivision regulations that allow for some sort of conditions on a an application. But we don't we don't have those subdivision regulations at this time, and I don't want to be on record saying that we necessarily could. But that would be the second way to condition a an application like this. But we don't have that option. So there's no way based on some of the potential significant impacts that Matt listed, be it riparian impacts or potential road impacts or requirements that might be triggered during a subdivision review process, there's really no way to take that into account with an approval of a family transfer other than just approving it and hoping for the best. That's correct. You know, I mean, of course, we could ask the applicant to voluntarily do that and the applicant could agree to it. But we don't have a way there isn't a mechanism under state law to require that. But Matt, correct me if I'm wrong. It all sounds correct to me, commissioners. Thanks.

[01:20:38] There are additional public comment here. We have. Yeah. I would like to address some of that if I can. Yep, go ahead. As far as like some of those the parcels, we have to go through a lot of the new stuff anyway, such as septic and things like that. We already need to work through some of that for the kids to each put in their own home sites. And approvals.

[01:21:20] I don't. We need to ask. If I could follow up with that on that. So, so Matt, what of some of the potential significant impacts that you mentioned that we would otherwise review during a subdivision review process might still get picked up on during by engineering, during the permitting process and such.

[01:21:46] Yes. So during the building committee process, commissioners. We would only pick up sanitation, so being, well, septic and compliance with building codes in my analysis of this, I did not see that this area is a county maintained road. I think the county maintained portion and east of this property, so it would not be reviewed for, say, approach permitting access. To my knowledge, there would be no gradient and drainage review and there would be no taps land use review based on those factors that I listed earlier.

[01:22:25] So the pieces of evidence that are precarious or mirror around riparian buffers, roads and and the potential for a wildfire

[01:22:36] And the roads are already currently in place, it would be driveway off of the main road that is maintained or managed by the BLM. Riparian, as far as like the creek, I don't think any of it directly impacts the creek because it's on the other side of the ridge. And I'm sorry, I missed your your other concern. I'm sorry.

[01:23:04] Just around one wildlife.

[01:23:06] Yeah, and we are part of the Potomac Fire District, and we were asked and added this last summer, recently the whole area wasn't before then we are now. And what does that mean, Kerry? It means that they now service our area, which before we or we're considered out of their area. But now we've been put in and put notice where we have to pay taxes or dues. I'm not sure how they look at it, but per house payment structure out there so they can get out there and take care of our things in the event we needed it. But in addition, we did thin for wildfire prevention to help mitigate and reduce fuels.

[01:23:53] So I think what we've discovered is that wherever your home side is going to be located, what's what's most important is that you mitigate the fuels within a hundred feet of that structure. That's that's truly what's going to make the make or break, whether your home survives. In this case, Matt, and I apologize if you mentioned this already, this is an unsound area. Is that correct? Yes, that is correct. So. While we are updating our zoning regulations and will have wildland urban interface standards there, I don't know without zoning in place here that probably would not kick in, I suspect so it's it's going to be somewhat on on the property owners and it's kind of a hard way to look at it. But if folks don't take care of their property and mitigate the home ignition zone, you're rolling the dice. Whether if there's a fire, you're your property will be damaged or not. But I don't have that to say, even though this is a subject area subject to wildfire, which pretty much could describe anywhere in Missoula County. There's a piece of it that it's kind of buyer beware, and I don't know to what extent regulatory mechanisms are going to fix it right here.

[01:25:27] And we do have a relationship with the Blackfoot challenge and have done that for our current and existing home, and we have no problem meeting their recommendations for that for wildland building. Thank you. Is there any further public comment? Ok, we're going to close the public comment. I'm on

[01:26:05] Our way. Matt could bring up the map again and pull out a little bit so we can see a larger area. I'm still hung up slightly on the parcel size thing because again, I totally get it as far as. The one for 40. But we've got kind of a cluster of smaller parcels in this area. What about to the north there? Can you do anything intermediate?

[01:26:38] Yeah, I'll try to have a happy medium there. It's either very far or very close

[01:26:42] To the north, a border state land.

[01:26:47] Ok. We do so all of that to the north to state, correct. Exactly. Ok, so there's no possibility that's going to get broken up into smaller parcels.

[01:27:06] So when it's just further south and west, that there's much smaller parcels towards I-90 is that it's the Clinton and Potomac side I kind of sit halfway between and the mining claims are different sizes, but general tracks are between one and five acres up the Wallace Creek side until you hit the density of about 11 acre parcels in a lot of those parcels to the south of me, the southwest and then the Potomac Valley, a lot of them are one, two, three and five acre tracts to the Potomac side of it. And then 10 and 12 inches as you get closer towards me.

[01:28:00] Matt, in terms of right, just gaming out, if this was to go through the subdivision review process and everything that's being proposed right now could be theoretically run through that process, without a doubt, that's a more costly process. But when it comes to riparian resources, what would what would be reviewed in that case and what would need to happen here just off hand to try to minimize impacts? I mean, what would what would we typically typically looking at that we are not looking at today?

[01:28:42] Primarily, we would look at buffers and no build zone areas on either side of the repairing area. In addition to a maintenance and restoration plan. So if there's going to be new road or new driveways built near it, there would need to be air and resources management plan to address how that will be handled in a way that does not compromise the integrity of that.

[01:29:08] Preparing area. None of that would get picked up during the building permit process, so you could you could carve away at the riparian area and got any recourse or commissioners.

[01:29:23] I do not know if this specifically be applicable to this location without having confirmation from the conservation district. But in general, within Missoula County, there is three 10 permitting that is applicable for work near stream areas. I just don't know if that necessarily applies to this western section of Ashby Creek. So that that's the only other thing I can think of for it, but that would not be a component of our building permit review.

[01:29:57] So you're saying there's there's no review for Ashby. I mean, what would look at Ashby Creek? What? During kind of the oh, sorry,

[01:30:13] Excuse me, during a building permit review, we would not look at impacts to Ashby Creek.

[01:30:19] In any reviews that we would be doing, would we be looking at impacts to Ashby Creek or, oh, sorry, John Hart, you showed up?

[01:30:30] Well, I was just going to confirm that the Missoula Conservation District would, would and does take jurisdiction over Ashby Creek and and, you know, the perennial tributaries. And they would not allow disturbance to the the bed and banks of repairing area in this area. You know, and probably 10 to 20 feet beyond the the high water mark. So. So there would be some there would be some consideration of a and some review of, you know, setback and riparian protections under the Missoula Conservation District purview and jurisdiction.

[01:31:19] At this point, the proposed how we have it set up, it's not even on the same ridge of the mountain as Ashby Creek. I guess it was, it was the the property then on the North, that was

[01:31:35] The irony of the. Could we have? Could you bring back up the proposed transfer? Yeah, I'd love to see where those parcels are. Yeah. Where's that? No.

[01:31:48] So the North. I'm sorry. Can you guys hear me?

[01:31:57] Yeah.

[01:31:58] Ok, sorry, my computer dropped off. The property on the North would access off of a driveway that's already over there, servicing another parcel to the northwest of me. And none of the three southern pieces would even touch the creek. And it's a fair distance away. 50 to 100 yards, maybe. Thanks, Matt.

[01:32:33] I have a pointer on the PowerPoint, I hope you can.

[01:32:35] Yes, see this.

[01:32:38] So Ashby Creek runs about where my pointer is rocking back and forth south of this access way. There's a for those of you who cannot see my pointer, there's a note in the middle of the screen that says existing structure here in the middle of the screen, just north of the word existing. Running from left to right is the approximate location of Ashby Creek.

[01:33:03] So there are no riparian resources in new lots that would be created.

[01:33:12] Fear not for the new laws being created, however, in this criteria where we look at potential subdivision review and subdivision review, each lot will be considered a new lot. Not necessarily a remainder that doesn't have a review.

[01:33:28] Right, although the main the largest new lot that would be created is the lot where there's already existing structures. So it's kind of moot a bit. I.

[01:33:50] I'm sorry, Josh, did you

[01:33:55] Know I was just talking out of turn, but Dave answered, Got my questions answered. Thank you. I yeah, I guess I'll just say a couple of things, I feel a little bit better, at least as far as the riparian impact, knowing that there really are no riparian resources in the newly created. Well, I guess you could consider all of these newly created parcels, but the newly created parcels that would be occupied by the applicant's children. Um, there could be other impacts that would go unaccounted for here. I'm not exactly sure what all they would be at this point. And some of my concerns about the. We have a level of density of development are somewhat mitigated just by virtue of the fact that we have large tract parcels to the North that are state owned and that that this is not the only. Only parcel in the area that's been split up over time. It's a separate matter of whether it was a good idea, whether those previous smaller parcels should have been created in the first place, but they are. That's kind of the context that we're dealing with. I'm less concerned about the rebuttable presumptions about estate planning when you actually get down to what estate planning means in this case, which probably is the same thing that could apply to any family transfer where the whole reason folks are giving it to their children is to plan for the future.

[01:35:49] I'd love to hear what. Josh, you and we need a thing. So my sense of this is, I think, Matt, I think you're totally right on. Looking at this through the filter of law, as you are supposed to, and those are all presumptions are real. I think given the subjective breadth that we are given, we can look at things like the size of parcels that are in close proximity and that there are only a few and that there's big chunks of state land that the riparian areas aren't going to be impacted. And that would be considered if it was going through subdivision. But given that the way this is laid out, they're not going to be impacted, I feel like that breadth of subjectivity kind of allows us to to allow this to go forward. Even though these rebuttable presumptions are in place. I want to honor your work. I think you did right and that we have some breadth, the decision space to work in and within that. I'm OK seeing this through. That's my two cents for what it's worth

[01:36:52] And looking at just the amount of development and the size of those parcels just to the southwest of. All of this. I agree, Dave. I'm more comfortable. Well, yeah, keep going.

[01:37:13] Yeah, I think I'm in alignment with with both of you and it also helps. And going back to the the applicant. A clarification of that other parcel to the South. One of the reasons why that's a rebuttable presumption is and and forgive us for getting hung up on some of this technical jargon here. But basically why that's a red flag that we look at at times is because if a property owner has other parcels that could simply be gifted to a child, we we oftentimes ask Why are you not doing that instead of creating a bunch of locks? That and this comes from a hard learned experience where we have been at times hoodwinked, where someone actually did go through this process and then quickly turn over those additional lots. When other options may have remained for gifting a another parcel of land to to a child. So it's important to know that that the ownership history and that you actually are no longer the owner of that parcel to the South. So I'd be ready to make a motion here, which may differ from the motion that you would prepared, Matt. Is there motion language or I can change the negative to modify it on the fly? Yeah, I think you can. Ok.

[01:38:49] Heather on this might be like, Oh, I'm sorry.

[01:38:53] Thanks. Ok. This is this is what I was looking for. I would move that the request by Terri Duff to utilize the family transfer exemption as presented in the subdivision exemption affidavit, be approved. I'll second that.

[01:39:07] Then you search gushing any further discussion. Well, OK. All in favor, I.

[01:39:16] Our last little thing I want to add is just thanks, Matt, for being so thorough and for really setting us up to have a robust discussion. You did your work well. Thank you. Thank you. Thanks, man.

[01:39:26] And thank you, Carrie.

[01:39:28] Thanks. Thanks, Matt, for being so quick and nimble.

[01:39:33] A lot of wordsmith in there.

[01:39:37] Ok, we man. This is running long, so we have to tighten things up here. Apologies. Looks like request board. Approve and adopt resolution of intent to adopt the Housing Action Plan. Jordan Lyons. Ok, thank

[01:39:52] You. Thanks for having us. I'm Jordan Lyons, housing specialist with community and planning services, and thanks for all the cap staff. We can be here and thank you so much, especially for our wonderful consultants Lorelei Jensen and Oscar Cessato Andre, who are going to be helping me out today. So we're talking about our Missoula County Housing Action Plan breaking ground. And just to give a little overview, we'll be talking about our process in developing this plan. The folks at Echo Northwest, Oscar and Lorelei will talk about some background information, the framework for action and the goals and actions in the plan. And then they'll pass it back to me to talk about the proposal for adoption of the Housing Action Plan as a growth policy issue plan. This plan is the product of lots of input from Missoula County community members. It started with an early stage of the process, was asking housing questions on our community needs assessment that was completed by almost 900 people. We we recruited a steering committee of various diverse housing related stakeholders. We had lots and lots of one on one meetings and group meetings with stakeholders from all over Missoula County. We presented it public meetings,

[01:41:16] Including community councils.

[01:41:18] We created a page on our website about housing. We had an online questionnaire to make it easier for people in the public to submit comment. And throughout the

[01:41:28] Process, we we

[01:41:30] Kept people up to date with email blasts as

[01:41:34] Well as, you know, having press

[01:41:34] Coverage and things like that. And then in December, we had a public hearing at the planning board. And that brings us to today's hearing. And for the next slide, we're going to talk about a little background on the problem, and I will pass it over to the folks from Echo Northwest.

[01:41:54] Thank you, Jordan. I will be covering briefly the context and background of what is Silas County's housing problem. But overall, there are four overarching factors that have contributed to Missoula County's housing affordability challenges. I'll touch on them on each of them here briefly, but generally we've identified them to be one housing supply issue. Two housing costs have risen, three incomes have not kept pace with housing costs and for households are spending more on housing. So based on our analysis, Missoula County has a shortage of about twenty four housing units. These are units that Missoula has under built when compared to national trends.

[01:42:49] The Oscar, can you say that? Twenty two thousand four hundred.

[01:42:53] Yes. Two thousand four hundred housing.

[01:42:55] It sounded like you just said twenty four. Sorry.

[01:42:58] Oh sorry. Twenty four hundred housing units have been under built in Missoula County, and this is based on national trends that we've seen and also based on recent COVID 19 trends where Missoula County has seen additional households move in to the area. We believe that this number has increased a lot more since 2019, and so this provides this has a lot of implications to Missoula County's housing market. Specifically, when there is a growing demand for housing, coupled with limited new construction and rising development costs, this causes housing to housing costs to increase. And so when we look at housing. Crisis in this little county. We've seen that housing has more than doubled since 2010, and housing is just increasingly becoming unaffordable to the typical Minnesota county resident. Can we go to the next slide, please? Jordan. And so when we compare housing cost to median family incomes, we've seen that there's a big disconnect between these two median family incomes. Unadjusted for inflation have only grown 15 percent in the last decade, while housing prices have grown one hundred and nine percent in the same time period. So this creates a lot of implications when residents are trying to rent or try trying to buy their first home. And so this creates increasing affordability, affordability challenges. And we've seen that renters are the most impacted here because. They are paying more out of pocket for housing compared to owners, and when we look at cost bargaining, which is those households who pay more than 30 percent of their income, we see that renters about 50 percent of renters are cost burden, compared to 24 percent of owners in 2019. Next slide, and then I'll turn it over to lower lights to speak about the framework for action for our housing action plan.

[01:45:54] Hello, everybody. Lorelei Johnson with Echo Northwest. Thanks for having me. Good to see you all again. You've seen this graphic before, but we felt like it was important context to raise again to the top of your minds to acknowledge that for a housing market to function well, it needs to have abundance at all price points. Otherwise, you end up in a situation where you've got bidding wars and inevitably the people with the most money and the most resources are the ones who will win those bidding wars. And when you're experiencing a shortage, as Missoula County is, the goal should be to build as many units as you can in the market environment, as well as in the supported environment that require public investment to be able to build even the most well-functioning market environment is not going to provide sufficient units for the people at the bottom end of the income spectrum. This framework very much influenced our thinking about the actions, and we have been thinking about programs and policies that help to connect people to existing affordable units, as well as strategies that add units to the market, particularly those that will serve low income residents. Next slide. We have a wide range of types of actions that are included in this plan all the way, from just simply making sure that people understand what what resources are available to them to help to connect them to housing and to go through permitting processes, etc.

[01:47:26] all the way on up to actions that are more aggressive and require more money and help to move the needle more through things like actually funding development or acquiring and disposing of land. Next slide. We've got three goals in the plan. The first is to use the county's unique toolkit to increase housing production in the places where it makes sense to do so. The second is to build programs and funding that can help residents move into housing more affordably. And then the third is to work together with other agencies and entities in the housing

ecosystem to really build the complete implementation capacity. I'm not going to read through all of these. Go ahead. Thank you, Jordan. I'm not going to read through all of the details of the actions. You all have them in your packet and you've seen them before in the past as well. And we'll hopefully have some time for Q&A for you to be able to hit on any questions that you might have. Maybe just a couple quick highlights on each of them. As I said, introducing the goal. The county has a unique toolkit and we've been very thoughtful about how to go about using that to increase housing production through doing things like investing in infrastructure, looking at the land that you already control as a county entity or or could add to to dispose of for affordable housing.

[01:48:56] Those are the kinds of things that are included in this particular goal. Next one When thinking about supporting programs and funding to connect people to housing a couple to highlight here we think it's we have heard from many, many stakeholders, including some of you all that moving, helping people move into homeownership into the wealth, building opportunities that that provides is really critical. So we've got an action to think through how that could work and to develop a program that's one one action that's here. We've also heard a lot about the potential for things like right of first refusal or deed restriction to make sure that we are keeping housing that is already affordable, affordable over time. And we can dig into the details on any of those that you want in the Q&A. The third and final goal is to build implementation capacity. Some of this is just helping to understand who's out there. So the concept of a master flowchart of all organizations who's doing what so that when there are issues, you know who to call. And other examples include working with other jurisdictions outside of Missoula to think about making changes to state and federal housing policy that are currently acting as barriers to you all being able to be as effective as you'd like to be. So that's just a real quick overview of all of those, and we can hit any questions you might have later.

[01:50:26] All right, thank you, Lorelai and Oscar.

[01:50:29] And so just to

[01:50:32] Give a little more info about our process here on the proposal. So I told you a little bit about our public process and now I'll tell you a little bit more about our findings and conclusions. What the the action the planning board took. And then we'll take a

[01:50:49] Look at a recommended motion.

[01:50:53] So the our cap staff recommends and finds that the the Housing Action Plan conforms to and carries out multiple Zulu County

[01:51:04] Growth policy goals.

[01:51:06] And the staff report goes into those in

[01:51:08] Quite a bit of detail. But there are a number of goals

[01:51:11] In the growth policy about housing affordability and economic development, access to services and this housing action plan will help advance each of those goals. Also, it also conforms with other important documents like the land use element in the growth policy. It conforms with many of the key imperatives and the aspects of implementation from that document. And finally, it it does conform with many of the existing area plans that amend the

[01:51:47] Growth

[01:51:47] Policy, including the Lolo Regional Plan, the Sea Lake Regional Plan and the Swift Action Master Plan, which PowerPoint was very

[01:51:57] Insistent needed a larger bullet. So I'm sorry if that's confusing.

[01:52:03] And so based on those findings of fact, staff conclude that the housing action plan breaking ground was developed through a robust public process. It is consistent with the Missoula County growth policy

[01:52:19] Goals, objectives and

[01:52:20] Strategies. It furthers goals related to housing, access to community services, infrastructure development, review services and coordination. And it is focused in more detail on actions needed to address housing needs

[01:52:36] And challenges facing Missoula

[01:52:38] County. So it really meets that definition of the issue.

[01:52:42] Plan of of focusing more closely on the issue of of housing.

[01:52:48] And we had our public hearing before the Planning Board on December 7th about this housing action plan, and we provided a review of public comment, which also was in the board packet when when we did our questionnaire, we allowed the public to submit written comments, but we also got some quantitative data. We listed all those actions, just like Lorelei went through and asked the public to rate them as very important, somewhat important, not sure or not important. And we had over 70 responses, and all of those recommendations had more than 50 percent say they were very important or somewhat important. So we took that as a sign that in general, there was pretty good consensus that these were actions we should be focusing on. And we also received many written comments that talked about a lot of different themes, and some of them included focusing on smaller,

[01:53:55] Lower cost units,

[01:53:57] Regulating vacation rentals and down payment assistance. And so those would be some themes from the comments that as Laura, like Lorelai, likes to say, there is a home for those in the plan. The plan does address those, we think. And we also had some written comments that we felt like we're a little bit outside of the scope of the plan we weren't able to address, and those included lowering taxes, discouraging in-migration and imposing rent control. So, you know, we are sensitive that property taxes impact housing costs, but that's that's just complex involves the state. You know, there are many jurisdictions that that have property taxes, including the city, school districts, special districts in migration. You know, there's there is not too much we can do about that or, you know, lends itself to a philosophical discussion of what we would want to do. But beyond the scope of this plan and then rent control, that's the type of action that the state just is not empowered local governments to to do anything about the reserve, some rights regarding housing and landlord tenant law and things like that. So with all of that information in hand, the planning board unanimously recommended adoption as

[01:55:18] A growth policy issue plan.

[01:55:22] So that was great to get there. Their vote of confidence on that since since that hearing on the 7th, we have received one more additional comment. And it just advocated for regulating short term rentals and looking at their impact on neighborhoods. And again, so that action two point seven in the plan does a study, short

[01:55:48] Term rental and second home impacts on the county's housing market, which I think is kind

[01:55:52] Of the first the first step to. Sorry. I think that was an accident. Oh, OK. No problem, no problem. So I think that's kind of the first step to, you know, finding the right

[01:56:07] Balance in some kind of regulations that will find the right balance on

[01:56:12] That issue. So with all that in mind, we come today with the recommended motion that the Missoula Board of County Commissioners adopt the resolution of intent to adopt the Missoula County Housing Action Plan breaking ground as an issue plan of the Missoula County Growth Policy, as recommended by the Missoula Consolidated Planning Board and based on the findings and conclusions of the staff report. So with that in mind, and I'm sorry, since I've been sharing my screen, it's hard for me to see. Do folks have questions or discussion?

[01:56:56] We can see it, yeah, there. I don't see anyone their hand up, but is there any public comment? This or anyone on the telephone calling in. Comment on our housing action plan. Ok. Closing public comment, Josh and Dave.

[01:57:23] Yeah, but to. That's possible.

[01:57:28] Yeah, go ahead. I can't I can't see you guys either, for some reason again.

[01:57:33] Oh geez, sorry. So it's a question for Lorelei and Oscar. Could you describe how in Missoula County, we are different than other places? These sort of high quality of life, fast growth places in the Intermountain West? And how are we different?

[01:57:49] How are we the same and how are we different as Bend and Bozeman Bellingham?

[01:57:54] Other places that don't begin with B.?

[01:57:57] It's funny. I never thought about the B connection there. There are a lot of you all. How are you different? I think you're all experiencing very, very similar housing pressures right now, and I'm sure there are differences, maybe small differences in magnitude and in the sort of the the location that that is being drawn to within the city or county. But I'm not sure that there are big differences. Boise's housing market is completely through the roof right now and has had a similar trajectory to what you all are experiencing. Similarly, in Bend

[01:58:38] And Boulder and Bellingham, it maybe it's just the M. That's our only real difference.

[01:58:42] I know I think you might need to change your. Yeah, that's right. You've got the M.

[01:58:45] So oh, I'm forward to that because. You want to make sure that there aren't things we have been doing specifically to us that have we've done wrong that otherwise would have prevented what has happened, that we are in a similar boat to all these other high quality of life crises?

[01:59:06] Yeah, I mean, I guess I would draw a distinction between the veils and Aspen's and Ketchum Idaho's of the world that are much more resort driven. You know, the pressures and the kinds of development patterns that they're seeing there are different, but all of the places that you named are you all are in the same boat together. Thank you.

[01:59:25] Deb, yeah, just to follow on that, so. So, yeah, admittedly, if we are experiencing some of the same growth challenges, affordability challenges as some of these other places, given the array of recommendations in this plan, have you seen any of these seen any of these other communities experiencing the same challenges? We are employ tactics that are in this plan and have you seen them make a difference?

[01:59:55] Yeah, I mean, I think most of these communities are now in the process of grappling with the problem that you are also grappling with. And so they are in maybe slightly ahead of you by a couple of years in terms of trying to implement more aggressive approaches to addressing housing affordability, but are not far enough along at this point that we'd be able to draw direct comparisons there. It's a very similar toolkit. The one slide that I showed that had the sort of less impactful to more impactful is a pretty good definition of the range of things that can be done in any community, and most of them are working through that. The one thing I will say is that the places that are making are best poised to make the most progress are the ones that are being aggressive on funding because without public money to help to support the production of affordable housing, it's very difficult to significantly move the needle. So like, for example, the city of Bend, actually, this did happen quite some years ago, has implemented a construction excise tax and is using that to fund affordable housing production in the city. There are other communities that have thought about doing bond measures, those kinds of things, and there's a home for that in the plan to start to think about what kinds of revenue sources would really be most helpful for Missoula County.

[02:01:16] So, Lorelei, those other entities, you just mentioned those other tools. It sounds like the public money was being put towards the production of housing. Are there instances where public money is put more towards the consumer end as opposed to the producer and in terms of housing?

[02:01:32] Yeah, one hundred percent toward production of housing and or toward rent, rent supports or home ownership programs, those tend to be more through partnership with other entities. You know, housing authorities or land trusts. But yes, that is also part of the toolkit. So we have full flexibility to to do deed restrictions in Montana. I mean, so we can't do rent control, but. What's our what's the space around deed restrictions?

[02:02:02] My sense is it's voluntary. You can do whatever. I don't think we have any ability to. Thou shalt

[02:02:08] Thou shall

[02:02:09] Voluntarily a person could do whatever.

[02:02:13] And and is there a way for us to incentivize a person to volunteer through money, for example? Right? Yeah. And I guess my question is and we have the freedom to do that is just voluntarily.

[02:02:33] Ok. So, Lord, I just had this concern that we have national demand to live in Missoula, which is a local place. Is it possible to meet national demand with local supply?

[02:02:49] Well, I think we've talked about this at past meetings, too, and my answer is going to be the same, that it is a really big challenge. And I would say that your ongoing partnerships with the city are going to be really critical because the county only controls so much of the pie here, which is why that third goal around improving coordination and collaboration is so critical because you are not the only actor here. It is going to be very, very hard for you to in the near term, build your way out of this problem with, especially with market rate production only. And because so much of the demand is coming in at the top end of the income spectrum, it really does put a lot of pressure and onus on the county and your partners in the city and another, you know, other non-profits to be focusing on the affordable end of the spectrum because the market is not going to be meeting those needs. And if you want Missoula to continue to be a place that has the full range of income diversity, it's going to require that kind of investment because without that, the price pressure is going to just continue to push things up and push people who can't afford it out. And that, of course, creates a lot of challenges for economic development and for all of the other kinds of questions. So this is why this is why the emphasis on thinking about funding and thinking about about construction of units that are affordable either through restrict or through deed restrictions other kinds of mechanisms is so critical for your strategy.

[02:04:21] So hearing you say that makes me think that. Leaving this to the market alone is not going to solve it, we're going to have to create some type of intervention because let alone the market would push where the returns are highest, which would mean eliminating that diversity you talked about and really focusing on the higher end where the money is. And if we want to maintain our character as well as make sure people have places to live, we're going to have to intervene in some way.

[02:04:49] That is the best executive summary lead into this plan that could have been written. So we should have just given you the task.

[02:04:57] You say it's not too late to amend the text,

[02:05:01] So I think it says that maybe it's not.

[02:05:03] I was trying to make sure I could get your approval. Now I'm going to repeat those

[02:05:07] Words again later.

[02:05:09] Ok, very good. Blame me if you get in trouble, right?

[02:05:14] Well, I guess I'm delighted to see this come forward, we've talked about a plan such as this for literally years and imperfect as it may be, because this is a work in progress and in the living document, we're going to try some things and it may not work out exactly as we thought and we will adjust accordingly. But this is as with our event earlier in the day when we were looking at our acute and chronic challenge with homelessness and house

lawlessness in Missoula and taking some bold actions to try to address it. This is kind of in the same vein. We're going to do something here and it's it may be risky at times, but it cannot be left to the forces of the market alone to resolve itself. So I'm glad we're where we're at, and I certainly think everyone who played a role, including our community partners in bringing this to where we are today.

[02:06:14] Yep, this will not be shelf art. We we've already begun some of these action steps, so this is this is great.

[02:06:21] Thanks again for all your work.

[02:06:24] Yeah, and thank you for your leadership. Well, is there a is there a motion?

[02:06:31] Oh, I'm I'm happy to move that the Zoo Board of County Commissioners adopt the resolution of intent to adopt the Missoula County Housing Action Plan breaking ground as an issue plan of the Missoula County Growth Policy, as recommended by the Missoula Consolidated Planning Board and based on the findings and conclusions of the staff report. I will second that

[02:06:53] Any further comment. All in favor I. Wow. Jordan Lorelei, Oscar, thank you so much. Thank you. You're welcome.

[02:07:04] Thank you. Fine. Thank you. Thank you.

[02:07:09] Take care, take care. Ok. Next, we have resolution discussion over the Canyon Gate Oli's plan variation. And we'll have just to remind our folks we're doing staff report. More reminder to myself, then the applicant and developer will comment and then it'll will be public comment. Then we'll close public comment and then commissioners will discuss and hopefully we'll be out of here before too long.

[02:07:45] Nine o'clock.

[02:07:47] Yeah. So we'll just try to be as succinct as possible with our comments and then public comments. Try to keep them to less than three minutes and please don't repeat comments that have already been said. Ok, so, Matt, this you.

[02:08:04] Yes, this is me. Good afternoon again, commissioners Matt Hymel here with Community Planning Services. I just wanted to give an update. Well, first of all, this is a continued hearing on the request to revoke the Canongate Olise planned variation. This was open up for public hearing with the County Commission on December 9th. The agenda item was and still is a consideration of a resolution to revoke that plan. Creation and public hearing was was left continued until this date. But thanks to a extension with mutual agreement with. So just to summarize where we are, I will share my screen. And so my screen is here showing you Missoula and the property I have highlighted. In addition to property, just the southwest of it were my cursor is has a what you can think of as a zoning overlay, which is the canyon gate always planned variation. And just to summary, this was adopted in 2011 to provide for attached housing units with modified space and bulk requirements. It had a very specific development plan. And so the request before us is to revoke that plan variation. If it is revoked, then the underlying see are three. Residential zoning would be applicable with all of its allowed uses, space requirements and other provisions of the county zoning regulations. The planning board considered this request on November 16 and voted six to one to recommend approval. And staff also recommended approval of this request. Since December 9th. We have received some public comments. And I just want to provide some clarification on one of those comments. I have a couple of points to bring up. So I know of five written comments we've received since then and one of the comments, that's it's all in a.

[02:10:08] Folder for this meeting, also, one of the comments raised concerns recently about firefighting capabilities in the area and firefighting equipment. And I did reach out to Justin Schaffer with the East Missoula Fire and did learn that East Missoula Rural Fire District has an automatic aid agreement with Missoula Rural Fire District on all structured fire calls. They receive a ladder truck on every structure fire east in east Missoula. So East Missoula sends two engines. Rural Fire District will send the ladder truck and an additional structure engine, so Justin did not indicate that he has any issues or concerns over firefighting capabilities. There was also another comment. From East Missoula Community Council, and I'm bringing this up because there was this comment and many other

comments also indicated a desire for commercial use at this location. And I would like to point out that if the planned variation is revoked, see our three zoning will apply and there are some limited commercial opportunities available as uses that are allowed by our three. Zoning, but not with the really specific design standards that were called for in that comment letter. We did also receive some elevations and some additional land drawings from IMAG and although we're not looking at a specific use. And the question for the commissioner is it's not about a specific use or development plan approval. This is helpful to demonstrate the intent of the applicant for future plans at this property so I can bring that up or that of commissioners. I see that IMG Staff is on the call right now and they could also have that up and provide information if needed.

[02:12:05] Thank you. Thanks. Yeah. So I'm a big I don't know who wants to go first.

[02:12:12] Hey, just for the record, my name is Joe Donat. I'm with IMG and I'm here with Paul Faustin. And yeah, Matt, we can. We can bring those up to provide context as people have questions. I'm probably not going to bring them up on the screen now, but I do just want to address a couple of points. First and foremost, I really just want to thank the public. There's been so, so many comments really from the start of this process, and that's phenomenal to see. And that's something that you know, we prioritized from the beginning. We sort of went above and beyond with our public involvement. You know, another developer could have just gone straight to building permit or decided, Hey, we're just going to put up these 44 units. But you know, we really appreciate the involvement from the public. And although we weren't able to, you know, incorporate everything that they wanted and and, you know, make all their opinions reality because of, you know, working with the developer, it doesn't detract from how grateful we are that we've received the involvement that we have. And obviously, Matt, you know, thanks and the planning board in the original original commissioners hearing for, you know, your thorough presentation and for kind of bearing the weight of getting us all on the same page. And obviously the commissioners for, you know, being here, you have a tough job and it's been a long meeting.

[02:13:30] So I'll try to keep this short. But I think it's really worth getting at the core at the beginning of all this and talking about really why this plan variation was created. You know, what did the developer have in mind? Why did they put this plan variation on the site? And at the time, you know, they were the developer was concerned about market conditions. And so that plan variation, essentially what it did is that, you know, had a lot of variations from the base CRT rezoning district, which still exists, but it was an intent to be able to create for Plex buildings and then sell them to keep the project profitable. So their idea was we'll build something, we'll sell it and then we can build the next one as as we see fit, if it's necessary. And so, you know, clearly that's that's. Not the case now, but it was created for that reason, and it was self-imposed, it wasn't under any, you know, unique conditions or special conditions on the site. It was just a way to have different modifications to the crew based zoning district. So, you know, why do we want it revoked? And I'm really glad that, you know, the folks presented before us because the entire character, the spirit of this project is to create affordable units. You know, they they want to put forth these 59 units to make them affordable.

[02:14:46] And the only difference really between the 44 unit plan that is that exists in the, you know, plan variation now. And the 59 unit plan is an eight foot of building height, right? So that eight foot of building height brings it up to a 36 overall building height. I know that the Sierra three based zoning district has, you know that 125 feet, which is kind of made people freak out. But for multifamily dwellings, the MAX is 35 feet and we have those elevations and we can show them to provide context. But that's not a that's not an atypical building height. You know what we're proposing here? There's examples of of three storey townhouses that are near single family residences. You know, this is there are C.R. three zoning districts in this area that would allow 36 foot building height for multi-family dwellings and even higher if they weren't doing multifamily dwellings. We're talking about 125 feet. So it's not really a typical and it's it's worth mentioning that, you know, the the plan variation that exists now has restrictions on side setbacks or variations on side setbacks that has variations on lot widths set as variations on lot size, but it's still applicable to the height restrictions. So if the plan variation isn't revoked, you know the developer has all right to say, OK, well, we need to make money on this. We're going to build these 44 units and we're going to build them to thirty six feet, you know, building height.

[02:16:06] And that's a concern that the, you know, public comment has raised, and that's full within the right of the developer. So from our perspective, why not make it more affordable for people who actually want to live in the area and get 59 total units, you know, for an eight foot building height difference? So, you know, all that is is a great justification for revoking the planned variation. But you know, also it's it's simple, as the base zoning district is C.R.

three here. There are other areas in East Missoula that have that base zoning district, and the developer wants the ability to exercise the right within the C.R. three zoning district to enjoy the benefits that other people in the area that are zoned under C.R. three have now. Probably the biggest theme that ran through a lot of the public comments was Why not commercial? You know, how do we get commercial here? How do we make this viable with commercial first and foremost? Like I said that the spirit of all this is to create affordable units. I mean, the developer still wants to make money, but they want to make affordable units. And an easy way to adhere to the regulations that are required by ADA is to put handicapped accessible units on the first floor that you don't need an elevator.

[02:17:17] There's Roland showers, all the amenities that come with these handicapped accessible units are done on the first floor. So putting in a first floor commercial, you know, space is further complicates that. Then you're talking to elevators, you're talking about, you know, having a race race people up off that first floor. And there are I mean, there's an example on what does that Russell and Mount, the apartment complex is on Russell and Mount. They have first floor commercial and they've had it for six years and now the developer and this is in Missoula. You know, this is in a highly developed area with a lot of potential for office spaces, the developers converting that to residential space because no one's wanted to rent it, you know? And so now they're, you know, trying to make profit and they're converting this first floor commercial. And when we're talking about tipping the needle in the direction that these public comments are going, I mean, small, small office space, small retail, I don't really think that's going to tip the needle. And at the end of the day, we have to be realistic on what's available at this site. You know, this isn't a huge site where we're limited to the acres that they own. And so putting in a a Trader Joe's or, you know, a market or restaurants or retail, it's just not feasible. Parking alone is not feasible there.

[02:18:27] Not to mention the other requirements. So, you know, in weighing these on a scale, I feel like every single time and it's justified by the presentation before us. The affordable housing units is going to outweigh the need for small office retail space, you know, or small office or retail space. So that's kind of our interpretation of, you know, why not commercial? Another big theme brought up in the public comments was Why not wait? You know, why not wait till we get this new zoning? Why not wait till we have something coming down the pipe that could potentially give us what we want? Well, first and foremost, you know, this doesn't this this side is past, present and future in alignment with what's going on in Missoula. It aligns with the comprehensive plan in the growth policy, right? It aligns. With the existing zoning, the CRTC three, and it aligns with the proposed zoning as it stands now, now that could change. The proposed zoning could get thrown out the window and they could say only commercial. But the reality is is we're in past, present and future alignment. And I mean, we've been we started this process in May and we've been waiting to to, you know, break ground on this and get affordable units now. I mean, that's just the that's the end of the story as far as I'm concerned on. Why not wait? Well.

[02:19:42] Why would you wait? You know, we clearly have a need. And although it's not all going to come from the, you know, from market rate houses and come from developers like she mentioned, it's certainly a step in the right direction. So anyway, all that being said, at the end of the day, you know, in my opinion, why I approved this. Well, there's a lot of justifications, but I think one thing that should be considered is, you know, this is infill development, right? There's there's sewer out here, there's water out here, there's public transportation out here. This this area has been designated as an area that the city of Missoula is interested in annexing. And so, you know, getting residents in an area is the best justification that we're going to get to get a a grocery store. It's the best justification that we're going to get for infrastructure upgrades. It's the best justification that we're going to get to get these things that the public is desiring. And I know it's going to sting if something comes in that you're not super happy about. But I don't know. I just I see this as the best path forward. So clearly, I'm not opinionated. But all that being said, you know, I have three elevations we can show to provide context, and Paul and I are definitely here to field questions. And Paul, if I missed anything, jump in here. I, you know, feel free.

[02:20:57] Paul, first thing I make no, no. Joe, you did a great job. Thanks. Thanks so much. Yeah, we're available for comments and.

[02:21:05] Ok, thanks, Paul, so I'm assuming we don't have any more staff or applicant or developer comments, we can move to public comment. Their public comments, and let's keep it tight. So if you have any public comment, if you could use the raise hand function, OK, it looks like Lee Bridges.

[02:21:31] Hi, thank you very much for having this as a public hearing. Um, I'm Lee Bridges with the East Missoula Community Council. I've lived here for almost 40 years out here in East Missoula, and we're a very cohesive community and want to remain that way. We here in East Missoula have actively spent years working with caps on our growth plan and zoning in our community out here. We are now nearing the end of all of our hard work by finalizing that zoning. Our growth plan out here was our vision of creating a cohesive family community, including reopening our elementary school, which serves as a binder for long term commitments of families to remain in our community. The current zoning in place for this property that we're specifically talking about limits the apartment units to forty four, which is far more preferable than fifty nine units of single bedroom and efficiency apartments stuff three stories high that lends itself to being more of a transient community that which completely contradicts the long, hard work we've been already doing on our growth policy. This being said, we're requesting that you please do not approve the new zoning variance that they're asking for,

[02:22:47] And we will have to settle for

[02:22:48] The forty four units going in which, in our opinion, is the lesser of two evils. In this situation, it's a load on our infrastructure. It's not helping us achieve the goals we set forward in our growth plan and having a cohesive community of long term residents committed to our community. It's more of a transient situation, in our opinion.

[02:23:14] Thank you. Thanks, Lee.

[02:23:16] Joe, can I just clarify something just for the public record? Go ahead. First off, Lee, thank you so much for your comment. But I want to make sure that the language of of zoning variance or proposing this zoning zoning variance isn't isn't misconstrued. We're asking for a plan variation revocation. We're not asking for a very a variance for the C.R. three zoning. I just wanted to make sure that that that was stated. Thank you.

[02:23:42] Well, OK, I'll just comment that

[02:23:45] What we are aware of and what you were asked at the last hearing was what would go in if it remained the same, which was the forty four units and what would go in if it was changed and it was the 59 units we just yesterday you sent us the elevation drawings that I did forward to the commissioner, so I'm sure they've seen them. Wow. If we have the choice of the forty four and the fifty nine, it's obvious what our choice would have to be to make. That's as close as we can come based on those two options that's as close

[02:24:20] As we can come

[02:24:21] To where our zoning is going. And so I, I differ with you in a lot of the statements that you made in your presentation earlier today.

[02:24:32] Thanks, Lee. Next up, I believe we have disappeared Ildy White. Hi, yes, I am in support of a lot of what Lee said, and again. Given the option, I know the language is confusing, but we'd settle for the forty four rather than the fifty nine again, I feel like that's kind of a central location in our community and we'd rather have it be more of a neighborhood center as it is designated in the future. Zoning and not be crammed full of apartments with people that are largely probably commuting to Missoula proper to work and don't have any investment in in the current community here. I do believe we have a strong community sense and that. Many of us here would like to continue developing that rather than just make it a bedroom community of affordable apartments and housing units. Thank you. Yes. Any other and any other? Comments. Don't see any in our raise hands if there are any on the phone. Stars six and begin speaking. Not seeing anything on the phone. Ok, and I still don't see any hands raised. It'll be white, you again. So I just wanted to add one more thing that I know my husband couldn't be here either, but a lot of people bring up is the question of whether or not, I mean, we really have little developed infrastructure and whether or not the infrastructure and the roads and our water and all that kind of thing can handle cramming in as many housing units as possible as well. And if we were to do something, it would feel better if we put more thought into developing useful and safe infrastructure before cramming in more housing units. Thank you. Thank you. Additional public comment. Ok, I'm inclined to close the public comment portion. On, yes. Who is? I heard someone, but I can't I'm sorry, I can't see you. That would be me. Oh, and sorry, Dave, I can't. For whatever reason, you can't see me. Can't see you or Josh. I think, John of that,

[02:27:54] Juan, you're missing out. We look great. When you look about as dapper as we ever have, so

[02:28:00] 15

[02:28:01] Years of middle aged man right there.

[02:28:04] Well, we're going to close a public comment period and have discussion with the commissioners then if that is OK with you guys.

[02:28:13] Yeah, sure. Great. Yeah. So I've got a few thoughts and as far as the public engagement piece and I I'm not going to beat around the bush here at all. I don't doubt that there has been some level of public engagement between IMAG and the community, but the fact that there is almost I would go so far as to say one hundred percent community opposition to this. It's been an abysmal failure, whatever engagement there has been. I'm sorely disappointed with what I'm seeing play out here and I don't know what could have gone on differently other than the way earlier in the process, sitting down with the community and talking through what the goals and visions of this East Missoula community are, and particularly in light of the land use element that I think pretty well spells this out. I mean, it does pain me in saying this, but this this is a critical piece of East Missoula and I get it that it's out there as a kind of a wasteland of asphalt for too long and needs to be redeveloped. And certainly a housing component of that is is justifiable way more so than another sprawling mini storage, which was the last thing that that was rolled out before us. I do believe Neighborhood Center is a great land use designation for this, but at this point in time, unless I'm convinced otherwise here, I'm inclined to deny the revocation of the planned variation.

[02:30:07] I look at the neighborhood center language, the goals of designing this area to be a neighborhood focal point and center for activity, providing opportunities for retail service and employment character. A mix of uses can be horizontally and vertically, vertically integrated, et cetera. I think, I think what the community is more well. We've heard concerns about density and for me, at least, it's less about density and the number of units than about design standards that encourage the way this neighborhood function. So a few questions. Rhetorical questions is the. Is there a current zoning designation that aligns with the goals of this neighborhood center land use designation? Probably not. And that's that's one of the reasons we're updating our zoning code. So. So there's probably not anything all that better out there in our menu of zoning zoning districts that we could apply here. But that's not to say that CR three gets us any closer or the revocation of this gets us any closer to neighborhood center. So my my answer is probably not. There's probably not anything out there better on the books, and that's why we need to create it. Does the revocation of the plan variation move us in the direction of achieving the goals of the neighborhood center land use designation and the vision that's articulated by the East Missoula community? From what I've heard and what I'm from, what I'm reading here in the land use element, I don't think so, and I totally get it.

[02:31:57] Also, the commercial cannot be necessarily assured an assured outcome in any of this, but certainly I think it can be encouraged more than the current CR three zoning. And again, I think the revocation of the planned variation does not move us in the direction that we want to go. You've heard some folks concerned about one hundred and twenty five foot building height. Given that there are very few buildings in downtown Missoula that tall, I would hazard a guess. It's unlikely. That that would play out in East Missoula nonetheless. The reality is that even though your proposed project and the elevations that you have in hand are showing one thing, there is no guarantee unless it's memorialized in zoning that that is actually what's going to play out on the ground. If we had it to do over again and I think I alluded to this at the last meeting, it probably I I was toying with the idea of could simply an amendment to the planned variation, the accomplish that would achieve the goals that the neighbors are articulating and and be a different path forward.

[02:33:15] Well, perhaps that could have been the case, but that ship has sailed and this is where we are today. And and there are a number of elements, I guess, conclusions of law in the staff report that I think I have a somewhat different view of. So for instance, criteria or point three under conclusions of law revocation of the planned variation and applicability of the C.R. three residential zoning district is appropriate for the location, character and natural features of the property and surrounding properties. Not so sure about that. Again, I think I think this will move us in the direction that we don't necessarily want to go. I think it's less about density than it is about design standards that encourage the possibility for ground level commercial. And I get it, Joe, that that that would create challenges for folks who might only be able to be at ground level. But again, this is such a critical piece of the landscape in East

Missoula. It is a true it has the potential to be a true community center, which it really is not now. And I think I'll stop talking, but I'm just not convinced that this is this is the direction we need to be going.

[02:34:38] I have a question. I'm not. I don't know if this is a matt or John Hart question. Was C.R. three. Can you explain to me exactly how tell me the width of the difference between C.R. three and what the community is articulating it wants like? Is there a really that much of a disconnect between CR three and. The new proposed zoning or neighborhood center or again, the aspects of the community is asking for.

[02:35:17] A commissioner has and will hear again, so. Or the three residential zoning district, the main. Conflict that I've observed when compared with the public comments that we received so far would be the one hundred and twenty five foot. Maximum building height. I do have some slides from the last hearing I could bring up that show the permitted conditional special exception uses that are allowed in C.R. three, if that would help show that what kind of abuses can go in there?

[02:35:52] Sure.

[02:35:55] Ok, just a moment. It's loading, I assure you.

[02:36:13] Yeah. Ok.

[02:36:26] Ok. So here are some of the permitted uses and see our three, meaning those are just administrative permit review. With no. Those special standards. And then here are conditional uses in C.R. three. Note that this includes a professional business or a government office. And then looking at. Um. Special exception uses these would need to go to the Board of Adjustment for a public hearing. And this list for our current zoning pulls in a couple of uses from the CC one neighborhood commercial uses. So retail trade and service up to three thousand five hundred square foot and a private lodge and fraternal organization would be both considered a special exception. But those are two examples of a commercial use. In addition to eating establishments. Well.

[02:37:33] Ok, and then so, Dave. Do you? I'm trying to tap into how you're saying it's not fitting?

[02:37:48] Well, there's nothing in here that would would. From a design standpoint, necessarily encourage the sort of commercial use that we're looking for. And also, I guess it's somewhat speculative at this point what that what the zoning would look like. But as the zoning code, the new zoning code goes through the review process, I would certainly hope that whatever zoning districts would be proposed for this neighborhood center land use designation would include elements that would be encouraging this, this to actually play out on the ground. So we've heard some some discussion of, well, what about higher ceiling height for the first floor? I don't know if that's the solution or not, but that's the sort of design accommodation that would, if not at the present time, at some point in the future, accommodate it could accommodate both residential use and potential future commercial use. I'm just looking for something that that actually moves us in the direction of of neighborhood center because I I have no doubt that whatever zoning is going to ultimately be proposed here is not going to be precisely C.R. three. I'm certainly hearing from the neighborhood that that's not what they would want in a commercial center land use designation.

[02:39:18] I guess what? I'm getting hung up on number eight. Maybe I'm just reading this wrong a number eight in the staff report. The intent of Sierra three zoning is to provide for high density, multiple multifamily development and limited commercial and professional offices that would be compatible with adjoining residential uses in areas capable of being adequately served by public services. And this is kind of what Joe is saying. This zone could effectively be employed to form a smooth transition between lower density residential neighborhoods and major thoroughfares or commercial areas. Planned development units and planned variations are encouraged to promote innovative approaches to housing and environmental design. So I keep thinking like, see our three or if we revoke this and go back to Sierra three, it's not that different. Or am I just am I really missing something here?

[02:40:16] Well, let's take the one hundred and twenty five foot thing, for example, that's that's currently under the plan variation. You could not do that. And again, it's not to say that that either the previous plan variation proposal or what's being proposed right now is going to do that. But again, just from the standpoint of zoning, you revoke the plan variation and you could you could you could do that. And I think it's that that is moving in a different direction

than certainly what I see is the neighborhood center. A major goal of the neighborhood center is is focused on and that's that's creating something that really does align with community character.

[02:41:08] Josh is so unlike you to be quiet. Look, I'm

[02:41:11] Just thinking here. So I mean, it seems like what's called for in this area is some is some zoning for a multistory building with commercial on the ground floor and residential above. And I don't know if such a thing even exists, but it sounds like that's what the community wants. And in all cases, everything we're looking at right now, we're just hoping someone takes takes us up on the opportunity to build commercial, whether it's C.R. three or the revoked variation or even what looks like will be the new zoning. In no case is commercial the thou shalt on the bottom floor. It's all a hoped for. Well, even if even if it's not a thou shalt can, what can we do via zoning better than in the C.R. three here that through design requirements will encourage and better make better incentivize that sort of development? I don't know what that is offhand. I don't think I see that in the CR three. I don't see you with the plan variation, necessarily, but that same thing. Dave, I feel like it's lose lose for the neighbors, like it's not in the C.R. three, it's not in the it's not in revoking the planned variation, either. It's it isn't anywhere except in what the neighbors say they want and hopefully incentivized in the new zoning with maybe design standards or that mean higher building, higher ceiling levels on the first floor or something like that.

[02:42:49] But really, it sounds like what the neighbors want is a is a retail commercial center in part of East Missoula that I agree that would make it so much more livable. We don't want this to be a rabbit warren of housing where everybody jumps in a car and drives every morning and there's no hubbub and no feel of neighborhood. But I'm not seeing a way through to making that happen. We'll see what I wish I wish would have happened, but maybe it did happen, and I'm not aware of it, is conversations between East Missoula residents and the developer about, I mean, let's be serious money talks. What about a private party actually being a partner in the project in some way to purchase some units that are being constructed? And actually, if if they are inclined to develop commercial, they would have real skin in the game and be able to assure that that happens as opposed to simply hoping that that occurs at some point in the future. But that's not where we are today. I mean, that that ship is somewhat sailed.

[02:44:07] Joe, Mat or Paul?

[02:44:09] Yeah, yeah, let me, Paul, first, I make Dave, you know, completely respect to comments. We we also have a decision space when we come to a project like this. The person this property was sold to somebody with a forty four unit approval. They came to us and said, Hey, is there any way that we can do more units here? And I said, Well, yeah, the base needs are three. You and I apologize for my baby crying. It's good. I'm sorry. It's a technique to soften up Dave and the others here. Ok. So, you know, they bought it. They're going to do forty four or fifty nine in the same footprint. Exactly. And so we think, you know, fifty nine isn't crazy, the planning department said, Hey, that's not crazy, the planning board said. That's not crazy. And so completely understand the need for the community. But we just don't have we don't have these guys at a spot where they want to go back to the drawing board and draw it and for very good reasons. We just haven't seen the need for those ground level commercial. Like Joe said, there's there's one that the city is now agreed to allow houses in it and what you're going to get, you're going to get more expensive units because you had to build them to a construction standard or a commercial standard. Higher ceilings and different different materials have to go in there.

[02:45:21] So we, we feel you, we just these guys are ready to build their apartment builders. They bought it with multifamily, the plan variation for whatever reasons. And to do that. And so, you know, they have an entitlement for forty four units. They're going to maximize whatever they can build on the site. It's going to be at the same height it, you know, we're just talking about by location. This is where we can get affordable houses. There's no river. These aren't condos, million dollar condos going on the river. These aren't in the rattlesnake. These aren't in the target range. This, you know, this fact. This is an affordable neighborhood. And so we're going to get affordable units here. What we're talking about is doing affordable units. The neighbors don't want studios and one bedrooms, but those are affordable units in this market. So I completely understand and you know, we don't think there's room for a grocery store of any size there. We don't think that we could have any commercial or restaurant on the ground floor because of parking requirements. So we're really limited, maybe in the real estate agent. I mean, is that, like Joe said, is that tipping the needle, having a little bit of office space on the bottom? Yes, it looks clever, but we're talking about 15 units at the cost of some high end residential or high end commercial space. Joe?

[02:46:33] Hey, thanks, thanks again. No, I think I think Paul hit it on the head, you know, and I always just try to especially looking at this project, you know, thinking of the neighborhood center, you know, and one of those bullet points on the goals of the neighborhood center is to accommodate higher intensity residential choices that contribute to countywide housing diversity. So I know there's things that you know might be in opposition, but it's viewed as a center. You know, it's viewed as a whole, a whole piece, and we might not be able to check every single bullet point. You know, with that, but we definitely adhere to one of the goals and there's walkability. I mean, obviously the gas stations right across the street. But you know, the the fact of the matter is, is what Paul hit on, which is, you know, we also are limited in our decision space. And you know, at the end of the day, this is, you know, three storey four four 44 units or three storey 59 units. And for the number of houses that are needed in the area and the number, you know, excuse me, the number of units that are needed in the area, the number of units that can be provided, it just seems like, you know, 50 59 units does accommodate a higher intensity residential choice. And also that's one of the goals in the C.R.. So I don't think I can really add much to what Paul said outside of that.

[02:47:47] Thanks. So I'd say retail small retail entities are often the face of culture. You see this in downtown Missoula and in the hip strip and other places where people really feel like, wow, that retail defines that area and this is become a highly desirable place. And what we're doing in East Missoula right now, you guys and us, if we team up on this, we are making sure that East Missoula is a desert in terms of retail culture. This is a place where we've slammed in as many little houses as possible, whether they're apartments or houses or whatever, and then people drive to wherever they want. It's defining a neighborhood in a way that this neighborhood has spoken up and said, We do not want to be defined that way. We want to be something else. And we're saying, no, we're going to maximize, and you don't get to have the kind of neighborhood character you want. And that's that's a tough pill to swallow. And I get the rules well. It's forty four point fifty nine. That's what it is, you pick. Either way, there's not going to be any commercial just saying it feels wrong. It doesn't feel like this is what the folks in East Missoula want. And if they had it any other way, they would make it that way and puts us in a pretty rotten spot. And as Dave pointed to, ownership means control. I wonder if there is some way outside of this conversation for you to work with your landowner who can work with the folks in East Missoula.

[02:49:05] Maybe they can come up with a creative way to buy a ground floor unit, and then they take on the risk of leasing that out for commercial. But if we go through with this as it is, we are consigning the heart of East Missoula to something that the people in East Missoula don't want. And make no mistake about it, we are making a decision here for the next fifty or seventy five years at this location, and this will be thoroughly a bedroom community of Massawa nice bedroom either. Well, yeah, the irony does not escape me that we're having this conversation directly after our breaking ground housing plan, but I don't want to frame this in terms of either. You're for this proposal as conceived or you are against affordable housing. I don't think it is. I don't think it's as simple as that. I think I think there's nuance here, and I would love to be able to play a role in figuring out zoning that would actually move us not on just a few of the the goal items of the neighborhood center land use designation, but a majority of those to create a win win situation because I just do not think this is. I don't think that's what we have here before us today. Josh is absolutely right that that what creates true character, a sense of community and and and culture is not a monolithic housing. I don't know how else to say it.

[02:50:44] Matt. Yeah, go ahead. And your muted

[02:50:53] Do that, my screen is giving me some trouble right now. Sorry about that. I only raise my hand because I wanted to point out that. To see how the conversation is going, I know there's a recommended motion for approval in the staff report. And in this agenda item, just want to let you know commissioners that if you do go in the opposite direction, we do have recommended conclusions and motions for that so that your decision is based on a conclusion relative to the criteria here. But if you had any other specific questions, I

[02:51:29] I just based out of thin air.

[02:51:31] No, we are not trying to be arbitrary and capricious here. So thanks for figuring this out on the fly mat.

[02:51:41] But so, so how do we? Yeah, through. Incentive design, design incentives, I mean, how how how do we get to what is being asked by the community? The question that we're answering today. Um, it's still not necessarily going to. Yes or no, it's still not going to get to what they're asking.

[02:52:10] I part of it, I think, is is meaningful engagement between the property owner and and the community. I think that's one piece of it. I think it could very well be the case that there are plans on the shelf that if we deny this revocation today, which I still am inclined to do that, that they'll move forward immediately with the forty four unit development. But even with that, I would say doggone it, sit down with with the neighborhood and and I see you shaking your head, Paul. Maybe that's about the baby. I don't know that

[02:52:49] You're talking about the baby.

[02:52:51] But anyway, I still think it's fair, Dave. But yeah, but anyway. I I don't think it's too late to have some meaningful conversations with with the community over the long haul. I mean, if if the development the 40 40 unit thing does not get developed with the plan variation as it stands, I think we still need to forge ahead. But we absolutely need to forge ahead with updating the zoning in a way that that actually helps achieve the community goals. I don't know what that would look like on the fly right here today, but that would be that would be my goal. Josh, so again, I'll ask you this, Paul, just because you're such a you're a real development professional, we're not. What would you say to the neighborhood if you heard them say, these are our goals, we want to see some commercial and irrespective of this development, what would you tell them they should do? I would tell them that the comp plan was established in our zoning was established. We're in a big corridor of our three, our three. This has been our three forever. So I know we want to put those aside and say, Well, no, no, no, we're moving in some other direction. We're going to have all of our goals accomplished. But the fact of the matter is this is just one part property in a huge corridor of our three zoned property.

[02:54:18] And that was a land use decision that was not made just rationally or out of quick and hasty. It was made some real goals and fundamental efforts. It wasn't for junior planning team. You guys have had a senior planning staff and very experienced group for 10 20 for a long time longer than I've been around. And so this isn't this isn't an unguided approach. We're we're simply following the plans and I don't know, guys. Nobody likes housing. It's just I don't know where it's going to go. I don't know where affordable housing is going to go. This is where it should go, but nobody wants it there. You know, the public is going to come out and say they don't want it anywhere. They don't want houses next to houses. They don't want houses anywhere. So I don't know what to do. I love houses. I want houses everywhere. But I, you know, except in my backyard, but anywhere else is fine with me. I don't know. I'm just just a little saddened by it. You know, I think all the rights are there for for the reason, you know, but I think it is an affordable housing issue. I think the neighbors clearly are making that the case. Forty four hundred fifty nine. We don't want these efficient things here. I get it. Nobody wants them, but we need them somewhere.

[02:55:22] Guys, and so I don't know, you can. You can play this off. That's not an attack on affordable housing, but you know, we just heard a report that says we need housing units in any locations. And you know, I'm not I'm not talking about getting rid of forty four or forty nine. I'm talking about taking one unit out so it can be a store. So this isn't this is an either this isn't an either or like affordable housing. I really think this is a design question, not an either or question. And in a more perfect world, there would be a commercial space at the bottom of this thing that might be a coffee shop, restaurant type thing that might be able to eke out a living. Now that there's that many more people in East Missoula, it's not all. Forty four are gone and it's a shopping mall, just one unit. I know what you're saying, but that unit has to have parking that you're going to have parking standards that say you're going to have to put 10 15 whatever parking spaces in there for that commercial operation. That's not what we have in the central business district in downtown Missoula, in the hip strip that says, you know, parking. So yes, so you said get rid of all your parking requirements and put in whatever kind of commercial you want here.

[02:56:23] Then then maybe, maybe there's a path forward, but I doubt you're going to go there that parking lot people are in love with parking. And so in the neighborhood, no hate, no parking. They don't want to hear that. We'll just use up some whatever available street parking for for this use. And so we're we're bound in many ways. And you know, the bottom line is there has to be a demand for these commercial uses and we're just seeing that not be the case. It's just the demand isn't there. The demand is for residential. Eventually, it will be there. I think those storage units can be easily removed and there could be a grocery store. Their storage units are the most temporary thing that they can be taken down at a date. So, you know, they'll probably be their whole lives, but they can be removed and supermarkets don't care. They'll pay \$5 million for a piece of property, so you know, they'll tear down houses. They'll do whatever it takes once the market is established and the need is established. You know, they do studies and then they buy all the property in the locations where those have to happen. They don't just haphazardly come along based on demanding they come. We put it in an apartment building, so I don't know, you know?

[02:57:25] Thanks, Paul. Oh. Matt? Oh, sorry. Looks like I'm sorry if you didn't have anything, I couldn't tell.

[02:57:40] I have nothing to add. Thank you.

[02:57:43] I'm prepared to vote.

[02:57:51] Yeah. I really want to try to. Yeah. Even though so, Dave, play this out, if this is denied, then it's just forty four units go in. If we're really this is all about 15 units and eight feet is what really is coming down to.

[02:58:15] Well, it's more than that it's it's coming down to one hundred and twenty five feet that's allowable. It's it's coming down to taking the word of the developer that what is being proposed will actually be built. Again, I have no reason to doubt the credibility or the the intent here. But again, there's no assurance that we have seen proposals come before us in the past and and with the best of intentions, something is proposed. It doesn't get built, but the zoning has been changed or is now in place to allow something completely different. I just don't see this as it. It is a difference of units, a number of units. But I do not see it as appreciably moving us in the direction of realizing the vision of Neighbourhood Centre, which I think includes much more the spirit of it, as I read, it is much more mixed use than what is currently proposed to your to your point, Paul. You might be surprised that we might be more willing to talk about parking and flexibility there to encourage different type of development than you think, because that's exactly what I want us to be able to grapple with at a creative level as we're creating these new zoning districts is how to create the circumstances and the conditions to realize goals.

[02:59:47] And that might all of this is going to potentially rankle someone, but that's the risk that we take at times. I do want to go back to something I heard earlier in terms of infrastructure. None of this is going to be completely linear. I get it that it might be nice in a perfect world to have a highway two hundred corridor completely rebuilt before any more development goes in in East Missoula. That's not going to happen. We are intent. We've had conversations. Some of us with the MPO Zula Planning Organization as recently as last week about how we can start tapping into federal funding to implement the Highway two hundred corridor plan. But but in terms of individual projects like this and proposals, we can't just keep those completely on ice until every improvement gets accomplished on Highway two hundred as we would like.

[03:00:58] Ok, and so I'm still I want to be convinced that. There is an appreciable difference or movement towards this neighborhood center, if this. If this is denied and I'm. Tell it to me again, Dave, because I can't tell you, just be the turn to the punch bowl and I'll.

[03:01:24] No, I know I'm usually that turd in the Punch Bowl, so that's fine. I I can't tell you that there will be. Are. An appreciable benefit or that it will be appreciably better if we deny the revocation. What I can say is I don't think it's going to appreciably, if at all. Move us in the direction of realizing the goals of the Neighbourhood Center land use designation if we if we revoke it. That was kind of convoluted, I know. Well, I missed, I was I was with you for most of it, so. So we if we approve what is being asked of us today? Yeah. And this language of revocation, I think is is what's the double

[03:02:17] Negative screws us all up? Yeah.

[03:02:18] So if we approve what's before us today?

[03:02:25] Then just goes back to Sierra three, right?

[03:02:28] And I think that moves us, that absolutely does not move us in the direction of achieving the goals of Neighbourhood Centre and may move us in the wrong direction if we deny it. If we deny the request before us today. I I don't know that it's going to be a fatal. I don't know that the forty four or the the. I don't think it's fifty five versus forty four in one way or the other is not going to really be the deciding factor here. It's more of is our decision moving us towards realizing Neighbourhood Centre or it is not. I think if we approve the proposal before us today, it moves us in the wrong direction. I think if we deny it, it's not going to get us everywhere. We need to go because we're still saddled with C.R. three, which still, I think, is even though it might cover a swath of east

Missoula. I think we're going to soon enough, we're going to scrap it. And I'm sure it was created out of the best of planning intentions and a bygone year, but that does not reflect the year. Twenty twenty two.

[03:03:47] So you're saying, OK, so if it's. If we go back to our three. I oh, man, I'm I'm just still not seeing how S.R. three is a deviation from the direction of or the. The Spirit of neighborhood center. Am I? And and and you think, Dave, that it really is a it's a it's a step away, even though it's. I'm still hung up on that. And that number eight.

[03:04:29] Well, OK, here's let me take a run at this. So as I as I look at this sterile language of C.R. three residential and the name the very name of the zoning district, I think defines what the focus is. I see nothing in here with any. There's nothing in here, design standard wise that I think would other than saying, well, you can do a conditional use that might cover some categories of commercial or these, these special exemptions, which might cover a little larger swath of commercial. There's really nothing in there that gets to the neighborhood character and design qualities that I really think are at the heart of much of the public comment that we've heard. So I think that's maybe getting closer to what I think is at play or at stake here. And again,

[03:05:30] The variation remains in place. It still doesn't get

[03:05:34] To those it remains in place until we change the zoning in a few months or the project gets built. Oh Paul, that's not correct. This is a legacy district, folks. And so this this will be unless we unless we voluntarily get rid of this. This is a legacy district that we're having and we will have built. We're meeting next week with our structural and mechanical all the whole teams meeting next week. John Hart speak to that. I don't think that's accurate. I think we have the ability. We've discussed this before John or Karen. We, as the board of county commissioners, have the ability to change the zoning here. Do we not? Am I mistaken?

[03:06:19] Sure. Yeah, so the the way the zoning project's been set up is to honor these what we call legacy districts, these special districts. However, the my understanding is the commission does have the discretion to rezone any of them really to the to the new district, new districts. But the way that we've structured it was the assumption that we would maintain a number of them, including this one. So that's the plan is to maintain them as legacy districts. The commission has the discretion to change that.

[03:06:53] All right. All right. I'm just going to Karen's absolutely correct. That's what I thought. Thank you. Gosh. I'm I'm I'm OK, I just got to say it, I'm OK denying this. Be like it's a small step, but it's a tiny step in the right direction and and it just kind of breaks my heart that we are going so far away from what the neighbors would actually want and really making decisions that are going to affect what East Missoula is. Not just these immediate neighbors now for decades and kind of relegating it to an identity that people who live there don't want to have to live out. That's just distasteful to me. So it's a small step, our step may be so small, it's ineffectual, but it's it's better than a non step, which is what I feel like the other is.

[03:08:02] And Karen, can you? What Joss was just saying, can you? Help me verifies the wrong word, but can you explain? How that would work. I think what the I think, what I'm hearing from the community and what I'm hearing from the commissioners, from Josh and from Dave, is that the the existing plan variation is closer to what the community desires than revoking the planned variation. It's an imperfect solution, but if I'm understanding correctly that it's seen as closer to meeting the community's desires than than the than going through with the relocation. And let's see if I got that right. Ok. Yes. And I think where I was hung up before is I was thinking that C.R. three was actually closer, but. You, the planners are telling me that that it's leaving it how it is, is actually that small step closer to. I want to be careful there because we did make findings in the staff report. The plans have made findings in the staff report that argued that the revoking the planned variation can be determined to be in compliance, however. We don't have the full record until it goes through the planning board and through the commissioners, and I think what what I'm hearing from Commissioner Meyer, Commissioner Slotnick in the public input is folks saying we think that actually the keeping the plan variation in place is closer to meeting the community's desires for their area than the revoking it, which is what was. Reporter, OK, Paul, you had your hand up. Sorry.

[03:10:05] Well, you know, I just wanted to add my client just emailed me, text me and said, Hey, maybe they could figure a coffee shop in the basement, you know? So I don't know, but we can't condition this thing, you know? And so you're going to have to trust us, and there seems to be a lack of that here. And so I don't know that we would get anywhere with that. But you know, a coffee shop is something they could possibly an office for the building. You

know, I mean, these are things that think, Hey, maybe that that would work. Maybe you guys could fit it in, you know, the architects, not here. That's been Gavin of Gavin Hanks, but. That's we just wanted to have that. Yeah, and great to have an open conversation with the neighborhood I'd say about about purchasing a ground floor unit that then let the neighborhood take on the the the risk and we can figure out how to work with them. We can't solve it right now, but we can get creative and see what we can do and we can look at parking to that isn't an impediment. That's it's a temporary impediment. It's something we made up. We can make up something else

[03:10:59] If am I available to comment really quickly here? Ok? I just kind of wanted to talk about, you know, what was just discussed as far as moving further away or closer towards. And it relates to what Dave was saying earlier. And you know, he's absolutely right, right? If you if you revoke this, then although he's seen best laid plans in the past, you could have this one hundred and twenty five foot building, right? He's he said that a couple of times today, and I think that that coin kind of flips both ways in the sense that this plan variation is just this plan variation. So yes, you do know what you're going to get. But Josh is also mentioned, you know, he would love to see working with the developer. He would love to see none of these things can happen in the current plan variation. You can't do these special exceptions for some commercial space on the bottom floor in the plan variation. So I would actually argue that going to see our three gets us way closer because it provides the option for that community involvement. I mean, these are these developers are people, you know, they're on this call. They just texted Paul, Hey, maybe a coffee shop. I mean, Dave's absolutely right. You know, you're not voting on a plan that's in place right now, although we do have a plan that they want to move forward with. These are individuals who live in in Montana, and I know that public is frustrated. I understand that. But by by keeping the plan variation in place, that frustration has nowhere to go by. By revoking the plan variation, you at least give the option. You at least give the option to the developer and the community to say, OK, now we're in C.R. three. If we wanted to do something that's not currently in our plan, we have the option without that option. All they're going to get is 44 units, and that's not forty four point fifty nine. That's a completely separate issue where really it's it's. It's taking away all the potential for conversation by keeping the 44 units in place.

[03:12:53] And there is a the is being taken away or the potential for a conversation. As being taken away, if if the variation remains in place is what you're.

[03:13:04] Yes, because in the 44 unit, in the 44 unit variation you, you essentially have this footprint that you're limited to. They have to build out these units given on the on the plan variation. And once that's revoked, then there is at least a potential like Davis mentioned, although, you know, in the negative side, there's the potential for for the building height, but also there's the potential for, you know, other things that are zoning applicable that are outside of that plan variation to be instituted. And I just thought it was worth mentioning because it's it's might not be, you know, the thing being voted on here, but it I just would think that revoking it does sort of move it in that direction of conversation.

[03:13:43] So one could ask Karen a question.

[03:13:45] Yeah, yeah, please.

[03:13:47] So Ken, I'm. How is Joe accurate, are we are we more close to the is the potential for some type of neighborhood commercial closer with our revocation of the variation than with? Out and then with the CRTC. Which one of the variation or the Tier three, which one is that makes a little bit of neighborhood commercial a greater possibility?

[03:14:15] Ok, so I'll have to ask Matt to verify. But my understanding of the planned variation is it's linked very closely to a site plan and use, which is only for however many units. Forty four units as designed in the site plan, the the S.R. three allows for other uses. So that's I think what what Joe is trying to say is that if you if you stay with the plan variation, then you have to follow that. It's specific in this plan.

[03:14:49] So kind of what I'm trying to paraphrase you and please correct me if I get it wrong, you're saying you're saying one one side of the coin. Dave was thrown out. You could have one hundred and twenty five feet of pretty green IMO. Or you could also have, you know, three stories, four stories with with a coffee shop on the bottom. But if we don't do this, if we'd say deny everything, then we're rock solid 44 units. Nothing else but that.

[03:15:16] Exactly. And so that was just to provide context because I felt like the conversation was going in the opposite direction in the sense of, you know, if we are talking about guiding ourselves towards what the residents do want. Dave is right. Nothing is set in stone. But what is set in stone is that plan variation that cannot change. The developer is limited by that, whereas it's revoked, the developer has options and and, you know, you summarized it perfectly, so thank you.

[03:15:44] Great. So let's say if we were able if we were able to get to. I'm sorry to interrupt. Oh, go ahead. If we were to say, OK, we're going to approve the. Revocation and gamble that the that the potential it now exists for some commercial, we would be hoping that the developer would be open to some negotiation with neighbors and the county and be doing something creative. And that's our gamble, right? You guys could say, nah, you know, the potential is there, but we would way rather just build 59 units and walk away. Let me add, if our developer pulls the cart under it, doesn't do commercial or doesn't do that. You know, I would say we would walk away from the projects, you know, I mean, we've got a reputation to Josh. You know, there's a lot of work left on that. There's a lot of work left to be done here and we want to do it all. But we don't, you know, we don't need it. And so if if you know, we're up here being made a fool, you know, then then we'll have to walk away.

[03:16:47] The flexibility exists with the CR three and it doesn't exist with the variation.

[03:16:54] They yes, that is correct. For what, though?

[03:16:58] To clarify the flexibility to create. A yes, potential for fifty nine units, but also potential for this ground floor development, this Moore Neighborhood Centre feel that that people are asking for

[03:17:15] And also potential for one hundred and twenty five feet of brutalist concrete. Rabbit Warren housing

[03:17:21] But even with the variation, there is no design standards that says that you have to create a beautiful space and inviting neighborhood. Beautiful space. It could be forty four monolithic units and and be totally soulless with a variation.

[03:17:38] Yes.

[03:17:39] So just to be totally clear, with the planned variation, as it stands right now, and I wish I had the language in front of me. Those forty four, so the forty four units you're talking about. Must be residential. Does it specify what? What use those units? The density of those units can be closed? Is there any ability, Matt, Karen, anyone? Can you answer? Whether commercial is allowed with the planned variation.

[03:18:17] I will have to defer to Matt.

[03:18:22] My understanding of the approved of the planned variation that's on on record is that, no, it's it's really set in being these 44 residential dwelling units.

[03:18:32] So, so, Paul, I appreciated what you said about reputation, and I think you're right on, and I'm glad that you said that and you guys could work, attempt to work in good faith with the community and knowing that we are open to creativity. If we could try and figure out how to get some small commercial in that thing that, you know, I would believe you that you would try if you didn't try, we would remember that too. Well, the other option there and. Given the delays that we've had to get to this point, the only way to truly assure that that that outcome comes to be is if we do not take action today and the neighborhood, the community and the developer truly sat down together right now and and figured out some more solid plan to include within the revocation of the plan variation that sort of accommodation for commercial, be it it might not be a coffee shop, it could be something else. But we're we're rolling the dice of. We might say, let's

[03:19:48] How do we go together, how do we say, OK, yeah, we will agree to go back to see our three if you also agree to have a true conversation with the community to create this commercial space that they're interested in.

[03:20:02] I think the only way to accomplish anything close to that would be to step away from the brink and and have willingness on the part of the developer and the project proponent to engage the neighbors in a different way. I

don't know if that would be the case. That's not for me. I guess I just want to be frank. I don't know that that will ever come to a spot where the neighbors are happy with what we're going to propose. Well, no, nothing whatsoever right now. I understand that. I understand that. But that's par for the course, unfortunately, when you build houses and so. And so let me just see, I don't want to wait. I mean, he's saying this could take years. My client doesn't want to wait and take years. And so regardless what we decide today, he's still going to consider doing 40 for you. And it's hard. Like I said, what we can guarantee is that we would incorporate some type of office or some type of commercial off the ground floor, or we won't. We'll do we'll almost step away from the project and hopefully my coworkers would agree and we would just distance ourselves from the project. And, you know, we've been made a fool and look like bozos. But that's that's par for the course as well. And so that's just where I sit in the world as a developer.

[03:21:25] But you know, what could happen? I mean, if you if if there was if there was real intent from the county, we could we could we could look at like a planned variation. If you said, OK, we would, you know, County didn't recommend we do this, but you could plan variation. You could go to it. But I think that sends us back to the planning board. All of it, all of it's going to be very difficult to follow. I think the only thing that can be reasonably accomplished if you if you get rid of that plan variation, I think my client's being honest when they say they'll include a commercial space at the ground floor. I don't know that it would ever satisfy the needs of the community. I just I don't think they want to see housing here, and I think they want something else and. So, you know, I don't want to be frank about it, I don't I can't make miracles, I can't. I never convince crowds of anything, you know, I just don't. I barely convince you guys of the law, you know, and and I just don't have, you know, meetings and meetings with these folks in the negotiations so far, apart from it's just really difficult. So I don't want to sugarcoat that at all.

[03:22:24] Anita, Josh was going to say something. I'm sorry, say Bob.

[03:22:28] You guys, you guys would would would commit to working with the neighbors on coming up with some creative way to get some commercial space on the ground floor, not the basement, but the ground floor. And that's not doing away with all kinds of housing. It's just one space. I would believe that you would try. Yeah, I just got confirmation from my client, he said. Simple one unit commercial space. You know, I like it.

[03:22:50] Absolutely. Yeah.

[03:22:52] I'm OK then. Yeah. Like that better than the forty four, because I feel like there's no potential with the forty four.

[03:22:59] There is no potential with the forty four. Like that's. And I'm looking at Karen or Matt. What? Is that that that is the case? There's no potential for this commercial. But not with it as specific that it's your housing units. Yeah, so. Well, in order for the community to move forward and to to kind of achieve this vision, C.R. three is the way to do that.

[03:23:40] Anita?

[03:23:42] Yeah, no, that's what I guess I was kind of saying as a question, but I came out as a sentence,

[03:23:49] Maybe we need. Maybe you can't see us. I'm sorry.

[03:23:53] I can't. I'm sorry. I really I can't see Joshua. Dave.

[03:23:56] For whatever. Right? Ok. Then my waving at the screen is doing no good.

[03:24:00] So, yeah, no, I can't see you guys.

[03:24:04] John Hart just popped up. Oh, before before. John says his delivers his silver tongue prose as usual. I will. Let me just throw out another idea I'm I'm still not quite there, and I'm not sure I'm going to get here today for the revocation. But another option would be. And of course, my sense is that from all your comments that the developer would not want to go down this path would be to entertain the possibility of an amended plan variation, which I think would get me to where I need to go here to be supportive. If that was coupled with and here, I'm

totally stepping out speculatively. But if if we were to waive application fees because I know that that's always a matter of consideration in these matters, if the fees would be waived, would that sweeten the pot enough to contemplate an amended plan variation? You mentioned you'd have to walk away. I mean, we could not we could not take that on today. That would be essentially starting the process over again, but to the extent that that dollars are a consideration. What do you think? If you're waiting for me, I just pull first thing. I think it would just have to be considered by the client. You know, they're going to walk away and that'll be considered. We have forty four minutes or we can go back and, you know, see where we can get with getting more units. You know, I I don't know that they're in a position to make it. I think they don't want to wait know, but I don't want to. I'm not trying to build pressure on you guys or anything, you know, I'm just trying to interpret what I understand from from our clients. Karen, Karen, hands up.

[03:26:18] Thank you, Karen. I guess the one thing I would point out is the very real timeline constraints of doing that. It, of course, depends on the zoning timeline that the zoning is already set up for public hearings in March and in May, so it would require a very expeditious timeline for the developer to get through that process. Not to say it can't be done, but just wanting to make sure that that's on the record somewhere. So see, I hate to keep being this dead horse, but like Ciara, three is drastically different than what is what the new zoning is. The new zoning that's being proposed in the spring.

[03:27:01] Is it that? Well, what I'm contemplating when needed, though, is perhaps you could approximate what that new zoning would look like by way of amending the plan variation.

[03:27:17] Or can can even. Don't we have the fight with Sierra three? Don't you have the flexibility to achieve?

[03:27:23] No, I do not think so. Like I mentioned it, it contains nothing regarding design that would would accomplish what what the what the community is looking for. Just in and of itself, I keep coming back to this and some might see this as a red herring, but one hundred and twenty five feet that better not be in the new zoning. I don't think it will be, but that's something that could be dealt with and in an amended plan variation, just like the current plan variation. Deals with that with height.

[03:28:03] Tim Morley I was just going to add to what Karen mentioned regarding the really short time frame that we likely have for. An amended plan variation, considering the noticing requirements, the practical time frame for doing it is going to be essentially overlapping the new zoning public hearing process. So I would just advise considerable caution because of that noticing requirement.

[03:28:45] So basically, you're telling us we can't do that.

[03:28:49] Well, and I haven't done the math one either, but it just it's the time frame for it would be so tight. Ok. It's not like you have all the time in the world. It would be a very constrained process.

[03:29:01] Yeah, I think what they've suggested, where if the applicant was to mirror some of the design considerations in the zoning, that's and you get some certainty with that. That's what which is what the community wants. That's probably the best way to do it. But just I just wanted to make sure it was clear that the timeline still would be tight.

[03:29:24] Is it possible or just or impossible? Timeline, timeline wise?

[03:29:30] Well, we have to juggle all the projects in the works and it depends on our work as well as as. The eye Meg's work, so it's not like there's a lot of things to consider, the stars would need to align, not to say it can't be done. And certainly this is a project already in the works, so it's not like it would be put at the bottom of the heap or something.

[03:29:56] I bring it up because that to me, that is as close as we can get. To try and define a win win solution here,

[03:30:06] Or I mean, at the same time, it's like, OK, if we go back to Sierra three and Joe and Paul and the developer, you guys are really committed to working with the community and proving what you're saying and proving that, yeah, we're going to have these conversations and develop this commercial space. Uh, yeah,

[03:30:31] That would work. I mean, that would work if that happened.

[03:30:36] Yeah, and you know, the. Can I speak? Yeah, yeah, yeah. This is Joe dinner, you know, and with that conversation to Dave, like you were recommending with that, with that process, you know, like they were saying it would be extremely tight and then we would be amending a plan variation that you know could be sworn in as a legacy district might have other options for you guys as commissioners to say, no, we don't want that and that that might be a little convoluted of a process as well, on top of just the timing issue. Just wanted to bring that up.

[03:31:11] So I'm still back to like my original that Sierra three does allow for more flexibility is am I wrong and thinking that? So. Ok. The the Sierra three zoning allows some flexibility, but with that flexibility comes flexibility they could build a lack of design standards, if you will. But with the variation, there is a lack of design standards. The variation actually has a pretty detailed site plan. It's not. I mean, it's not to the point of architectural drawings, necessarily, but it's. You have a pretty good idea what's going to go there.

[03:31:59] Yeah, I have the architectural drawing for the planned variation that exists right now, if that would help at all with the conversation.

[03:32:08] So the question before us is is the the revocation and forty four units and no conversation or. Back to I'm sorry or approving the revocation, going back to Sierra three and it's fifty nine units and a conversation. Yes. I'm not sure if that question is there. Yes. Say that again, sorry, Josh,

[03:32:38] I was just waiting for and I was like, I was hanging on her words.

[03:32:54] Well, and Josh and Dave, I can't see you guys at all, so I don't, I don't know.

[03:32:59] I was thinking, right?

[03:33:05] I mean, how how

[03:33:08] How probable, Karen is Dave's suggestion, which I like the threading the needle there, I just want to make sure it's possible. I mean, what would it take to align the stars? Ok. I'm all about that, you know, from our perspective, it's going to take it pretty tight, it'll be pretty tough. I don't know if you wanted to hear from me, Dave, but I think it's, you know, just giving the timing of all of it. It's going to be really tough because we are chasing your zoning. You know, if you're zoning, if we're if we're not ahead of your zoning, then whatever we're doing is really out of place. You know, it seems seems not very if you give us that option, if you tell us, Hey, that's the only way you're going to get to fifty nine. I'm going to talk about it with my client and we'll figure it, you know, he'll he'll get to consider it. And I just don't have the benefit of sitting in the same room with them, you know, taking a recess or whatever to do that. So completely understand if that's your decision. And then he's going to have a decision. If you want to do 40 for which he's ready to build on or does he want to try something else? He's committed to do one commercial space in the basement or in the not the basement, the ground floor, just one commercial space. You want it to be clear, just one space. You can't. He's not going to do the whole floor. He still wants to put his actual units down there. But so, you know, I don't I don't think it's realistic to go to the neighbors and say, Hey, what do you guys want to see here and then act in that way? It's more realistic that he'll come up with his own solution for what is possible and try to pursue, you know, whatever he'll do it, he'll do a commercial space.

[03:34:33] He'll just do what he said. He'll do a commercial space there, but I'm assuming he'll want to have control of what it is, who has that and maybe make it available for sale. I mean, what you're saying, if there's actually moneys available and there are somebody who's active who wants it? You know, I don't see that as being unreasonable or impossible, but but just being realistic, I don't want to sugarcoat it at all, you know? Yeah, I mean, I don't think we're going to go around and say, What do you guys all want to see? And then we're going to go, look for that type of franchise. And that's going to be what happens. You know, it's going to be it's going to be a market based decision on commercial, too. So, you know, I don't know if that's good enough for you guys. And I also had I don't know that we need like a conditional use. I don't know enough about the zoning now, but do we have to come back in for a conditional use for any type of retail or any type of use? And so we're not even we're a separate process from away from it. I don't know if anybody knows that, but.

[03:35:25] And so Karen or John Hart? I think that the idea of of of waiting until zoning is the new zoning is in place. That's also an impossibility right now. Or what? Well, they deserve an answer on this proposal. They have a proposal and you have a deadline that we've already extended. They've already extended. So we have to do something on this proposal one way or the other. Um. It OK. Yeah, so we have to do something on this proposal right now, one way or the other, and sorry, Josh or Dave, I can't see you again.

[03:36:10] Yeah, I guess just to Paul, I frankly, I think I think what you've described is exactly what has brought us to this point today by by way of second, the tendency on the part of a property owner to second guess the neighborhood that you're going to, you're going to plan what you plan and bring it out. And that's that's what it is and focus and hope for the best. And I don't mean to be too pejorative or putting words in your mouth here. But but what is necessary and what would have produced? I think a different outcome today had been if there was just a genuine discussion with the community very early in the process. And I'm not talking about identifying what franchise is going to go in, but but just talking about design elements in a way that that truly shows. I don't I don't know if the property owner actually lives in Missoula adjacent to this, this parcel or not. Maybe, maybe the individual does. But clearly the folks who are most impacted are going to be living adjacent to this proposed development every day are not real happy with the level of engagement and what is being rolled out here. And that's why I suggested the idea. If there was time, if the stars were able to align to think about an amended plan variation sweetening the pot with a waiving of the fees, if that would help you get fifty nine units and some greater accommodation for some development, that would align with neighborhood centre. But if that's not in the cards, then we vote it up or down today. And I guess be clear, just clear day, I think if you're saying if you're saying that's an option, then even if you vote up or down, we could still propose it right and we could still propose an amended plan for, you know, assuming you'd be willing to listen to it and you would guide your planning staff to process the application, they told us not to do, then, even if you vote up or down today, we still have that option, right? That is correct. Yeah.

[03:38:31] I'm sorry. I don't know if you can hear me. This is Andrew Hague, I'm here. I'm driving to the West Valley Community Council meeting right now and only catching part of this conversation. It's a fog bank, too, so I'm doing my best, but I I'm hearing about an amended plan variation, and I just have to be honest, I think this is like the crunched down exit.

[03:38:53] No, that's the way. Now, are you sure you want to get on? I'm driving and I'm going to pull over. That's a good idea. So.

[03:39:03] I just I think the chances, the realistic chances of getting a plan like. Engaging the neighborhood, drafting a plan variation, getting it in our hopper and getting it through the process before we get the new zoning approval is almost done. And I just don't want to send the applicant down a route on something that's just not really feasible. So here's the problem. Once we approve the new zoning, there are no more planned variations. We would be asking them to do something that doesn't exist anymore. So I just I'm not saying it's impossible. I'm saying, in my opinion, being the project manager on the zoning project, knowing what it takes to organize a community meeting. Process that feedback and actually draft something, it's just I think we're asking them to do something that's impossible, nearly impossible, right? I'm going to go back.

[03:39:59] Drive safely, Andrew. Thank you for that.

[03:40:01] Yeah, I was looking for an astronomer who could actually align the stars. Not that, Andrew.

[03:40:07] So the stars aligned if this is approved and C.R.. Three.

[03:40:15] So my my glass is not half full, I'm sorry, I got to be honest. Even even perhaps there will be some postage stamp of a corner commercial unit, but maybe. And if it does, is is that? I guess that is that's even speculatively speculative enough for me that I'm not sure that it's it's worth the cost. So Dave, I'm understanding it right. We got the speculation you just mentioned and I'm not going to I'm not going to argue with you. You're not you're you're correct in that. It's speculation. We have a chance versus forty four units and no chance of commercial. That's kind of it's looking to me like 59 units and the chance or 45 units and no chance. And what I'm hearing from the neighbors is commercial is what they're excited about, what they want. And for my I won't say that my whole

spiel again about culture and retail, et cetera. I feel like that's really going to that would help change even in a small way, how East Missoula feels. Do you think is that an accurate summary summary. I think I think it probably probably is with the with the other risks, I guess associated that for sure that it doesn't get built the way that it's being proposed. Yeah, yeah. The risk is it doesn't get built that way.

[03:41:40] They go one hundred and twenty five feet of East German concrete. They could do, they could do whatever the heck they want. They own the land, right? They could build as many units as they can go big. But but what Paul was talking about reputation and Joe seems like a really nice guy here. I want to. I want to. I feel like I want to give these guys a chance to create that commercial space, engage with the neighborhood to some degree and make a tiny piece of this neighborhood center thing come to reality. And I'm afraid if we go to four, we get nothing. So at the at the risk of contracting this even longer and and keeping Paul from his baby and other folks and caring from feeding her hungry dog who's taking a nap on the bed in the background, could you pull up the elevations? Joe, I mean, I'm curious from a design standpoint, what is it that you're proposing? What? And maybe Karen, you could chime in here at some point in terms of what? Well, maybe it's not clear, Matt, anyone from caps as far as the planned variation. What design? Standards are baked into that that might be different than C.R. three. So we are.

[03:43:07] Can you can you hear me?

[03:43:08] I can hear you. We are in the 11th

[03:43:10] Hour and I do not believe I have the ability to share my screen, so I sent this along to Matt Hymel. Matt, if you could pull up the 3D elevation so he'd be able to see him, that'd be really helpful. I just I don't think I can. Oh, wait, here we go. I have a share content. I just got it. One second, let me pull up the DS. Ok? Here we are. Can you guys see those?

[03:43:33] Yes. Ok. Can you make them a bit bigger? Yeah.

[03:43:38] Yeah. How's that?

[03:43:40] Yeah, great.

[03:43:41] Ok, so you're going to have to ask your question again, Dave, because I was freaking out that I wasn't able to share my screen. Sorry.

[03:43:48] I just wanted to see what you were planning. And also be clear that this is not necessarily what would be required by C.R. three. But then I also want to ask CAF staff with the plan variation. What side boards are there there in terms of design, because again, I think design is at least a piece of the discussion here and concern of folks.

[03:44:19] Commissioner, this is Matt Hymel here. There are no specific architectural design standards of the planned variation. There are draft architectural elevations in the plan, variation documents in our files. But as far as. Architectural elements that you see typically in form based or other zoning codes, we don't have those with the 44 unit plan variation. Other than substantially complying with the site development plan.

[03:44:48] I'm not quite following that, you said there's there's elevations that are somehow in the floating around out there are those just. What were those?

[03:45:00] And so far, it's a two story building, but there are no specific design standards for that.

[03:45:07] It can be anything.

[03:45:09] They they they approved a site plan, not elevations. They approved a site plan and includes a bunch of conditions and requirements related to things like landscaping and parking and such. But they did not adopt as part of the package the actual elevations. So how it looks, the elevations could be what was proposed or it could be something different.

[03:45:34] Joe, did you guys happen to prepare anything that would approximate what this would look like if there were just forty four units? Well, it's not the same, but just chopping off a few units.

[03:45:47] Yep, that's that's exactly right. So this this would be a similar design, just less units, and then these are the these are the proposed modifications to the zoning district outside of the locked in site plan.

[03:46:05] So yeah, let me add that. Derrick, the owner, just said that that the smaller building, the 11 unit building is where they were thinking about a commercial space. You know, they could be where the mailboxes are at two and, you know, a meeting spot. So that's what he just told me. And so I'm just interested in keeping you in line with

[03:46:24] The ability that's on the northern portion of the triangle, right? I'm.

[03:46:30] Correct, so that that smaller building, if you guys can still hear me, would be this one. All right, so here here's our site plan, this is the colored site plan, that smaller building where we're going to say that there will be a commercial would be here, right? Paul, is that is that what you said? That's correct. Yeah. So this is the 2D plan view, right? So that's the 11 Plex and how it relates to the 3D is this is the 11 Plex there.

[03:46:56] So, so flip back, if you could, Joe. Sure. Yeah, I guess I'm just I'm just wondering, is it would be your prerogative where the the commercial? Went, but that's behind the gas station, is that how I'm reading this correctly? There's a gas station there and there's a marijuana business. There's that little shed there that like a long gauge shed is a marijuana distributor. Oh, oh, right there. Yep. There's a commercial corner already established. Unfortunately, I guess.

[03:47:36] And that's not in our sight, just so you all know, 16A is not in the province, right? Yes, 60

[03:47:41] 16a is where the Oleg's is and the weed shop.

[03:47:44] All these, all these is the 19.

[03:47:47] Ok, all this is up here and then we have the lot. 16 a would be the the marijuana shop.

[03:48:03] Oh. And Josh and Dave, I still can't see you guys, so if.

[03:48:14] Yeah, I'm at the point where I think I think we just need to get emotional, do one one more ask here is is Lee Bridges still out there? Except for hands up.

[03:48:31] Oh, I didn't see that, I'm sorry.

[03:48:34] I'd like to ask me a question if I could.

[03:48:36] Yeah, go ahead.

[03:48:37] Please do. Josh, don't leave if you because you are with the East Missoula Community Council, have your finger on the pulse of the neighborhood and the way we don't. If you feel like people have the choice between forty four units and no commercial or fifty nine and and a commercial space, which one would they like to have forty for hands down? Ok. I was misreading that, I was thinking you all were much more focused on the commercial side of it. No, and I meant to get back to you and have a conversation with you about that. We are very clear in our understanding of what this developer plans to do and with our choice. Forty four. One hundred percent of everybody I've spoken to and heard from, and believe me, I'm getting hammered with everybody contacting me. It's definitely the forty four over the fifty nine and that's forty four and no commercial. Correct.

[03:49:41] Our. Well, that was very clear. Thank you. So, Josh, I.

[03:50:00] Is there is there a motion and we can modify it as necessary? Matt, whoa, what do we got here?

[03:50:09] It's Commissioner Matt Hymel here again. There's a couple motions for you to consider if you go towards denial, the request the first motion has. Uh, excuse me. Amended. Inclusions. And then the second motion is actual denial. And we can fix. We can change any of this, this is a word document so I can retype move. These are open to change.

[03:50:41] Ok. And I see John Hart. Popped up,

[03:50:46] I just want to say, well, I'll say a couple of things, I think one thing that we've clearly established during this meeting is that I'm perhaps the most ignorant person in the meeting when it comes to zoning. But here's here's what I here's what. If you're going to vote to deny, the staff report obviously will need to be amended more significantly than this. And and you know, we'll have to take some time to do that. We'll have to incorporate what we heard in public comment. Incorporate the concerns that were expressed by all three of you. And so I just want to make that clear that that it's very likely that these will not be the only three conclusions that would be amended in in the staff report. I'm assuming there's a successful motion to deny. So based on that? John, sorry for butting in here. We need a bit, I guess. No, you're fine. See my lips moving, our arms flailing. So John, based on that, if we went down this path and I'm not presuming how my colleagues will will feel about this, but if we did go down this path, would we need to read into the record one through three here or those in flux enough at this point in time that that those would be crafted after the fact based on the discussion and public comment that have been heard here today and that we would just simply skip two point number two. I think you could if you agree with the one two three amended conclusions that Matz put on the screen, I think you could, you know, you could make those part of your motion as well as then the the final sentence. But I just want to I just want to make it clear for the public, for everybody that the staff report will need to be revisited in in total based on the decision that you that you make here today. So that's not very helpful.

[03:53:21] Well, so but then, Dave, does that mean number two would be the clearer? Well, for denial if this was to be denied?

[03:53:33] So let me take a run at this, and if I screw it up, we can always back up and try again, so I'm I'm going to. Move that the conclusions in the staff report be amended to state the following items one through three and that the request to revoke the Canongate Olise plan variation be denied based on public testimony and amended conclusions pursuant to Section eight point two five of the Missoula County Zoning Regulations. That work.

[03:54:09] John Hurt is that.

[03:54:11] Or we could say I could amend my motion to say that the conclusions in the staff report be amended to state the following items one through three and other a summary of the discussion today. Other conclusions to be summarized following this. Public hearing or some such thing

[03:54:36] I see nodding from Karen, but

[03:54:40] Karen is nodding. But John,

[03:54:44] That sounds incredibly squishy.

[03:54:46] How about the findings and conclusions in the staff report be amended to state the following including but not limited to one through three. And then that the request to revoke be denied based on public testimony and amended findings and conclusions, because I'm not sure that just the conclusions will be amended. I think some of the findings may need to be revisited to reflect the discourse during this public hearing. So move just according to what John said. I'll say that.

[03:55:32] Ok. Can we just check the. Matt, with your magic typing that you captured what John said. For John, can you look at what Matt has typed and make sure that we're correct?

[03:55:49] My change just so everyone knows my style from caps as I updated Motion one to have findings and conclusions and then including but not limited to. And then the second motion is updated to have amended findings and conclusions instead of just conclusions.

[03:56:08] Yes, I'm inclined to say yes, I move what's on the page right there. And I'll second that.

[03:56:18] And any further discussion.

[03:56:22] I just want to thank everyone for hanging in here and and I'm egging the developer, I hope that you understand that even with this, we're trying to take this as seriously as possible, which is why we've spent four out three hours or so talking about it. It's not the outcome that you're looking for, but I certainly hope that we can move forward in a productive fashion in East Missoula.

[03:56:54] Any additional comment? Josh, I'm sorry, I can't. I mean, thank

[03:56:59] You for hanging in there and. This was a hard one, and I'm

[03:57:06] I feel good about us

[03:57:08] Respecting the will of of the East Missoula Community Council has put tons of effort into this and I'm a little bit disappointed on the lack of commercial. I don't want to see the identity of East Missoula become really what it feels like now, and I feel like there was a glimmer here, but it's going to have to it's going to have to become something else another day.

[03:57:30] Yeah, I guess I can live with this. Definitely more in the approval camp, and maybe I'm being Pollyanna and hoping that with fifty nine lots and diversity of of options, but I can live with this and if this is truly what the community is saying that it wants. And then the developers still getting what the developer wants, then I can live with it. Ok. All in favor, I.

[03:58:05] Thanks for your consideration, guys.

[03:58:07] Thank you very much for your time and consideration.

[03:58:10] See you guys.

[03:58:11] Thank you guys so much, Paul and Joe.

[03:58:14] See you. Thank you all. Thanks for everyone from the neighborhood and East Missoula hanging in there with us and John and Karen and staff Matt.

[03:58:23] Thank you all. Be safe.

[03:58:28] Goodbye. Hopefully, Andrew.