

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, APRIL 7, 2022 – 2 PM

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

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

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

ATTENDANCE:

Commissioners Present:

Acting Chair Strohmaier
Commissioner Slotnick

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Tim Worley, Senior Planner, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
Nick Zanetos, Planner, Community and Planning Services
Matt Heimel, Planner, Community and Planning Services
John Hart, Deputy Civil Attorney, Attorney's Office
Chris Lounsbury, Missoula County Chief Administrative Officer
Annie Cathey, Administrative Assistant, Commissioners' Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Erik Dickson, Transportation Engineer, Public Works
Sam Scott, Real Property Projects Coordinator, Clerk and Recorder's Office
Sarah Bell, Communications Coordinator, Communications
Allison Franz, Communications Manager, Communications
Brian West, Deputy Civil Attorney, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:05]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:26]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:35]*
4. **PUBLIC ANNOUNCEMENTS**

- a. [Proclamation: Sexual Assault Awareness Month](#) [Time stamp – 01:12]
- b. [Proclamation: Fair Housing Month](#) [Time stamp – 04:11]
- c. [Proclamation: National Public Safety Telecommunications Week](#) [Time stamp – 05:51]

5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** [Time stamp – 09:42]

6. **CURRENT CLAIMS LIST** [Time stamp – 13:15]

Claims received as of March 15, 2022 to March 24, 2022 by the Commissioners' Office total \$1,456,936.93.

7. **HEARINGS**

a. **TDS Metrocom Cable Franchise Resolution** [Time stamp – 14:23]

Chris Lounsbury, Missoula County Chief Administrative Officer

Commissioner Slotnick made the motion that the board approve and sign a resolution approving the application for a cable franchise with TDS Metrocom, LLC.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Resolution 2022-053. Book: 1074. Page: 388]

b. **Resolution of Intention to Create Rural Special Improvement District** [Time stamp – 17:37]

John Hart, Deputy County Attorney, Attorney's Office

Commissioner Slotnick made the motion that the board approve and sign a resolution relating to Rural Special Improvement District #8505 declaring it to be the intention of the Board of County Commissioners to create the district for the purpose of undertaking certain local improvements and financing the costs thereof and incidental thereto through the issuance of Rural Special Improvement District bonds secured by the county's Rural Special Improvement District revolving fund.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Resolution 2022-054. Book: 1074 Page: 390]

c. **Budge Family Transfer** [Time stamp – 30:42]

Matt Heimel, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the board approve the application by William Budge to utilize the Family Transfer exemption Montana Code Annotated §76-3-207(1)(b), to create and transfer one parcel to an immediate family member as presented in the subdivision exemption affidavit.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-164. Mailed to William Budge.]

d. **Smith Family Transfer** [Time stamp – 38:31]

Matt Heimel, Planner, Community and Planning Services

Commissioner Slotnick made the motion to approve the family transfer exemption request by Richard and Edith Smith, as presented in the subdivision exemption affidavit.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-165. Mailed to: Richard and Edith Smith]

e. Miller Creek Lots Subdivision [Time stamp – 46:22]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Slotnick made the motion to approve the Miller Creek Lots Subdivision, based on the findings of fact and conclusions of law in the staff report, and subject to the amended conditions of approval in the staff report.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-123. Mailed to: David Hotchkiss]

f. Novelli Nook Subdivision [Time stamp – 1:03:28]

Tim Worley, Senior Planner, Community and Planning Services

Commissioner Slotnick made the motion to approve the Novelli Nook Subdivision, based on the findings of fact and conclusions of law in the staff report, and subject to the recommended conditions of approval.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-138. Mailed to: Adam Hertz]

g. Lolo Flats Buildings for Lease or Rent [Time stamp – 1:08:52]

Bailey Minnich, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the board approve the Buildings for Lease or Rent project at 5470 Farm Lane, based on the findings of fact and the conclusions of law, subject to the amended recommended conditions of approval found in the staff report.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Letter 2022-124. Mailed to: PLK Properties LLC]

8. OTHER BUSINESS [Time stamp – 2:37:55]

[None]

9. ADJOURN

Acting Chair Strohmaier – Called the meeting to adjourn at 4:38 p.m.

BCC Public Meeting April 7, 2022 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.

[00:00:04] All right. Good afternoon, everyone. I'd like to call to order today's Thursday, April 7th. Public meeting of the Missoula Board of County Commissioners. Welcome back. In person, we have not been in this room in many, many months, maybe even close to a year. So you are a part of an inaugural occasion, which hopefully we will stick with for the foreseeable future. So to begin with, Missoula County acknowledges that this event today takes place in the Aboriginal territories of the Salish and Kalispell. People. Please stand and join me in the Pledge of Allegiance.

[00:00:40] Pledge allegiance to the flag.

[00:00:42] United States of.

[00:00:43] America.

[00:00:45] To the republic for.

[00:00:46] Which it stands.

[00:00:47] One nation.

[00:00:49] God forbid. Civil liberty and justice for all.

[00:00:55] All right. I'm Commissioner Dave Strohm. I I'm joined by Commissioner Josh Slotnick. Commissioner Juanita Vero is not able to join us today. We have a number of public announcements by way of proclamations to read today. And the first will be on Sexual Assault Awareness Month, and we'll be brought to us by Commissioner Slotnick.

[00:01:18] Thanks, Dave. All right. I'm going to read this proclamation. Missoula County, the city of Missoula, the University of Montana, and the Associated Students of the University of Montana. Do you hereby proclaim? Whereas Sexual Assault Awareness Month, SAM calls attention to the fact that sexual violence is widespread and has public health and safety implications for the city and county of Missoula and beyond. And. Whereas, rape, sexual assault and sexual harassment harm our community, our friends and our families. Studies show one in five women and one in 38 men have experienced, completed or attempted rape. One in four girls and one in 13 boys experienced child sexual abuse at some point before the age of 18. And on campus, one in five women, one in 16 men are sexually assaulted during their time in college. And. Whereas, statistics can tell us how many people are harmed. But talking to a survivor reveals the true impact of this violence, loss of safety and trust, and sometimes even the loss of hope. And. Whereas, the goal of SAM is more than awareness, the ultimate goal is prevention of sexual harassment, abuse and assault. And prevention means stopping sexual violence before it happens by changing norms that allow it to exist in the first place, ranging from attitudes, values and behaviors to laws, institutions and social norms.

[00:02:40] And. Whereas, we ask our community to join us in the Building Safer Spaces, Reclaiming our Right to Safety Campaign and champion the power of asking and receiving consent. Prevention is everyone's job. All of us can help create safe environments. We can intervene to stop behavior, promote healthy attitudes and relationships, believe survivors and connect them to resources. And. Whereas, we strongly support the efforts of national, state and local sexual assault prevention and response programs in their efforts to create safe and healthy communities. Now,

therefore, we John Egan, mayor of the City of Missoula, Josh Slotnick, Juanita Barrow and Dave Straw Meyer, Missoula County Commissioners. Seth Bonner, President of the University of Montana, and Noah Darnell, President of the Associated Students of the University of Montana, do hereby join the Student Advocacy Resource Center at the University of Montana, the YWCA, Missoula Project Beacon of All Nations Health Center. First step at Providence Saint Patrick's Hospital, the Make Your Move project of the Missoula City County Health Department, the Crime Advocacy Division of the Missoula County Community Justice Department, and communities across the country in playing an active role to prevent sexual violence, along with the United States government and the state of Montana, we do hereby proclaim April 2022 as Sexual Assault Awareness Month in the city of Missoula and Missoula County.

[00:04:04] Thanks, Josh. Is there anyone who would like to speak to this proclamation? Okay. Second proclamation and that last one is an important one. So thanks Josh. The next one. Whereas Title seven of the Civil Rights Act, commonly known as the Federal Fair Housing Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968. And. Whereas, The month of April is nationally recognized as Fair Housing Month and a time to reflect on and reaffirm our national commitment to the ideal that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability. And. Whereas, Missoula County recognizes that all residents are free to purchase rent, finance and ensure their homes without regard to their sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability or national origin. And. Whereas, Missoula County welcomes this opportunity to celebrate the 54th anniversary of the adoption of the Fair Housing Act and to reaffirm our commitment to the principle of fair housing for all by strengthening efforts that address discrimination in our communities. Supporting programs that will educate the public concerning their rights to equal housing opportunity, and assuring every person their right to live free of the fear of housing discrimination. Now, therefore, we need to Barrow, Dave Strong Meyer and Josh Slotnick. Missoula County Commissioners in Montana do hereby proclaim the month of April 2022 as Fair Housing Month.

[00:05:51] Thanks, Dave. And our last one. Often we have no proclamations. Today we are rich in proclamations. We have three. The final one, this comes from Missoula County around public safety. Whereas public safety was the first service provided by a government to its citizens and the safety and well-being of its citizens and emergency first responders continues to be one of the foremost concerns of Missoula County. And. Whereas, Ensuring public safety and well-being requires the ability to receive calls for help and immediately send responders to provide that help. And. Whereas, 911 is the critical first link in the chain and delivering public safety services. And. Whereas, the public safety communicators who work in 911 display a superior level of commitment, dedication and professionalism in accomplishing their mission of receiving calls for help from citizens, dispatching emergency response agencies and maintaining a communication link with the responders to ensure their safety. And. Whereas, these same public safety. Telecommunications. Telecommunications provide this service to the public and first responders 24 hours a day, 365 days a year, working extraordinarily long hours with difficult schedules. And. Whereas, the vital role of the public safety communicator is often unknown and not recognized. And now, therefore, we, the Missoula Board of County Commissioners, recognized the week of April 10th to April 16th as National Public Safety Telecommunications Week. We thank the telecommunications in 911 for all their efforts and hard work under very difficult circumstances. The community truly would not be safe without them. We also encourage the community to recognize the importance of the function of 911 and to thank these dedicated individuals in writing that comes to you from the Board of County Commissioners Juanita Barrow, Josh Slotnick and Dave Steinmeyer.

[00:07:43] Thank you, Josh. Any comment on any of those proclamations?

[00:07:49] Hi, this is Jeff. I work over at the Student Advocacy Resource Center at the University of Montana. And I just going back to the proclamation of the Sexual Assault Awareness Month, I just want to thank you on behalf of this department for joining us in this very important first step for creating a culture of respect. Appreciate it. Thank you.

[00:08:08] You bet. Thank you. Any other public comment are common in general? Commissioner, following.

[00:08:13] Comment. This was not this is not planned. I just noticed this in moments before this meeting, I saw our staff literally running across the street to pull this together. And as you pointed out, we haven't done this in a year.

And I just want to point out the hard work of the staff and thank them for pulling this together. It's one thing to do a public meeting. It's one thing to do an online meeting. It's a whole other thing to do them both simultaneously in this room. So I really want to say thanks to Violet and Emmie and Sarah and the other folks in our communications world to pulling this off. Good work and thank you.

[00:08:48] Yeah, thank you. There's a lot that goes into these meetings to pull them off as seamlessly as they are. So thank you. Speaking of this meeting, Violet, are there any housekeeping items that you'd like to mention for folks today, especially because this is a hybrid meeting, which is something we have not done in a very long time.

[00:09:09] Sure. Just really quickly, for folks that are calling in online on Microsoft teams, we just ask that you keep your cameras off until you're ready to speak because we'll be recording this meeting. And if your camera is on, you will appear in the duration of the recording. Also, please keep your mics muted until you're ready to speak. And if you're calling in on the phone, if you want to give comment, you will have to hit Star six when the time comes to unmute yourself. I think that's all.

[00:09:39] Okay. Thank you, Violet. So next on the agenda is the opportunity for public comment on any items that are not otherwise on the agenda. And for folks who have not seen the agenda, there are seven public hearings today. If you're here for one of those seven exciting public hearings, please hold your comments for that item at that point, if your comments pertain to that item, otherwise, this is your opportunity to come on up and tell us what's on your mind about anything else, hopefully within the jurisdiction of the Board of County Commissioners and please try to be as succinct as possible. Keep your comments to 3 minutes or less since we've got a ton of work to do today. And when you come on, come on up to the mic, please turn it on. And if it's not on already, there should be a green light. State your name for the record and share with us what is on your mind.

[00:10:37] It's sorted out here.

[00:10:42] Commissioner Stottlemeyer. Commissioner Slotnick. My name is Shane Coleman. This is my wife, Becky Coleman. This is our daughter, Jill Coleman. We live we have two other children. We live at 2970 sandalwood court out by the Kona Fishing Access.

[00:10:57] Today, the.

[00:10:58] Neighbors living on Sandalwood Court and Kona Ranch Road respectfully present to you this petition signed by the residents living on those streets and ask the Missoula commissioners to change the speed limit on Kona Ranch Road from the East approach to the Kona Bridge to its junction at Big Flat Road from 45 miles per hour to 35 miles per hour. The neighbors also respectfully request that a no passing zone be established on that same section of CONAN Ranch Road. The petition. Signers also asked the Missoula County commissioners to hold a hearing on our petition as a means to allow residents who signed the petition a chance to present their.

[00:11:39] Case in the speed limit.

[00:11:40] And establish a no passing zone. We understand the commissioners are also dealing with many issues that have significant impact on Missoula County as a whole.

[00:11:50] And.

[00:11:52] We just request that. We have the opportunity to present this to you on a more formal stage.

[00:12:02] Go ahead. You can go on that, Tom, but.

[00:12:05] Thank you. This is our petition. Thank you for accepting it. And that's all we have. Thank you. All right. Thank you so much for that, Willis. Were you wanting to speak to this also or. No. Okay. Cat's got your tongue today. Okay. Thanks so much for the petition. Willis gave us a heads up. This was coming. So we'll talk amongst ourselves and try to figure out a time whether it's in a public meeting setting like this or in one of our public works meeting meetings to talk about this and let you know that that's happening. So whoever wants to show up can. So, yeah, thank you so much. We really appreciate it. Any other public comment? An item is not on today's agenda. And

you went online or on the phone. Who would like to comment on anything? Not on today's agenda. Your online. Please use the raise hand function and we'll call on you in the order in which you raise your hand. Okay. Moving on our current claims list. This would be claims received as of March 15, 2022 through March 24, 2022 by the Commissioner's Office. Total \$1,456,936.93.

[00:13:30] I haven't had a chance to mention this to folks for a while, but if you're interested in what that dollar amount is composed of, go to the electronic version of today's agenda. You can click on that dollar amount and drill down into what all of those claims are. As I mentioned earlier, we have seven public hearings today. The way we will work this with each of these public hearings, for those of you who have not participated in one of our meetings previously, is we'll begin with a staff report. If the item is appropriate to this, we will then follow with a statement or comments or a presentation by the applicant or the applicant's representative. We'll take public comment, closed the public hearing, and then we'll have questions from the commission and an opportunity for the commission to discuss the item, make a motion and vote on that particular item. And the first public hearing, which I will open is on a proposed resolution related to TDS, Metro Comm Cable. And this would be a cable franchise. And we have a staff report from our county CEO, Chris Lounsbury.

[00:14:40] Good afternoon. Thank you, Commissioners. So what you have before you today is a resolution which would allow us to begin negotiations with TDS Metro for a cable franchise in Missoula County. A little bit of background. About approximately two years ago, Missoula County entered into its first franchise agreement, which was with Charter Spectrum Communications. We used a very similar process to this, the first piece being a resolution for us to open negotiations, at which point our legal counsel and your staff will begin negotiations. This pertains primarily to cable television, although they do provide Internet service as well. But the franchise has to do with the cable television component of that business. And what that allows us to do is negotiate for things like the public access programming brought to us by MCAD in this case, which is recording this meeting and also broadcaster meetings as well as a fee for the use of public right of way in order to be able to install cable to connect homes. So this again is just the first step of that process. This resolution would allow staff and legal counsel to begin those negotiations. And then after those negotiations are completed, a contract would come to you for the actual cable franchise. So this is just the first step of a multistep process. And for those who are unaware, TDS Metro Comm is now providing service in the Billings and Bozeman area of the state of Montana, having branched out from its beginnings in the Midwest.

[00:16:09] Very good. Yeah, go ahead. Last question.

[00:16:11] Thanks. So, Chris, I understand it, right. These franchise agreements do generate some revenue for the county, which then we can use to offset property taxes if we so chose.

[00:16:21] They do generate some revenue. I will say they generate approximately I think the cable franchise that we currently have generates about 75 to \$100,000 per year. So it's a small amount of money, but it can be used to offset property taxes. The county has used that funding in the past to fund, for example, the technology in this room, the sofa mouse room, which allows us to have MQTT broadcast the meetings as well as for us to have teams so that we can do hybrid meetings in this facility, which of course, were very beneficial during the pandemic.

[00:16:51] Great. Thanks.

[00:16:53] All right. Is there any public comment on the proposed resolution? In any public comment? Anyone online? Okay. We will close the public hearing any additional questions from the commission or a motion?

[00:17:11] I would make a motion. I would request the board to approve and sign a resolution approving the application for a cable franchise with TDS Metro LLC.

[00:17:20] I will second that. Any further discussion? See? None. All in favor I. Thank you, Chris.

[00:17:27] Thank you, Commissioners.

[00:17:29] We always look forward to those multistep processes. It wouldn't be worth doing unless it was a multistep one. Okay. Our second public hearing, which I'll open, is on a resolution of intention to create a rural special improvement district and Deputy County Attorney John Hart. Would you like to introduce this for us?

[00:17:48] I would, and I'm grateful, Commissioner Stroh Meyer, that you foreshadowed the exciting nature of the action items on the agenda today, because this one is exciting. I know I always say that when I'm presenting and you're probably thinking, does Hart really think that all of his projects are exciting? Yes, he does. But this one is truly exciting. This is, at least in terms of my tenure with Missoula County, which is only seven years. It's the first rural special improvement district that we have created, and I think it's probably the first one that we've anticipated creating in close to 20 years. And so it was I'll give you a little background. It was several years ago where along with Cao, Vicki Zimmer and the Public Works Department and even some of the planning department, we're talking about ways to help residents improve their roads and do road maintenance. We decided that we would initiate a process. I mean, it's always been available in Montana law, but we would actively set up a program whereby citizens in appropriate circumstances could create an ID for either road improvements, road maintenance or both. And so we plagiarizing heavily from Yellowstone County and Gallatin County, put together a form petition that we could give to citizens when they when they wanted some of these services. And and we're willing to pay some or all the part of it. We have provided that petition form to several. To several. Neighborhood groups, you know, locales and you know, it requires a lot of work. You got to go out and you've got to use some shoe leather going door to door to your neighbors.

[00:20:03] You got to you've got to pitch a plan to them. You've got to tell them this is what we should do and we want you to be on board. And but it's going to cost you a little bit of assessment on your property taxes. And so that's a big deterrent. And so we you know, we've offered this to several groups. And today we have a group of homeowners for the first time who followed through, have done the hard work, have petitioned Missoula County to have some road improvements on 29th Avenue and North Avenue West. And what they want to do, this is a dirt road in the I guess you'd call it the target range area. And so it's within the air stagnation zone of Missoula County. Paving this road is not only a benefit to everybody that we share the air shed with, but of particular importance to the neighbors on 29th and north. And there's 13 property owners and they want to pave their road and they want to put in some drainage features and other things that will make it a better road for them, but also make things better for Missoula County. And they presented a petition to Missoula County. And what I have done and I have in front of you today is the first step. Again, this is one of these multi-step projects, and I apologize for that. Although you guys like Multi-step Project Level, so we're on step one to create an SSID for this these neighbors. And under the law, the first thing you do is you adopt a resolution of intention to create the district.

[00:21:48] And that's what's in front of you today. And by law, that resolution must designate the number of the district. And I have exciting news. Just yesterday, Michelle Denman gave me the number of this proposed district. It's 8505. So numbers are always fun and I'm happy to bring that number to you today. The second thing the resolution must have it's got to describe the boundaries of the district and exhibit A to this resolution shows the the individual parcels along 29th and north that are part of this district. And there also a legal description on Exhibit B. The third thing the resolution has to have is it must state the general character of the improvements that are to be made. And again, these are going to be designing, engineering, constructing paved roadways on portions of 29th and north. And then and then you've got to state. Well, the name of the engineer who's going to be in charge of the work. And that is our own Missoula County Public Works Department. They are going to provide the the labor and the equipment and the homeowners, the property owners are going to pay the out-of-pocket costs for construction materials and what have you there. So the engineer is is the county public works department. Unless you have any questions for me. Well, oh, no, let me finish up. So if you adopt this resolution today, Commissioners, you will then the clerk and recorder will send a copy of this resolution mailed to each one of the individuals designated to be part of the district. The resolution will be there will be notice of the resolution published in The Missoulian on April 17th and April 24th, and then this resolution.

[00:23:56] Sets a second meeting same day Thursday, May 26th, at 2 p.m. to. And the purpose of that meeting is for you to hear any written protest that any proposed property owner will provide on or before May 20th. And if there if there aren't any protests, then the district can move forward. Even if there are protests, you can move forward with the district. The only thing that would be fatal to the district is if more than 50% of the property owners protest creation of the district, then by law you'd be prohibited from moving forward. Um, but that's essentially, you know, it's a long resolution, but that's that's what the that's what this resolution of intention will accomplish. And that's

what I have before you. I drafted it. I vetted it with some folks who know far more than me. And we got it right. It was a little more complicated because these neighbors are proposing to finance the costs of the road improvements over ten years. And so we're going to use our side fund to secure that. But then we're going to also issue bonds, public bonds, to to. Receive the money in this next fiscal year so we can do the work that made it a little bit more complicated. I didn't honestly, I didn't appreciate how complicated that was. And that's one of the reasons that this took longer than anybody wanted it to take. But but that's all memorialized in this resolution to.

[00:25:57] Thank you and for those who came in late. We're on the second public hearing today. This is a resolution of intention to create a special rural special improvement District 8505, which is along 29th Avenue in North Avenue West. And why don't we begin with if there's anyone is there anyone in the room who's a proponent or.

[00:26:18] A.

[00:26:19] Petitioner as part of this? Come on up. And please state your name for the record and tell us what's on your mind.

[00:26:29] I'm Nancy Isler. I'm currently the chairperson for the Ad Hoc Committee for this wretched petition. And I don't want to repeat anything that John Hart went over, but I just want to say that we're very grateful to have this possibility. And we want to thank John Hart, pardon the expression for having worked his heart out for us and from the bottom of our hearts to be able to make this possible. And also the wonderful guys at the Public Works Department, Shane Stack, Eric Dixon and Nate Geese, who have all worked their hearts out to get this to happen. And it's going to be really helpful for us in terms of dust control. Our dirt road, of course, falls apart annually with car swallowing potholes. And it's it's going to be a wonderful thing for us to be able to do this. And the financing piece, I understand, was really laid quite a chunk of work on John Hart's desk. But we're not overall an affluent neighborhood. And I think without that, we would not have been able to do it. So it's super, super wonderful, the whole thing. We're just very grateful to be able to do this.

[00:27:49] Thank you very much. Are there any petitioners online? We'd like to speak to this. Or anyone else, either online or in the room, who would like to speak to this item. Okay. See? Then I'll close the public hearing questions or comments.

[00:28:11] Just a comment. So. Oh, man. Almost three years ago, one of the residents in this neighborhood reached out to me because of the state of their road. And I called Shane Stack and he said, Oh, it's not a county road. It's not ours to deal with. And I said to Shane, Well, what do we do? He said, You know, there's this option hasn't been done that citizens have come forward to create this. And as long as I know about and as John pointed out, possibly not in this century. So these folks are not just getting their road paved. You are paving the way. And we really appreciate your patience and all the work that John did and Shane and Eric, etc.. So the next group of folks who do this in their neighborhood, it won't take quite as long. And the financing piece of it is super complicated. And unfortunately, in this situation, it's what was required. It wasn't when we needed a little bit of money for maintenance every year. It's now we need kind of major road reconstruction, which, as you know, costs a pretty penny. So this is long winded of me just saying thank you for hanging in there and that because of your work, you helped create a mechanism that other folks can use and I'm almost certain will use, given that we are pretty much up against our middle cap. And there really and now we don't have a gas tax to do sort of new stuff with roads. It's it's almost like that road is it a cul de sac? So thanks for helping create a new mechanism and thanks for doing the work, John. And with that I'm happy to make a motion. If you are ready to receive.

[00:29:44] One, please do.

[00:29:45] All right. I would request the board approve and sign a resolution relating to Rural Special Improvement District Number 8505, declaring it to be the intention of the Board of County Commissioners to create the District for the purpose of undertaking certain local improvements and financing the cost thereof, and incidental there to thorough through the issuance of rural special improvement district bonds secured by the county's Rural Special Improvement District Revolving Fund.

[00:30:15] I will second that and I will just put an exclamation point on everything that Commissioner Slotnick said earlier. Thanks for leading the way on this. Those who are the petitioners. And we look forward to moving this

through yet another multistep process. So any further discussion? Okay, see? None. All in favor. Hi. Okay. Thank you very much. Thank you. John Hart. Thank you. Public Works.

[00:30:39] Thank you.

[00:30:42] Our third public hearing today is the proposed Budge family transfer. And this will begin with a staff report by our very own Matt Hymel.

[00:31:01] Good afternoon, commissioners. Matt Hymel here with Community and Planning Services. I'll be presenting these family transfers. I have a few brief PowerPoints to show, which I'll get loaded up on the screen here in just a moment. Almost there. Here we go. Commissioners. This is a request from William Budge to utilize the family transfer exemption to create and transfer one parcel to an immediate family member as presented in the subdivision exemption affidavit. As stated, the claimant is William Budge, represented by Montana Northwest Company. And I have a very broad aerial image on the screen here showing the lower nine mile valley. So the property highlighted in this fine green and black hash line in the upper left hand corner of the screen is located at 32, 80, 32, 875 Piney Meadows Lane. It's adjacent to Nine Mile Creek, about six miles northwest of Highway ten west. And here is a closer aerial image showing you property as it is a bit of a delay. The property as it is currently developed with a single family residence, a few accessory structures with a direct driveway off Piney Meadows Road, you can see about 490 feet of Nine Mile Creek running through the property, which I will speak to in a few moments.

[00:32:44] So the overall proposal is to use a family transfer exemption to divide the 10.18 acre subject property into to about five acre tracks. And those would become one of the tracks. The northern vacant portion would be conveyed to the claimant's adult son and the claimant would retain ownership of and continue to reside on the section of the property with a existing house. As I said, Nine Mile Creek runs the property and is delineated as Zone a approximate 100 year flood plain. The applicant did prepare an engineered flood study regarding the floodplain. That study was received by Missoula County and hence forwarded to the Montana Department of Natural Resources and Conservation. The DRC, DRC concurred with the flood study and stated that its conclusions appear reasonable. So here is a slide showing existing conditions. The base flood elevation per that study is shown on the middle of the image with a faint blue line. And that approximate flood elevation for the study shows the existing residence and garage as being outside of the floodplain. And so this ultimately demonstrates that the flood hazard invasion criteria is not triggered for this family transfer. And here's the slide showing proposed conditions for the family transfer. You can see the northern vacant portion that would go to the claimants, son.

[00:34:21] So the Missoula County Growth Policy, as updated with the 2002 Regional Land Use Guide, designates a property with a rural, residential, low density land use and that recommends a density of about one dwelling unit per ten acres. This family transfer would exceed that recommended density, with one dwelling per about five acres. Adjacent properties that are also along Mile Creek are developed at about one unit per ten acres across the street. Properties that are not encumbered by floodplain are developed at about one dwelling per 3 to 4 acres. So although it's not strictly in compliance with that density, it's it's not completely out of character for the area. One comments I would like to note that we've received came from the Missoula Conservation District. The Conservation District had some concerns about implementing the 310 per diem program and stressed the importance of not disturbing the repairing area and how 310 permits will be required for any disturbances in that area. So that is a broad overview of the request. I will. We can move on to our questions for the family transfer applicant if the claimant or the representative could please state their name for the record.

[00:35:47] William Byrd.

[00:35:50] That's me. Thank you. I have five questions for you. One. Did you buy the property with the intent of dividing it? No. Thank you. Do you or your transferees intend to transfer the property within the next year? No. Thank you. Have you talked to anyone at the county about going through subdivision review? No, thank you. For will the property be developed? There may be. My son will build a house on it eventually. Outside the floodplain. Okay. Thank you. And five, will the recipient of the property be residing on the property? Yes. Okay. Thank you. So these the overall question for a family transfer exemption is, is it an invasion of the subdivision and Platting Act and our subdivision regulations establish rebuttable presumptions and general evasion criteria and staff's review of this request. None of the family transfers rebuttable rebuttable presumptions excuse me were triggered to general

evasion criteria were triggered. However, overall staff concluded there did not appear to be evasion and is recommending approval of this request.

[00:37:06] Thank you, Matt. Mr. Budge, is there anything else that you'd like to add?

[00:37:11] No, I'm. I'm just happy that.

[00:37:13] My son cares to live nearby me. So.

[00:37:18] You know, that's one of the reasons for dividing the property. I'm 81 and having.

[00:37:26] A little bit of difficulty taking care of stuff.

[00:37:32] Thank you. Yes, it is always good to have children who are willing to reside by you. Has yet to be determined with my kids. So is there any other public comment on this proposed family transfer? Any comment from anyone? In the room or virtually. Okay. We'll close the public hearing questions.

[00:37:55] I don't have any questions, but I am ready with a motion if you. Let's do it. Okay. I would request the board approve the application by William Budge to utilize the family transfer exemption. Mackay 70 632071b to create and transfer one parcel to an immediate family member as presented in the subdivision.

[00:38:14] Exemption affidavit is in order. I will second that motion. Any further discussion? C None. All in favor. All right. All right. Thank you, Mr. Budge. Thank you.

[00:38:26] Thank you.

[00:38:27] All right. You bet. Our fourth public hearing is on the Smith family transfer. Matt.

[00:38:39] Again, Commissioners Matt and Jamil here with Community Planning Services. Just a brief moment and I'll load up the presentation. Sure. Lag. I'll have to get used to. Okay, Commissioners. So this is a request from Richard and Edith Smith to use two exemptions to the Montana Subdivision and Planning Act. First, exemption is an aggregation to aggregate and then formally expunge a line, and the second, to utilize the family transfer exemption to create and transfer two parcels to immediate family members as presented in the subdivision exemption affidavit. On the screen is a broad aerial image showing the vicinity of a lower paddy canyon southeast of the city of Missoula. The property outlined in Green is located at the intersection of Burning Tree Drive and Patty Canyon Road. It is on the south side of Patty Creek, about two miles southeast of South Higgins Avenue. Wrong arrow there. So here is a closer aerial image showing the property it is currently vacant. Burning Tree Drive traverses the northwest portion of the property with Patty Creek on the northern edge. Note that the. Claimant owns and resides on the property. Located with the mouse cursor. So the first proposal, as I said, is to aggregate a boundary line. That line is not valid for use with the boundary line relocation exemption. However, aggregation of that line into the subject property would be required for eligibility to meet family transfer and survey reporting requirements.

[00:40:50] Aggregation of that line by filing a certificate of survey would formally reflect its expungement from the survey record. The second and primary proposal is to utilize a family transfer exemption. Now. It'll come up on the screen in a moment, I promise. To utilize a payment transfer exemption to divide the 13.37 acres subject property into to about 6.7 acre tracts for conveyance to the claimant's adult. Two adult daughters and the claimant, as I said, would not retain ownership of the property. But they live adjacent to to the southeast. So the adult dollars would each receive a tract and the application states. Both tracks are proposed for single family residential use. The property is described in the 2019 area Land Use Element Amendment to the 2016 growth policy and the land use designation here is rural, residential and agriculture residential densities recommended to be one dwelling unit on approximately 2 to 10 acres, depending on site factors. The proposed transfer would be in line with that recommendation at about one going unit per 6.7 acres. The property is also zoned. It is within zoning district four and zoning District four has some specific design requirements for slope grading. Wildfire hazard standards of which this property is within a wildfire hazard area. And I like to focus for a moment on the slope standards standards and zoning district for. So I showed on the slide subdivision exemptions are not reviewed for zoning

compliance, but whether a proposal might violate zoning is one of the criterion to determine whether it is an invasion of subdivision review.

[00:42:40] So in this application, we received a slope exhibit because zoning District four has some specific requirements for building building sites on all lots to be on an area under 25% slope. So while this does not identify a specific building site, nor would a building site be approved through this exemption, this exhibit does demonstrate that there are areas on the property under 25% slope where construction could occur. So. For one of the evasion criteria. This is satisfied that a violation of zoning would not be triggered and it also complies with the growth policy. One comment I would like to also note was received by the Water Quality District and the district. Emphasizes the importance of placing buildings and infrastructure is far from possible from the repairing area of Paddy Creek. It is not designated floodplain, however it is repair an area and the Water Quality District recommends a construction away from there. So with that, I can ask questions for the family transfer claimant. Please state their name for the record. Richard and Edie Smith. Thank you. I have five questions for you. One, did you buy the property with the intent of dividing it? No, we didn't. Thank you. Do you or your transferees intend to transfer the property within the next year?

[00:44:15] No.

[00:44:19] Thank you. Have you talked to anyone at the county about going through subdivision review? No, we haven't. Will the property be developed?

[00:44:28] Yes. Eventually it will be my two daughters.

[00:44:33] And will the recipients of the property be residing on the property? That's the intention, yes. Thank you. So commissioners, with that family transfers are reviewed for whether they evade subdivision. With that in our review, we did find that three rebuttable presumptions for family transfers were triggered in our review and one evasion criteria. I should note that there are no rebuttable presumptions for aggregations as well. Overall, staff concluded that there did not appear to be an attempt to evade subdivision review and is recommending approval.

[00:45:10] Thank you, Matt. Would the claimant or the claimant's representative like to make any additional comments?

[00:45:17] No, thanks, Matt. Thank you, Commissioners.

[00:45:21] Okay. Thank you. Is there any public comment on this proposed family transfer, either in the room here at the courthouse or online? Jpc now closed the public hearing questions.

[00:45:34] I don't have any questions. I appreciate the presentation and I'm ready to toss a motion your way.

[00:45:39] Let's toss it. Okay. Oh, there it is. On the screen even.

[00:45:43] Nice. I would move to approve the family transfer exemption request by Richard and Edith Smith as presented in the subdivision exemption affidavit.

[00:45:52] All second tap. Any further discussion? See? None. All in favor. I. All right.

[00:45:59] I do have one question. I guess post this. I'm wondering in the race to who does the most family transfers between Nick and Matt? How are we going? What's the.

[00:46:08] It's deadlocked. Okay. Yeah, yeah, it is. Family transfer season. Okay. Thanks. Mr. and Mrs. Smith. Moving on to our fifth public hearing today. Miller Creek lots subdivision. Whenever you're ready, Nick.

[00:46:53] All righty. Thank you, Commissioners. I pulled my notes and we're on here. So this is a proposal for a for minor subdivision in the Miller Creek area. I'm going to start with the background first on the project. So the proposed project site is approximately four miles from Miller Creek's Road sorry, from Miller Creek Road's intersection with Highway 93. You can see the subject property kind of in the center of the screen here, highlighted

in black and green. The property is 20.92 acres in size and it sits on the flanks of Mount Dean Stone. The property currently has one home on it and one detached garage structure. It is currently zoned C-3 and it is designated as rule. Residential and agriculture by the 2019 land use element. The Afghans are proposing full residential lots on the property. Lot sizes are proposed to range from 13.9 acres to 2.65 acres in size, all slopes over 25 degrees are proposed as platted no build zones. All homes are proposed to have on site well and septic and overall density is proposed at one dwelling per 5.23 acres. Now looking at zoning and growth policy compliance. The C-3 zoning district requires one dwelling per five acres. The proposed density at one dwelling per 5.2 to 3 acres does meet this requirement.

[00:48:25] Propose lots two, three and four. Do not meet the C-3 length of width ratio requirement. However, the applicant received a variance of approval from the Board of Adjustment in November of 2021 to waive this requirement for lots two, three and four projects also demonstrated compliance with the C-3 setbacks and the proposed single family use is a permitted use within the C-3 district. Now looking at growth policy compliance. The rule for residential and ag designation recommends a density of one dwelling per ten acres to one dwelling for two acres. The application does fit within this recommended density range. The application also does meet objective 8.3 of the growth policy, which is meant to direct development to areas that have the least amount of impact on natural resources. Now looking at impacts to local services. Like I said, all lots proposed to have on site well and septic for water and sanitation. Primary access to the subdivision will be from individual approaches off of Miller Creek Road. There is an existing loop driver that accesses lots one and two. This will be decommissioned to serve the lots individually. Being a minor subdivision, there is no Parkland requirement and no requirement for pedestrian infrastructure as well. Then it is located within Missoula Rural Fire District and serviced by the County Sheriff's Office.

[00:49:58] Project was sent out for comment to applicable Missoula County agencies and as well as adjacent property owners. We received two comments from agencies. The first is from the Health Department, which commented that the project would require sanitation review or a citation of an applicable exemption valid. Audubon also commented that regarding bird habitat, they have a. Minimal concerns with the project. We did receive two letters from adjacent property owners to summarize their concerns, their concerns over the existing wells being contaminated by septic systems from the new lots. Also concerns over draining the local aquifer and experiencing a reduction in static well depth. And there's also concerns regarding the overall density of the subdivision and how that fits into the character of the neighbourhood. Last, I just wanted to highlight a few important conditions of approval that staff is recommending. Condition two relates to removing an existing garage located on the lot line between proposed lots one and two, and we are recommending that this be moved prior to final plat approval. Condition six requires the slopes greater than 25 degrees be labeled as no go zones on the face of the plat and condition. Seven is a fire sprinkler requirement for each new home within the subdivision. And in conclusion, staff is recommending approval and there are 12 conditions in total.

[00:51:31] Thank you, Nick. Would the applicant or applicant's representative like to present anything? Mr.. Mr.. Ewer your muted. This first time. Ron, you're still talking, but you're muted. All right. It's all yours.

[00:52:01] Hi, Ron. You're with PCI. And here is with me is Dave Hotchkiss. He's the owner of the property. And I just want to say thanks to Nick and his work on this. I've read through the entire staff report. Looks looks very reasonable. There is one thing that we want to talk about, and that is condition number two. And it's kind of a personal reason behind it. And they would like to address condition number two, although I do have family that lives in the house, the existing house on Lot one, and they currently are using the detached garage for storage and whatnot. So I was hoping we could leave the structure until a possible building permit was pulled for either last two or three. And that's the the two lots that share that property on. So I don't know if it's. Yeah, that of course is one and two. I think he meant two and three. Yeah. And so it's just a lot line obviously if he does come in for a building permit for either lot two or three, then at that time he would remove the garage. Just to reiterate, it is not harming anything now. And his brother's keeping a lot of his work equipment and things in there, and it's kind of important to him. It's not hurting anything remaining.

[00:53:40] Thanks, Ron. Nick, do you pull up or refresh your memories? What is condition to the removal of that structure prior to final plat approval?

[00:53:50] Correct. Yeah. And we chose final plat approvals as to not create any nonconforming structures once these lots get platted. I don't think it would give us complete heartburn to change it to the building permit, but I think it would be cleaner to stick with final plat and it was indicated that it would be removed anyways in the application. So SAFF was trying not to impose any thing that the applicants were already recommending. I think we were just recommending that be done sooner than they were proposing.

[00:54:17] Question Thanks. So. Question For you, Nick. So let's say we were to say, okay, great, you don't have to take the garage down until somebody pulls a building permit on lot two or three. How is that enforced? How do we make sure that happens.

[00:54:31] If it's in the conditions of approval and it should be uploaded to the permit at the time of permit review. So it should be checked. So there is some safeguards in place and that could also be in place at the time of final plat approval if it's references final plat. So we could change the reference to to reflect the time that we wanted to be removed.

[00:54:52] With those safeguards in place. I'm okay with it.

[00:54:55] Okay. Hold that thought. We'll come back to that. Anything else, Ron?

[00:55:02] I don't have anything.

[00:55:05] Okay.

[00:55:06] Good.

[00:55:08] All right. Is there any public comment on this proposed Miller Creek Lot subdivision? Anyone here in the courthouse or anyone online like to comment? Oh, I see a Roy Thomas online.

[00:55:22] With you working.

[00:55:24] It is.

[00:55:25] Oh, good. I was one of the residents who sent in a letter concern.

[00:55:29] And my concern is my well, I'm across the street, across the road from the proposed subdivision. And because of the no build zones, the plan is to put three new houses in pretty close proximity, which would be three septic systems pretty close together. And I've noticed or I've realized since I've been here, I've lost probably 20 to 25, perhaps up to 28 feet in my well, my water levels dropped. I know people that live up the road a little bit. Their wells have gone dry in the past. But I'm no hydrologist or geologist, but it would seem the aquifer or the groundwater moves, my guess is in a southerly direction. Under the road would be coming under the road. On top of the bedrock and down towards down towards the creek behind me. And if there was discharge from septic tanks into groundwater, I would be very concerned that it would move along with the groundwater underneath the road and possibly contaminate my my water system. And I don't have any alternative if I lose my. Well, and that's that's my concern. Okay.

[00:56:58] Thank you, Mr. Thomas. We'll come back to that in just a second. I'd like to maybe ask staff some questions related to that. Is there any other public comment from folks on the proposed subdivision? Okay. We'll close the public hearing. Nick, could you speak to that? This would be followed up by a sanitation and subdivision review, would it not? So there will be a process by which sanitation issues are looked at, presumably, correct.

[00:57:29] The health department would make sure that the subdivision is compliant with the Sanitation and Planning Act prior to final plat approval. And there would also be a requirement for well and septic permits to be applied for and issued prior to installation of well in subtexts on the lots.

[00:57:46] So maybe you're not in the greatest position to answer this, but and certainly, Ron, if you want to speak to it all, so that would be fine. But first, do you, Nick, as far as what's examined during the issuance of a permit for a well, or are they are they looking at how that proposed well will impact other water users in the vicinity?

[00:58:14] Yes. And I'll speak very broadly, because I'm not, I don't know, like a very deep knowledge on it. But there are proposed, well, isolation zones that do need to be indicated upon. Not only are submittal for subdivision, but upon the actual submittal for the well and permit itself. Those did show to be off site from any adjacent property owners. So as far as the review of that, that would be taken into account.

[00:58:42] And during the sanitation and subdivision review process, is there an opportunity for public comment and input then?

[00:58:49] I don't believe there is, but I'm not positive on that.

[00:58:53] Oh, Bailey, you have something for us?

[00:58:58] Was already on so Bailey Minick planar three with caps so part of the sanitation and subdivision the the law or the statute that it comes out of state law. Our public hearing is basically the DSU review. That's why we're required with our application. They have to submit all of the DEC information for sufficiency of our application is because we are technically the public hearing for the DEC process.

[00:59:26] So in other words, any comment that's submitted, including Mr. Thomas, is related to water sanitation issues will be part of the record for that subsequent process.

[00:59:35] But I don't believe there's an additional like they don't mail notices or anything like that to the to the neighbors.

[00:59:41] Okay. Thank you. Ron, did you have anything you wanted to add? Then we'll go to Commissioner Slotnick here.

[00:59:47] Well, just sort of in general. So the groundwater, I don't think it's moving south. It's probably more of a southwest flow. It follows mainly toward the west. There are isolation zones that are mixing zones that cannot cross into a well isolation zone. We're using advanced systems, good technology for that, for the drain fields. There's quite a bit of work that goes in calculations and discussions with the and there's a lot of back and forth. It's quite a tedious process to get approval almost as much as getting Capps recommendation. Okay.

[01:00:38] Thank you. Thank you, Ron. Josh.

[01:00:41] Thanks. So I just wanted to say this is a scientific and technical engineering sort of matter, not simply around land use and development, which is why it is not up to us. So as Ron is noting, there is a gamble here to be had on the part of Ron and the and Mr. Hotchkiss just because we say, yep, you got it, you can subdivide here, make three lots, four lots. Go for it. Good luck. That does not mean perc test is going to happen. It doesn't mean that Dick is going to say yes to your well, that's on you guys in engineering and our our proving this is no way a guarantee that and I'll say this to Mr. Thomas that the water and sanitation piece of this are going to fly. Those are entirely engineering geotechnical hydrological considerations that we have scientists and regulators work on. So for Mr. Thomas, we say yes to this development. That does not mean the wells are going to work. That's up to the deck and to and septic is up to our health department. So and if if they say it's not going to work, it's not going to work. If they say it's going to work, I would feel okay that it's going to work. And if it doesn't, you would have all kinds of legal recourse.

[01:01:58] Additional, I guess we've already had public comment. So other questions, Josh or.

[01:02:04] No, I'm good. I'm ready for for a motion. And I appreciate Nick's good work. All right. I would move to approve the Miller Creek Lot subdivision based on the findings of fact and conclusions of law and the staff report and subject to the recommended. Oh, shoot. I'm sorry. I want to make sure. Sorry about that state. The condition

number two. I would like to see, as the applicants would wish, that the garage does not have to be removed until a building permit is pulled on the adjacent lot.

[01:02:36] So I think you could just say amended conditions of approval. Thank you.

[01:02:40] And I apologize for goofing that up. No, I moved to approve the Miller Creek Lot subdivision based on the findings of fact and conclusions of law on the staff report and subject to the amended conditions of approval in the staff report.

[01:02:52] I'll second that. That. Clear enough, Nick.

[01:02:55] What do you think?

[01:02:56] Yeah. Yeah.

[01:02:57] John, is that all right?

[01:02:59] Okay. Any further discussion? Seen an all in favor I and thank you, Mr. Thomas, and be assured your comments will be part of the record and forwarded on for the next process.

[01:03:14] Thank you.

[01:03:15] I appreciate your time.

[01:03:17] You bet. Thank you, guys. Appreciate it.

[01:03:21] Thank you, guys. Thank you.

[01:03:23] You bet. We're up to public hearing number six today. This would be the proposed novella Nook subdivision. Who does not like a proposal with the word Nick.

[01:03:43] Oh, no. Okay, that was great marketing. It's just a nook.

[01:03:48] For the record, Tim Worley with CAPS. I'm here to present novel Nook Subdivision, which is a proposal by Adam Hertz represented by Voith Engineering. For a three lot subdivision in East Missoula on 6171 square feet. The proposal is to create a 22,675 square foot lot containing an existing single family home, along with two 1748 square foot lots that will have a duplex unit. The location is in East Missoula. Here's that lot. Here we have Highway 200 here, just for reference. And this is Mount Jambo School. Swimming it a little bit. You can see the lot with the home on the northwestern edge of the property dating, and the home dates back to about 1974. We believe it has a garage off of Staple Street. It's actually addressed off Staple at 707 Staple. And here's an existing conditions map showing the single family home on the northern edge of the property. And the proposal is to create, again, two lots on the southern edge for the purpose of constructing a duplex. The Growth Policy land use designation is live make neighbourhood, which recommends in the residential arena a density range of 3 to 11 dwelling units per acre. Secondly, what's recommended includes small scale manufacturing fabrication, commercial kitchens and artists studios.

[01:05:39] And again, what's planned with this subdivision is to add a duplex. The total density of this project ends up being in excess of 20 units per acre. So therefore the project isn't growth policy compliance strictly speaking. However, this location is un zoned and we note that a subdivision can't be denied based solely on lack of compliance with the growth policy. The roads in question are Michigan Avenue along the southern edge of the project, and Staples Street along the eastern edge. These are both county standard roadways. They're 24 feet wide. There's no proposal to alter these streets in any way. They meet county standard. Fire protection will be by a single fire hydrant about 150 feet north of the subject property. A water and sewer connection has been approved for this project by the city, specifically for this duplex concept. And there's just, I believe, five conditions of approval which include typical plat notes, including an S&D waiver to be placed on the face of the plant and also review of grading drainage and erosion control. Commissioners. We support this subdivision and there is your recommended motion.

[01:07:08] Thank you, Tim, with the applicant or applicant's representative like to speak to this.

[01:07:23] Thank you, commissioners. I'm Matt Hammerstein. I'm with Voith Engineering. We're representing Adam Hertz on this project and think I'm more here to answer questions. I want to thank Tim. He does a very thorough job on all those presentations, so. Okay. About covered.

[01:07:38] It. Okay. Thank you very much. Is there any public comment on this proposed subdivision either here in the courthouse, in the Sophie Moses room or anyone online? Any online callers. Okay. Cnn will close the public hearing questions.

[01:07:59] I don't have any real questions, just comments on a good job on using available space and hooking up to sewer that's already there and looks like building something that isn't going to be super big. Hopefully it will be affordable. And I know that's a lot out of your guys's control given that costs are today, but keeping it small is great. Making use of space that exists is great. So glad to see this happen.

[01:08:22] Okay. I have nothing to add. How about a motion?

[01:08:28] I would move to approve the novel Nook Subdivision based on the findings of fact and conclusions of law and the staff report and subject to the recommended conditions of approval.

[01:08:36] I'll second that any further discussion. See none. All in favor. I thank you, gentlemen.

[01:08:41] Sorry you guys had to wait so long, so.

[01:08:45] You don't need to leave either. There's more. More to come. Oh, good. Right. Our seventh and final public hearing today is on the proposed lolo flats building's for lease or rent proposal. Bailey.

[01:09:04] Give me 1/2 to get everything connected here. Like go faster. Go faster.

[01:09:11] No. Take your time. We're doing great.

[01:09:16] The technology problem with the multiple screens and everything. And work? Yes. Okay. Commissioners, last one of the day. This is the lolo flats development. It's a buildings for lease or rent project. Make sure it goes perfect. So I was just going to start with a brief overview of what buildings for lease or rent actually is. We don't see them very much, or I should say we see one type of them consistently, but they are a set of standalone regulations. So they are separate from zoning regulation, separate from subdivision regulations. They are triggered only with one zoned property within the county. So if a zoned doesn't apply and it requires there are certain thresholds within them for for triggering this review. So residential or commercial development is triggered with four or more units and or structures for lease or rent on one tract of record and then storage units that have more than four or more buildings or 30 or more units in a single building, on a single tract of record. So generally the most we see our storage units is usually this. This is not a storage unit project, though. And then there are review criteria specific within the buildings for lease or rent regulations. And I've listed those on the slide and I'll go through them all in my report. But these are the specific set of criteria that we would recommend approval or denial based on these just these specific really six criteria that we have. So here is the property. It is. And again, I have a big picture of it. Let me get my little. Laser pointer here. So this is the property here. It's east of Highway 93, near the intersection of Farm Lane and Lakeside Drive. So here's the 93 Highway 12 intersection. This is actually Lewis and Clark Drive. If you go out there, that's the road sign that's there. So we're in this this area. And here's a zoomed in part of the property, just for reference. So this is the church that's right there. This is the property that is going to be the new Lolo Elementary School, just for reference for people.

[01:12:00] What's on that prop? What sort of structure is on that property?

[01:12:03] I will get to that in just a second. Yes. So let's see. Okay. So here so the request is to build 23 residential units in three buildings. It's a 2.18 acre parcel. There will be two eight plex units and then one seven plex unit. So there is an existing 12 plex that is currently on the property and that was constructed prior to the creation of the

buildings for lease or rent regulations in 2013. So that's when anything prior to 2013 is exempt basically, or, you know, not considered, it's not non-conforming. But so there is so this is the existing rate here. There is also an existing covered parking area that's on here as well. So that's what you were seeing on that on that picture. All of the proposed buildings will be connected to the lolo water and sewer district rad 901. The existing 12 plex is currently served by an on site well and septic system but is also proposed to be connected to the lolo water and sewer district as well. Access to the site is provided from an existing approach off of farm lane. It's actually this northern one here. Not really northern. It's sideways, sorry. It's really eastern side. That will become a looped 20 foot wide internal road within the development and they're proposing an additional approach off of farm lane to the west. And then they are also proposing a five foot wide asphalt sidewalk within the proposed adjacent or proposed adjacent to the internal road.

[01:13:49] So starting with the first criteria, which is we kind of combine them together in our staff report. So it's impacts to the physical environment and the human population in the area. So as I mentioned, it is accessed off a privately maintained internal road off of farm lane. There's no FEMA floodplain designation. It's inside of the air stagnation zone. So we do have a proposed condition that all driveways and parking areas would be paved. They did not submit a stormwater plan with the application. So we do have as a condition of approval that a greening and drainage plan would be reviewed and approved by Missoula Public Works prior to any land use approval, which is a building permit. In this case, we also have a condition of approval that they create a weed management plan to be reviewed and approved by the Missoula County Weed District prior to any land use approval for just general upkeep of the area surrounding the buildings. We did have one comment from the Missoula Valley Water Quality District indicating there could be high groundwater in the area due to proximity of the Bitter River and just noticing that there's potential for high groundwater and high runoff years and to be considered of considerable of basements and stormwater drainage calculations. Impacts for human population. We did notify the property owners within 300 feet of the project on March 14 and I actually sent out a second notice on March 18th because the link that we had included in the first notice, it wasn't working for some reason, so we sent a secondary notice with an updated link.

[01:15:24] Due to those technical issues with the county's website. As I said, they are surrounded by existing residential uses and it is an unknown area, so there's no zoning in this area. The submitted site plan, as you can see here on the property, they are proposing a side setback and a rear setback both of 20 feet, although no setbacks are required because it is unknown. So they're actually voluntarily giving that that setback there. We did have multiple comment letters that were received and they were attached as part of my staff report. And then I did had one additional comment that I forwarded out to the BCC email just for your information as well. Hopefully you guys got that. And just to some of the general concerns in the letters were the proposed location of the internal road and relation to the rear property line. So this area here, the location of snow storage, the overall density of the proposed development, which I'll get to in a second, the additional noise and traffic with the development concerns regarding rentals, reducing adjacent property values, lack of privacy regarding two storey buildings, reduction of views due to two storey buildings, overflow parking concerns that could block emergency response vehicles, lack of security lighting concern regarding adequate water supply in lolo and concern with traffic surrounding the new lolo elementary school directly across the street.

[01:16:56] So the growth policy compliance so the the property is designated as urban residential six dwelling units per acre under the 2002 Lolo Regional Plan, which is an amendment to our 2016 growth policy. The designation of urban residential is intended for areas where public infrastructure and services are available and adequate to serve the site. The development guidelines within the Urban Residential designation state that development should incorporate infrastructure such as sidewalks, curb and gutter streetlights. Buildings should be located within setbacks or following prevailing pattern of adjacent property setbacks. Buildings should be oriented to the street and that a range of building types is encouraged, including single family, detached duplex triplex and multifamily dwellings. The application, as I said, it's proposing 23 dwelling units and then with the existing 12 plex on the property, that's a total of 35 dwelling units on the 2.18 acres. And so that's a proposed density of approximately 16 dwelling units per acre. And just a note, as Tim mentioned earlier, that projects cannot be denied solely or denied based solely on noncompliance with the growth policy. So the other requirements water, wastewater and solid waste. Again, i said this area will be served by lolo water and sewer.

[01:18:24] We did receive comment from the missoula county public works stating the property will have to petition to be included within that district and be required to obtain a capacity letter from the district engineer that it can be served access to the site. As I said, it would be developed with a new six foot wide approach off farm lane about it's

about 50 feet between the two approaches. And that would create that loop loop system. And the internal road is proposed to be 20 feet in width and we do have a proposed condition for a new approach permit from the county for accessing that secondary access. Emergency Services. We did receive comment from Missoula Rural Fire. Requiring residential sprinkler systems be installed within the proposed structures in order to be compliant with fire code. And so we do have that condition as well as a condition of approval requiring review of the access and parking by Missoula Rural Fire as well for compliance with their fire trucks. And then again, as I said, it's outside the FEMA mapped floodplain for compliance with floodplain regulations. So staff is recommending approval of the application. We've proposed nine conditions of approval and I have a proposed motion. I do know Sean from four six engineering is here if you guys have any questions and I think there's a lot of public on the call as well.

[01:19:47] Great. Thank you. Would the applicant or applicant's representative like to say anything, Sean? Anything? Nothing. Okay. Very good. Well, with that, we will open up the public hearing. Would folks who are here in the courthouse, in the Sophie Moses room, is there anyone who would like to speak to this item? Come on up to the microphone. Yeah. Don't be shy. He. Is the light green at the base of the microphone.

[01:20:27] Okay. Okay. It is.

[01:20:29] All right. Thank you. If you could state your name for the record and share with us.

[01:20:34] I'm at 114 Lakeside Drive, which is property of home due west of the proposed construction project. I've been involved in getting. Local homeowner input on the proposed project. And we had. 83 people signed a petition opposing this project based on the fact of taking the existing 12 plex, figuring two vehicles per apartment. It'll take the vehicles from 24 up to 70. Right now we have a quite a problem of traffic on farm in Lewis and Clark as it is. We have a lot of speeding and. We've had one lady say, my son was almost killed crossing farm lane. There are no crosswalks. There are two speed speed limit signs. The sheriff's department has been. Has been helpful in putting more patrols in there. But if we take the existing apartment and a lot of the speeders come out of the apartment complex, we've got a young male type of individual with sports cars and they have other young males visiting them. So the overall vast majority of the people were objecting to the density of this project. And I know that you said that it doesn't apply in approving or disapproving, but then why would we have a 2002 plan if we're not going to go buy it or at least make it matter so. So we've got that that factor. And I would say that was the biggest objection. Then we have also the fact that we're going to have the local school starting up.

[01:22:37] And we've got a safety issue as it is right now. We do have kids walking up and down farm lane, Lewis and Clark without sidewalks. So now we take and add in the additional vehicles from this apartment complex, and it's just going to aggravate the situation. We don't really have a solution other than to try to keep the density down to what the plan the lolo plan had stated. So that's one factor involved in it. The other factor is, and it wasn't mentioned in any of the paperwork that I know of. There were Forfour 911 calls to this existing property, the 12 plex in the last two years. And so there's a there's been a problem of alleged drug use. Alcohol use fighting, domestic fighting. And there is no plan to that. I can see for an on site apartment manager to mitigate that problem for the future complex. It'll only get worse if everything is left as it is. That combined with the fact that we've got school kids going to be walking down that very sidewalk where the existing residents are speeding in and out of has a recipe for disaster. When I bought my property. I, I was given a declaration of covenants, conditions and restrictions, and that provided for the fact that there'd be a committee that would have to approve any new additions of residential buildings in our residential orchard tracks. And it described the fact that they there would be single family townhouses or duplexes only built in addition.

[01:24:32] And if you drive around lolo and i did this just to make sure i was right, i could find no other apartment complex that's mixing with residential with a 15 foot setback. There is several apartment complexes, but they're offset off by themselves and their designated apartments. I think that's probably the biggest issue that I've got personally with this because, you know, I'm I've basically got property that's going to be devalued with this. I've got the safety issue with the kids and I've got the property devaluation. And I also had a map that showed. That my property line is is a private road. And it is also a utility easement of 30 feet off my back property line. And it also has a covenant that anything in that. Easement. Has to be portable enough to be torn down if they have to go in and do something with the utilities. So a permanent structure 15 foot off my property line, I don't think is is reasonable. It's not what I bought my property knowing about and I'll put it that way. If there's been a change, I'm not aware of

it. And I don't know if the law part of. The the county did was aware of the covenants or not. I couldn't tell you, but I think it's something that we ought to look at.

[01:26:14] Thank you. My running out of time. Yep. I think you're running a little bit long, so if you could wrap up, that would be great. Okay, thanks. Okay. Thank you very much. Additional comment. Come on up. And if folks could try to keep their comments to 3 minutes or less, that would be fantastic. Thank you. No, that's okay.

[01:26:36] That'll be easy for me. Bailey, thank you so much for the support you've given us. We've been had a lot of questions about how to approach this, and Bailey has been very helpful. Bob and I put the petition together that you have in your paperwork, and we walked around that whole area and knocked on many, many, many doors and got universal agreement that the danger. For the schoolchildren and for those of us who are community walkers with the addition of this density of population is really severe that we are now that farm lane right now is doesn't have a lot of traffic. It's very noisy racing traffic, but there's not a lot of it. But if you add the school and directly across the street, this subdivision or this building complex. In in within a year of of of each other, it's going to dramatically change that traffic pattern. And I don't. We live in the county, you know, we aren't in the city. And our law enforcement comes from the sheriff sheriff's office. And we value it. We appreciate what they do for us. We appreciate their patrols and we appreciate the response to us when we have problems. But nobody's going to be watching that traffic all the time unless something changes dramatically. I think i also had the question about the lolo area being designated a six unit per acre in the growth policy and this is going to be 16 units per acre. That's that's dramatic. And. I understand it's not the deciding factor, but I would hope that it would be a factor that you would consider. And I think that's all I have to say. I think that's it. Thank you for your time.

[01:28:44] Thank you very much. Additional public comment here in the room. Come on up.

[01:28:54] Hi, my name is Tim Cotterill and I live at 210 Lakeside Drive, which is just west of the. Subdivision is being proposed. And I'm. I guess a lot of it is property value, and I'm concerned about being rentals. I'm not sure if they'll just end up being. You know, low income rentals where we'll have to deal with some more problems. Of the schools going in right across the street from the subdivision. And I think that, you know, the density problem will be there also. I'm not really happy about the fact that it's only 15 feet from my property, the nearest building, and we have not seen anything about all street parking. In this diagram here. We don't know if it's going to be a two storey buildings put up. As the 12 plex is right now or just going to be one one floor. So I think those are the questions that need to be be answered for us. So and obviously I am opposed to just the whole. This. This building project here.

[01:30:15] Thank you. Anyone else like to comment in the room? Come on up. You're just in time. We've been waiting for you.

[01:30:29] I've been killing myself with coffee over at Liquid Planet. I live at 204 Lakeside Drive. I am.

[01:30:37] And can you state your name, please?

[01:30:38] I'm sorry. Gary or Gary or wine. And we moved to Ludlow because it was quiet and calm and a rational kind of place for old folks to live. And it's been quiet. But if we are going to see all of the new development, if it passes and the experience we've had with existing. Apartments behind us has been interesting and hasn't been terrible, but it's been noisy and. And a lot of loose dogs and that sort of thing. And. We would much prefer to see two houses put in that piece of property rather than all the all the apartments and lose our view, which is immaterial for this speech. But that's our that's our point. Thank you.

[01:31:43] Thank you. All right. Is there anyone online or on the phone who would like to speak to this? If you're online via Microsoft.

[01:31:55] Can you hear me?

[01:31:56] Yeah. Caller, if you could go ahead and introduce yourself. That'd be great.

[01:32:00] This is Jeff Griffin. I'm a 5590 lonesome dove, which is the property to the rear there where the the access road is three feet from our vinyl fence there that you see. I echo the public comment so far by Bob and others

extremely actually disappointed to see in the recommendations for conditional approval that there was no conditions to remedy the negative impacts that have been presented in the letters and affidavits on the quality of life with the current human population. Because it is evident in such a small cluster of a neighborhood that so many people are pointing to these same potential negative impacts by the density. Again, back to the growth policy. 23 additional units in the space with cars and pets and other folks in the safety issues don't need to belabor that. But that is an issue for for my wife and I as well. With that road being three feet from our it's only a vinyl fence there. I'm really concerned about impaired driving and winter conditions in that area and my bedroom is only feet from that road. As you can see, our yard is very small. In my letter I asked for if this were to go through as presented that some bollards or some sort of barrier be put in for protection because I really do not feel safe about that.

[01:33:39] I also do not feel comfortable with all the snow being piled up against our vinyl fence as well in that area, as you probably saw in our letter. That's a major issue. We're very concerned with privacy. We bought a home in lolo to get out of the city per se and still have a community feel and that neighborhood is presented that to us up until this point and we're mortified by this and there aren't a lot of places to go. As you know, at this at this point in time, we've joked that maybe we'll have to move into one of these rentals if this comes through and sell our place, because I don't feel safe sleeping at the edge of that road and my wife and I don't. So we strongly urge you to disapprove of it as presented. And again, in my letter I stated, if I owned a parcel of land, I would want to develop it as well. So I cannot blame the developers for wanting to do that. But how it's presented and a lack of communication at this point with the local neighborhood makes it so it's real difficult to swallow. I appreciate your time and your service to our community.

[01:34:56] Thank you for your comments. Additional comment. Let's before we go to any additional phone callers, is there anyone on Microsoft teams who would like to speak? If so, please use the raise hand function. Anyone online. Any other phone callers? Please unmute yourself hit star six and introduce yourself. Okay. Cnn will close the public hearing and begin an opportunity for questions and discussion. Anything. Josh, to begin with, I got a few questions here, but.

[01:35:42] Yeah, and I guess to speak with the developer or developers representative Sean, thanks. Thanks for coming in for wading through the seven previous meetings. So the gentleman who was just on the phone spoke compellingly about a concern for people driving around that that loop and he mentioned ballads. Is there something you could do to provide both enhanced privacy and protection in case somebody drives a little too fast on that corner?

[01:36:14] So after we received the letters from the citizens, we did identify that that could definitely be a problem. I've already talked to the developer and we've already talked about putting in bollards. Great. It was a very, very valid point that I had a misstep in and didn't. Propose that in the initial one and I should have. So that's where we're going to do that. You could make it a condition if you guys wanted to. It's that important? I'd say so.

[01:36:42] Great. Thanks.

[01:36:44] So I guess to that point, before we we move on, Bailey, how might we add that as a condition of approval?

[01:36:56] I would I can try to come up with some language quickly.

[01:37:01] Well, a couple.

[01:37:02] Other questions. So she could work on that.

[01:37:04] Well or. Yeah, or to John. John Heart, I guess it never works particularly well when we're just drafting stuff on the fly. Can we articulate the intent and have the final language forthcoming? Stump, the deputy county attorney. Okay.

[01:37:31] I think we probably can.

[01:37:36] Because I have no idea in terms of number of ballers or location at this point, other than knowing that that is something that has been articulated by the public and that the developer recognizes is something that needs to be addressed.

[01:37:50] Yeah, it's always difficult because today's the day that we have to act on this application. We don't we don't have another meeting before the statutory deadline comes and goes. And not only do we have to make a decision by April 27th, we have to issue a written, you know, put that decision in writing by the 27th. So, yeah, I'm not exactly sure on the fly here how to articulate from a safety and engineering standpoint, you know, something that is. Appropriate.

[01:38:27] Sean, have you given any thought to more specifics of what this might look like on the ground?

[01:38:32] I have not. I'm just thinking right now. I think I saw Eric Dickson on there. He may have.

[01:38:40] Yeah. Yeah, that's good. Good, good call. This is I mean, he he's a road engineer.

[01:38:44] Eric, are you lurking out there? And would you like to take a stab at this?

[01:38:52] Yeah, I think. I think Eric was on in case there were questions about the road outside. Ah, okay. He's off.

[01:39:01] So. Yeah, go ahead. So, John, we have to have something finalized by April 27th.

[01:39:07] April 27th is the deadline to have a written decision on the application.

[01:39:12] So mainly because so next week's know the the second meeting in April is cancelled and it can't make the April 28th meeting. This is the meeting.

[01:39:27] Is there an administrative public meeting that would intervene that goes out there morally? Come on up. Sorry.

[01:39:39] Tim Waller with caps. I'm seeing a best practice of ballers being 3 to 5 feet apart, although Nick's investigating to see if our public works manual might have some specs. But I think we can figure something out.

[01:39:52] Should we put something in this momentarily while you're figuring that out and go on to your next Stewart question? Thank you. Okay. Let's do that.

[01:39:59] I'll draw it out. Give me.

[01:40:00] Okay.

[01:40:02] So I'm curious about parking for all the residents. Please describe what you're planning.

[01:40:08] So each unit will have its own garage.

[01:40:11] Okay. I didn't.

[01:40:12] Realize. That'll give two parking spots per apartment.

[01:40:16] Great. Thank you. And then snow stacking and privacy. What can we. What can we do for those two things?

[01:40:25] I don't really know what to say about the privacy piece. I haven't really thought about that.

[01:40:32] Maybe. Maybe an eight foot wooden fence or something.

[01:40:37] Yeah. My defense regulation, maybe.

[01:40:39] I don't know. I'm just riffing here, but something. Something along those lines.

[01:40:42] I do know the developer wants us to be a nice place, and I feel like he's willing to work with people on things like this. If if somebody has a problem, they could approach him and try to figure it out. I don't want to speak for him entirely with saying a fence will be put in or not, but he's an easy guy to get along with and he's willing to help. So.

[01:41:13] Bailey, any? Oh, I guess I don't want to interrupt your other work. Any thoughts on precedent for conditions of approval related to fencing, or is that outside of the purview of what we have before us today?

[01:41:29] So any conditions have to get tied back to those criteria, which are really specific? I will say, I mean, the property has some fencing around it. That's pretty normal six feet. And again, it's unknown. So you'd be going, you know, above and beyond what we normally, you know, what even our current zoning regulations have six feet is pretty much I think if it gets to eight feet, it also needs a building permit as well.

[01:41:54] And we say six feet and solid material as opposed to six feet of chain link.

[01:41:58] I mean, I think you can it's just you just got to tie it back to it has to be mitigating impacts that are specific to those things, which I do think there's a lot of comment to do that. You know, the other thing like landscaping, you know, I mean, there's things like that that we can do. It's just harder because the conditions when we write them, they have to be pretty specific because it's unknown. So we have nothing else to go on other than what comes in. So if you want to do fencing landscape, anything like that, we have to be very kind of specific of what we're going for.

[01:42:32] We would say six feet of solid fencing.

[01:42:35] Mm hmm.

[01:42:36] Shawn, what are your thoughts there? And I don't know what is on the ground there today, whether it's solid vinyl fencing or something else.

[01:42:47] But my friend.

[01:42:49] Can you come on up and then please describe what sort of fence you have? And please state your name again.

[01:42:57] I didn't give you my name. It's Cathy Kostka and I live at 230 Lakeside. I have a six foot wood solid. No, what I call kind of solid wood fence at the back of my property. The neighbors to my north, I guess, have a chain link fence. To the. South have a vinyl fence. What's your fence?

[01:43:29] Sir, we need to get you on the microphone here. Yes, please.

[01:43:35] Bobbins winger 114. Lakeside And up till now, all the local residential surrounding houses have put their own fences up. Or in my case, I didn't put one up. I put trees. The one apartment fence that there is now is on on the frontage of farm lane and that is plastic and it's not solid. And then on the back side of that lot, there is a plastic fence that the apartment complex has that separates the two lots.

[01:44:09] Okay. There were looking at some of the.

[01:44:12] I was stirring up for my state visit, if that kind of helps. So this is this white one that's right here in the front that's along farm lane. And then this would these would be the fences that they're talking about along, I think Lakeside Drive there. And then way back here, this is the I can't remember what street that's back there, but that's where that's back of the property. Yeah.

[01:44:33] Okay. Thank you.

[01:44:37] If my fence is going to be part of the. Required fencing for this property could sustain it for me.

[01:44:48] Okay. Thank you. Come. Come on up.

[01:44:53] My name is my name's Holly Koerner. And the fencing that we have right now is a four foot open fencing. It's not even a solid fencing. And the woman that is directly next door to us, she has Chainlink. So, I mean, we've already talked about that's an expense that what's going to we're going to have to put that on us. If we want privacy now, we are going to have to put up a solid fence. The man that is directly across from us on the other side of this lot, he's already gone out and he had also had a four foot fence. He's already gone out and extended his up to seven or eight feet. It's at eight feet. Yeah. So the privacy that we have now, even with that chain link with that open fencing that we have, it's it's going to be gone. Unless we put out the expense of putting up 6 to 8 foot fence, we'll have no privacy in our backyard. We're not going to be able to sit on our deck and enjoy our backyard because we're going to have an apartment building right smack dab behind us. So you know it. None of this makes any of us very happy. So I'll sit.

[01:46:05] Down. No, thank you. And I hope folks recognize that part of what we are saddled with is lack of zoning and some fairly tight parameters. Decision space dealt to us by the state legislature. Go ahead. Yeah, Josh, go ahead.

[01:46:23] And we were just talking about what this ladies. Sorry. I forgot your name. The woman who was just speaking. Holly So I just wanted to point out, Holly, what we were just talking about was conditioning this on having the developer build the fence, build a six foot private fence, not asking the nearby residents to do what they would like, but conditioning this on the developer building a private fence. The other thing I just wanted to point out, I mean, looking at this at that picture that Bailey had, I can see this is an open field, an open space across the road from another big open space. And it would be a very pleasant place to live. Quiet, calm, beautiful, ideal, wonderful spot to live. Obvious when you look at it and we're talking about on zone land. And we're also in a moment where we have less than half a percent of rental vacancy in our community. There is quite literally no place for anybody to live. And anybody means the people who teach at our schools and our sheriff's deputies and poor coffee and everything in between. And it puts us on a terrible spot. I'm not asking for empathy for me and Dave and Juan, just all of us in a terrible spot because no one who lives next to an empty field would want an apartment building next to them. Nobody. What you guys are expressing entirely rational. I totally get it. And at the same time, this is unknown land. And we need apartments and we need housing. It's it's just the it's just the world that we live in at the moment. Just had to call it out.

[01:48:00] I'm going to give just a little bit of grace today. Typically, we only allow one comment per person, but we'll give you one small bite at the apple again. Come on up.

[01:48:12] Questions and one comment to what you just said, Mr. Slotnick. My comment is at the sacrifice of safety. I question that I understand the need for housing, but we're talking about a school and elementary school. Okay. My comments are that the parking may be available to the residents, but those residents are going to have guests and there is no place to park. They park it in the church parking lot. Right now, frequently, the streets are not equipped to have that much parking. And so that is a problem. And then the other issue I have, I guess this is kind of a question, this feels very rushed. You know, first of all, we had difficulty with the with the original application. We were delayed by four days. We did our level best to get this all put together. And now you're telling us you have this deadline and it's I don't feel like it's fair to those of us who are being so heavily impacted by this. Okay. I'm done.

[01:49:14] Thank you. And we we will not dispute that at times. We feel like we're at the very tail end of the process with little time to deliberate. That's the hand that's been dealt to us by the state legislature. So we have zero discretion or wiggle room there.

[01:49:31] Josh So on the safety piece, again, a very valid concern. I do want to point out that sidewalks are going in, sidewalks will be as drain stack described to us the other day along the where the school is. There will be there will be a sidewalk. Not that that meets all the concerns about traffic. But I did want to point out that a sidewalk is being constructed. Great point on where guests are going to park. Where our guests going to park. Sean. Sean.

[01:50:04] I'll just be honest with you. I haven't thought about that. We're just working under the assumption that they'll be two cars per unit.

[01:50:16] So there's no. There's no on street parking.

[01:50:20] No, no.

[01:50:23] Okay. Thank you. Thanks. Yes, sir. And if you could state your name again, that would be great.

[01:50:35] And thanks for the other byte. It looks like this is going forward. I can tell you that. If the road was put on the outside boundary. And the apartment moved in. It would probably be more palatable to not have a building. You. What is it? 15 foot off our property line. There'd be a road there. 30 foot road. And my covenants show that that was eroded to begin with. So that one point. The last I heard, the fire chief said he couldn't make that shepherd's crook at the end with his biggest fire truck anyway, that he couldn't fight a fire. We have had a fire in there, too. And the last thing I was going to point out was I forgot it, but a way to make it more palatable. I don't know who we're talking about, who we could talk about that.

[01:51:30] Sorry, sir. If you. I didn't catch that last part. If you could just speak into the microphone a little.

[01:51:36] As far as. Ensure that the owner is amenable to this kind of discussion. That's encouraging. So I don't know. Maybe we can get together after. Yes. Thanks.

[01:51:51] So.

[01:51:53] But this is just another. Can you.

[01:51:57] I'm sorry. Another? No, thank you, sir. Another option. Let me just throw this out here. Shawn, come on up. And I don't know if you're in contact with the property owner or not, whether there would be any opportunity to grant an extension, because there are a few things that we're discussing here that would probably benefit from a little more discussion rather than just trying to wing this today.

[01:52:25] I could talk to him right after this and get back to Bailey.

[01:52:29] I think you need to talk to him like right now.

[01:52:32] Commissioners?

[01:52:33] Yes?

[01:52:34] Who's this? Hi, this is Jeff Griffin again. I just need her to chime in since everyone else in person has got a.

[01:52:39] Bite at the apple.

[01:52:40] Okay.

[01:52:41] And and it seems like the the common theme here on every question is I haven't thought about it. So I would think that most of most things would have been thought about before it came before you today, especially with these major concerns. So I just wanted to make that point that that it seems like there does need to be some more thought put into this development before you guys make a decision about this.

[01:53:03] Why don't we take a 1a5 minute recess here and let's make it an eight minute, ten minute, the top of the hour. And and, Sean, if you want to see if you can get a hold of someone in the know and let's reconvene at 4 p.m. and see where we are.

[01:53:24] Thank you.

[01:58:03] Three.

[02:01:37] Okay, folks, let's reconvene. Come back into session. Sean, is there anything that you'd like to share with us?

[02:01:49] We'd like to make a decision today.

[02:01:53] Okay. There we have it. So I guess we will forge ahead. I mean, it is unfortunate.

[02:02:12] Consider that.

[02:02:12] I mean.

[02:02:15] You want the decision to go your way? No doubt. Right.

[02:02:18] Okay. And.

[02:02:23] There's concerns that too many conditions will get added. That's that's the concern when when we don't necessarily feel like it's. Totally reasonable with it being unsolved. That's his concern.

[02:02:40] Okay.

[02:02:41] So how. I'm sorry.

[02:02:44] Well, I will just say it again. I mentioned this at our meeting the other day. I am a bit disappointed with the level or lack thereof of public engagement on this, and I recognise that that the lack of zoning here creates a circumstance that and just by virtue of the buildings for lease or rent regulations and state statute does not necessarily require you to do certain things. I think as we've seen in this project and others, the reason we have kind of unanimous opposition from the community is, is that there was not as robust of engagement with the community prior to today. And so we're dealing with things like maybe the developer is amenable to bollards, but that could have been dealt with way earlier than today rather than the position that we're in. So, Josh.

[02:03:45] Oh, man, this is really tough. I saw it with names brought up. Great. You brought up a great point about where guests can of park. Excellent. Excellent point. And the answer we haven't thought about it is not a. That's not a satisfactory answer. And I personally would just speaking for myself, would love to have heard you say, you know, we're going to put this off a little while. We're going to figure out how we accommodate guests. We're going to figure out how we accommodate privacy in the bollards and come back and kind of make this right. I feel deeply around the need for housing. We have to address that. And for as many folks as sign this and I totally get why you would if I lived where you would, I would do the same. Absolutely. There are three times four times as many people that are going to scream at us for stopping housing when we need housing. I wish more people would want this than don't want it, except for the people that live nearby. And I think if you guys were really going to do right, you would figure out the privacy, the parking and the safety issue around. Around and then and then and then it goes through right then. Then we move on. We come up with a way to make it work and move on. But as it is right now, with no place for guests to park, I don't know what the answer is. And I realize that's putting me at political risk because way more people are going to say we need housing than the folks who are living nearby. So quick, come up with an answer and we can make this go.

[02:05:11] We can absolutely look. Can you bring up the site plan? Bailey There's. We left a substantial amount of space as open space for kids to play.

[02:05:24] We might need. There's going to be a a playground across the street at the school. So that might be you might be able to sacrifice that.

[02:05:31] Right. Right. I do recognize that we didn't really look into that too much. But I'm not going to sit here and lie to you guys. Tell you something. But I think we could make something something work. We can we can figure something out. I as a show. There's there is ample space up there.

[02:05:53] Where are you thinking?

[02:05:55] We could it would be to the side of the the existing coverage parking so attaching there that says open.

[02:06:03] Space play.

[02:06:03] Area. Yeah. To the left?

[02:06:08] Yes. Oh, right here. Right here. Yeah. Yeah.

[02:06:11] They make a little. Yeah, a little.

[02:06:12] Park area there.

[02:06:13] Bailey, did you have something you wanted to add here?

[02:06:16] Oh, I was just going to add that over the break. Tim, Nick and I came up with two conditions that we could talk about. One is the bollards and one is about fencing as well. So we do have a couple things that we can I know that's not everything, but I wanted you guys to know that we've been coming up with some stuff.

[02:06:34] Well, let's let's come back to that in a second and and continue on with the parking piece just a bit longer.

[02:06:40] Yeah. So you think you could make a small parking area there that would accommodate visitors?

[02:06:47] I think we have the space to do that. Yes.

[02:06:53] And so, again, I guess the challenge with doing this on the fly is the best that we could do would be to create a condition that would require some amount of overflow parking in what is now designated as the open space play area. Recognizing, as Commissioner Slotnick pointed out, there will be a playground across obviously across the street at the school, but that would be at least an option. Tim.

[02:07:31] Yeah. I just. I wanted to speak to the parking issue. I believe our zoning prescribes two parking spaces per unit in multi dwelling situations. Bailey or Nick, please correct me if I'm wrong. That doesn't ensure that every last guest is going to find a great parking space, but just trying to think in terms of the zoned area, what would be required if this location were zoned? I think two spaces would be the standard. That's not to say that what you recognize here today is something that needs to be mitigated if you believe that more parking needs to be added. I think if we have good findings on the record, we can go that direction. But our best reference point really is our zoning code.

[02:08:11] So other areas there might be on street parking and given that this isn't in a neighborhood grid, there would be no within this little development here, there would be no opportunity for on street parking. Right, right.

[02:08:27] Contextually, maybe more is needed here. Yeah.

[02:08:32] Do you have any thoughts on this?

[02:08:34] Oh, I was just going to I was looking up the zoning regulations and it is so multifamily, three bedroom or three or more bedrooms, which I believe is what this was. I feel like in three bedroom would be under standard zoning would be two spaces per dwelling unit, just that's all I was going to add.

[02:08:51] And how many spaces are currently available per dwelling unit two.

[02:08:55] They're proposing there are two and that's that's in the application as well.

[02:08:59] And it's like what Tim said contextually this may not be appropriate given if this was a more traditional urban road grid, there would be places for people for on street parking, but there literally is nope. If one if one guest car comes, there's no place for that person to park.

[02:09:14] And I was trying to draft like a potential condition for that. I guess my only question and I'm not sure about this answer is like how many extra spaces are needed. Like we can say an area for overflow parking shall be created on the property. I mean, we can make a condition, but it's again, because these are super specific regulations, it has to be in the condition. It's like it's five enough is ten. I don't know what that number is. That would be the only. I'll keep looking, though, in the breaks.

[02:09:48] So we're looking at an additional 23 units, is that correct? Sean, would you have any thoughts as far as what you might be willing to or again, you're having to channel the the mind of the the applicant here, but what might be a reasonable number of additional kind of overflow parking? Yeah, that's part of it is what physically could fit in that section of ground.

[02:10:22] There.

[02:10:25] And then working back from that. And I'm no engineer, so there's no way that I can on the fly determine what's possible or desirable there.

[02:10:40] If we were to keep some open space. I feel like we I feel like as Tim stated we're at the the two per. Dwelling two spots per dwelling unit.

[02:10:56] But. You are. But I think there's recognition that if everyone is maxed out at the two per, there's really no place for any. Just because there's no on street parking. The context of this particular development is is such that it's pretty limiting.

[02:11:20] Looking at that, I feel like you could probably fit. 5 to 8 cars comfortably and still have some space, some open space there.

[02:11:33] All right, let's go. A date.

[02:11:35] So what would we. Is is.

[02:11:41] There.

[02:11:43] As far as building the parking lot component, what's the additional review steps coming down the pike? Would there be engineering building permit review or some yes to.

[02:11:56] So, yes. So one of the conditions I have proposed is they have to do the grading and drainage plant. So stormwater review basically for the site. Obviously, any impervious area would have to be calculated within that. So that's where the size of the parking lot could definitely. Be, you know, help or hinder the the availability for stormwater on the property. And then so they have to meet these conditions and we would review that at the time of building permit approval. So they do have to get building permits for all three of these. And so we we review the conditions of approval at that time.

[02:12:36] Were you guys having some thoughts there? Tim.

[02:12:44] This might be might be one for Sean, but just trying to.

[02:12:47] Imagine really.

[02:12:48] What the what the depth of parking spaces could potentially be in that north east corner because they need to really be about 18 and a half feet deep. I don't know. Bailey, can you tell on that site plan how much depth?

[02:13:02] 37. So right here, it's 37 feet is here. Yeah. Because our so our requirement is they have to be nine or it should say using zoning, it's not zoned but using zoning as a guide. Our parking requirements are nine feet wide by 18 and a half feet long, so they would be able to fit within this area. It's more of just the number like how many could fit in. And I don't have it's 143 from here to here, but there's no measurement firm in this area. I don't know that total.

[02:13:40] Number eight in there.

[02:13:42] I mean, I was just using like the driveways and I think you could probably fit about eight at least. It should mean. I'm terrible at math. Off the top of my head.

[02:13:54] Can I speak? I'm on.

[02:13:58] Who am I hearing from here?

[02:14:00] Yeah, this is Jacob Zimmerman. I work with Sean at 406. Mention that you just requested. That's a little bit longer than 143 feet. The hashed area that we have is 166 feet long from the from the northern fence to the southern edge of that. Hatched area.

[02:14:28] Okay. So I guess just put it in in simple terms for us. Would eight parking spots fit within there.

[02:14:38] Being 166 would be at nine feet wide would be 18.4. But that's all the way to the property line. I mean, obviously you wouldn't want to go that.

[02:14:47] Far, but.

[02:14:49] Okay. Thank you, Jacob. Come on back up for one little more nibble. And if you could state your name for the record again. For the record.

[02:15:04] Bob Evans Major. The application that I saw from PLC stated that the garbage cans for each apartment complex would be placed in a garage underneath the apartment. So there is not two vehicle parking per say under the existing plan, as far as I know. Okay. So. Yes, but a garbage can in the garage. Takes up a parking spot.

[02:15:35] Hopefully they're not that big a garbage cans, are they?

[02:15:38] Sean, these are the forklift or the garbage truck. They're like ten foot white for the 12 plex. That's the one that's out there now. And it's overflowing. It's not it's not adequate.

[02:15:53] Okay. Thank you, sir. Shawn, could you speak to this? Are we talking? The garbage cans for each unit are required to be in the garage.

[02:16:03] Yeah, we're proposing the. The typical rollout ones, not. Not dumpsters. Right.

[02:16:08] So presumably you could, as with most garages, you could have a vehicle and your your garbage can. Okay. Thank you. Okay. So back to.

[02:16:23] I looked like Bailey was doing.

[02:16:24] Oh. So I guess back to the parking issue while Bailey is is madly writing some ideas down. Would. Ten parking spots be acceptable. John.

[02:16:46] To Bailey's point, we do have to store the storm water somewhere.

[02:16:52] Could, I guess. Here, here's an idea. Could it be such that? Can we write the conditions such that it would? Recognizing that storm water review will still need to happen if we find out in that process that that

something that we're conditioning today is not workable subject to approval of the. County engineer some such thing.

[02:17:23] Yeah, I, I've, we haven't ever had a building's release come back for a modified condition of a route like we would see for like a subdivision or something like that. I would imagine it would go through the same process as just like with a subdivision condition of approval, we run it back through kind of a modified version of subdivision review, you know, comes to a public hearing and things like that. There's nothing specific in the BFR regulations, but that would be my first take is if a condition can't be met that they would have to come back and have it reviewed again. Probably not the full review like we would do on this, but just making sure that any modified condition is still mitigating the review criteria.

[02:18:12] Okay. So presumably again, if during that subsequent review it's determined that to accommodate stormwater runoff or drainage, you could not have ten spots. We would be.

[02:18:29] You again? Yeah.

[02:18:34] That's. I could agree with that.

[02:18:36] Okay. Yeah. There's no desire to cause you to do something that is not feasible.

[02:18:43] Right. Right. I appreciate that.

[02:18:47] Bailey. Are you ready with. Any of the conditions.

[02:18:52] Yeah, I've got a couple. I know Tim has the one about the bollard so I have a couple. And I was thinking I was like I could take my PowerPoint down and type them on the PowerPoint if that would be better or easier for you guys to. Sure.

[02:19:06] Sure. Let's let's okay. Let's do that. Is there anything else you want to talk about, I guess, before we move on? Well, I guess I will just add some commentary here. I there is no doubt this is going to change the character and nature of this. Microphone problems. It will change.

[02:19:39] We're out of microphones. Oh, this one just came back on.

[02:19:44] Okay, I'll talk over here. So let the record note. I'm having microphone difficulties in the transcript, so without a doubt, it's going. What happens here will change what is on the ground today and will change the look and feel and character of the neighborhood. I think back to 22 years ago when my wife and I purchased our first home and a few years after that, our next door neighbor classic backyard scenario, our next door neighbor decided to put in a house and ended up completely blocking the amount of sun that we previously got in the backyard for gardening. And also they have a lovely deck that now overlooks our backyard. So it absolutely changed the way in which we use our property. This predated my understanding of of our much of an understanding of zoning. And in my case, it actually was zoned and allowed the neighbor to do what what they ended up doing in other cases, like I mentioned, the lack of zoning. As much as we hate regulation in the state of Montana, there are times when it certainly comes in handy because it helps determine the kind of the regulatory framework of what can happen on the ground. And I think that's part of what's playing out here. But what we're also trying to do is, to the extent possible, address some of and mitigate some of the very real and very legitimate concerns that the neighbors have brought up. Bailey Have I stalled long enough? Okay.

[02:21:32] I'm just making the font bigger so that you guys can can read it here. Yeah, I know. It's, like, really tiny on the screen. Okay.

[02:21:42] Oh, come on.

[02:21:44] Talk about on the fly, right?

[02:21:48] Jacob, is your hand still up for him? Previously.

[02:21:54] Yeah. I'll take that down.

[02:21:55] Okay. Thank you.

[02:22:02] I'm just going to share my screen now. Okay. So here these are the three kind of conditions that we came up and I'll read them for people as well. But first, a solid six foot fence shall be constructed along the western, northern and eastern property boundaries. We left off the front because typically we don't allow fences in the front setback anyways. An area for ten overflow parking spaces shall be constructed on the subject. Property bollards shall be installed along the northern property boundary for the internal depth of the road. So basically the length of the road at that end and then spacing in material shall be according to accepted engineering standards, subject to review and approval by Missoula County Public Works Department.

[02:22:50] Great work. Bailey. Bailey As far as the first condition of approval, I can imagine that there are. What if one of the current property owners already has a fence and doesn't want it messed with?

[02:23:02] Or to be clear, they wouldn't be paying for this.

[02:23:06] No, absolutely. But I would hate to require the the property owner to do something to replace the fence of someone who already has one if they are okay with the current level of privacy fence.

[02:23:23] Well, and that that's the thing I'm not sure about how I mean, generally, like in our office, we recommend people don't put fences directly on the property line for issues like that. I also wouldn't necessarily want like one owner tying in to another owner's fence that could cause it. So I mean, in my mind I would think they would be pretty darn close, but maybe not touching. But again, I'm not a structural engineer that deals with fences, so I wasn't sure. That's kind of why I left it slightly vague that just we wanted a solid six foot fence along the property lines, but it's up to change if you guys would like to change something.

[02:24:04] Sean, do you want to let's just take these one at a time here. Do you want to speak to the fence issue?

[02:24:10] I mean, to be honest, I don't agree with it. For the reasons you guys were just talking about. I don't know how it's going to provide an immense amount of privacy for everybody. The things are two stories. I feel like the 20 foot buffer that we proposed for the building setbacks is more than adequate. As we talked about for there's no requirement for that we could have built right next to it. I feel like. Having to put in a solid six foot fence all the way around. It is going to cause more problems than good. It's going to do. I don't know. How do you guys feel about this? Because I've.

[02:24:58] Never been able to.

[02:25:00] Save an expense.

[02:25:00] And I don't think you want to come on up. Just so we get all this on the record here.

[02:25:06] Kathy Kostka I would never be able to maintain my fence if there were another and it's would so it needs to be sustained every year. So that would definitely kind of impede my rights I think, to my fence. Okay. Yeah.

[02:25:21] Thank you. Thank you. So there are some unintended consequences. Come, come on up. And sir, if you could state your name.

[02:25:31] Bob Springer. Sorry. That's all right. I think there would be several residents that would jump at the chance to have a six foot fence. And the ones that have existing fences, the one gentleman that just raised his fence from six foot to eight foot, he'd probably leave it alone. So if it was left up to each, each place, it probably wouldn't be that big of a project. And it would probably go a long ways towards mitigating a 20 foot setback is good. But then you've got a patio on the apartment that is within, what, ten foot of my or five foot? Yeah. So and I've had watched the renters puking off the rail of the existing apartments from partying. So I've got that I'm facing. So I would go a long ways towards me.

[02:26:18] Thank you. Thank you.

[02:26:20] Josh, I'd like to keep the fence in there and we'll just figure it out.

[02:26:26] Okay. Overflow parking. Let's talk about that. John, is this going to be workable, recognizing that if due to storm water analysis, it's determined that it's not feasible. So we'll have to take another look at it.

[02:26:49] It depends if we can use sums or not. I did see that the water quality district did say there is potential high groundwater. If we weren't if we weren't able to use some due to high groundwater, it could be an issue. It could be if we'd have to retain 100 year storm, we would have to use all that. All that open space. Or close to. I shouldn't say all of it. I haven't done the galaxy on it, but it's going to be it'll be a substantial bond.

[02:27:18] Excuse me.

[02:27:22] Okay.

[02:27:23] Josh So a Bailey if say these guys did the research on on stormwater and it turns out, oh they need all that space. What do we do then in terms of review? How do we figure out how to accommodate guest parking?

[02:27:41] Well, then, if this is a condition of approval in order to take that off or modify it, that's where they would have to come back and they'd have to show.

[02:27:49] How they're going to do.

[02:27:49] It. How? Yeah, how or why or. Okay.

[02:27:54] Great. Thanks.

[02:28:00] My gut tells me that there is enough there's adequate space for subs, but I don't know for sure. I haven't looked.

[02:28:11] Going back to the the fence thing one more time. So the scenario that that the the one individual mentioned where. Maybe someone's okay with their fence as it is and are concerned that if another fence is built close enough to it, that it would eliminate the ability for them to maintain that fence and it would be kind of fence redundancy at that point. Thoughts.

[02:28:44] Just I'm just going to fall back and they're going to have to figure it out, like, oh, the two fences aren't going to kiss each other. There's going to be some space in between. Maybe somebody's going to have to make a gate so they can get no rights to your fence will be eliminated. You will be allowed to get to your fence. You guys are just going to have to figure it out.

[02:29:02] Okay.

[02:29:04] Bailey.

[02:29:05] I don't have any other I don't have any great ideas either. So at this.

[02:29:12] Point, I think they'll be able to figure.

[02:29:14] It out. That's my I guess, my hope. Fingers crossed as well. So.

[02:29:20] Okay. And the bollards. Oh, Sean, did you have something on that before we left that topic?

[02:29:32] How do these conditions come into effect?

[02:29:35] So if they basically have to be implemented or shown that they've met the condition in order for you to get your building permit.

[02:29:46] Fear at the fence would be that. We couldn't come to something where, say, a neighbour held out and said, No, absolutely not. Don't touch it. I guess we could put it on our side of the property. That would. That was a kind of a concern of mine, but. I think we can figure it out.

[02:30:04] Yeah. I mean, I guess that's the Sean's point is like so they have this condition imposed and if something I guess like you said, you'd have to figure it out because if there is a property owner who says, no, I don't want a fence right here and I want one on the back, I mean, they have to meet this condition, so they will have.

[02:30:19] To put it on their property.

[02:30:21] Line. But then does they get tied into the other? I mean, that's where it could get kind of weird, I don't.

[02:30:26] Know, to end up with a no person's land between two fences, but there would be one contiguous fence around three sides of the development.

[02:30:35] And that would it be too funky to have in here language that would give some veto power for an individual property owner that they you know, I.

[02:30:49] Wouldn't want to put that in as a condition. I mean, a condition of approval is supposed to be it's mitigating an impact. It's very specific. And I mean, it's just they have to meet the the condition of approval.

[02:31:00] Okay.

[02:31:02] Commissioners. Jeff Griffin here again at 5590. Lonesome Dove. The interior fence is of interest to to our property specifically in regards to another barrier outside the ball and also for snow removal keep on the apartment side. My fear was that it was all going to be pushed up against the fence, causing structural issues with our current fence there and then also runoff from that snow. So in full approval there. And then comment to four six engineering staff member about the setback that's appreciated. But also you would have to consider mitigating negative impacts on the human population at that point, even more so than as presented if that setback wasn't put in. So it's appreciated. But I don't know that it's as cut and dry as saying that, hey, we're good guys, we're actually doing this for the neighbors already. I don't I don't believe that. Thank you.

[02:32:09] Thank you for your comments. How about the bollards? Any thoughts there, Sean, as far as as written on the screen? And for those on the phone who might not be seeing this, the condition is bollards shall be installed along the northern property boundary for the internal depth of the road spacing and material shall be accorded shall be according to accepted engineering standards, subject to a review and approval by the Missoula County Public Works Department.

[02:32:41] I think that's perfect. Okay.

[02:32:44] And I would say we just wanted it, not the whole length of the northern property line. That's why we put the internal depth of the road. So just where the road is, I was just making that clear. That was the intent that we were what we were writing.

[02:32:56] Did did we get any comment from the Rural Fire District?

[02:33:03] We did, and that's the conditions that I have, a couple of them that they have to review the road. So I know earlier it was the question about the the width of the road. And Pete's Giordino was one of the fire inspectors for Missoula, Rural. He's concerned with the radius of the road, not the overall width, which is the different radius versus width. But that is all of their comments are actually conditioned in my report.

[02:33:27] Okay. Thank you. Something else is brought up earlier about. Covenants. Is this parcel part of another existing subdivision that would somehow be subject to those covenants?

[02:33:40] I could not find any. I was doing searching while everybody was talking and I could not find any. I am not the end all person. You know, sometimes the clearing recorder's office can find things that we can't see on there. But I could not find any. I don't know if 406 or the applicant has done any further research.

[02:33:59] I haven't found any either. But I do feel like correct me if I'm wrong, but covenants are more of a private matter.

[02:34:05] It is the case that we would not be enforcing private covenants as Missoula County.

[02:34:11] And I will say the the comment that was brought up. So this is a different property. It's not part of that subdivision. The one landowner that Bob that brought it up, it is an A, it's a different legal description and everything.

[02:34:24] So I'll say it. I guess I was wondering if what we're doing today is looking at it. Well, a property that was previously subdivided that has conditions.

[02:34:34] Or.

[02:34:35] Covenants associated with it. Okay. Anything else. So I hope, folks appreciate we're doing the best that we can to try to add some mitigations to what are some very real and and valid impacts that folks have identified. So I guess procedurally, you want to bring back up the motion language and we are assuming that these are you'll this number, these sequentially, these additional conditions of approval.

[02:35:15] Yeah, it would end up being a total of 12 then with those other three.

[02:35:21] Okay. So would the same motion language work here subject to the recommended conditions of approval?

[02:35:26] I would say the amended recommended conditions of approval. If I can change it on the fly.

[02:35:35] I got it right here. Good. Are you ready for.

[02:35:38] Yeah. Let's go for it.

[02:35:39] Okay. I would move. We request the board to approve buildings for lease or rent project at five, four, seven farm lane. Based on the findings of fact and the conclusions of law subject to the amended recommendation. Recommended conditions of approval found in the staff report.

[02:35:55] I'll second that any further discussion or comments. Okay. And again, I would reiterate to anyone out there in the world of engineering, please, please do what you can to engage the neighbors early lest we find ourselves doing what we're doing today kind of on the fly.

[02:36:19] Sean, can I speak to that? Yes. I honestly did not expect this much pushback, not even remotely remotely this much. If I'd have known this was going to happen, I would have we would have done some public outreach. I mean, typically, we get one or two letters on major subdivisions in the city. So I was slightly taken back about it. So. If I knew this was going to be there, there would have been steps taken.

[02:36:48] At this moment, I'd like to quote the great sage of development, Paul Feuerstein. Paul said. In this space, everyone says we need housing. No one wants it next to them. And he was right. It's it's true. Wherever there is an open field within our urban ish areas and there's access to services it's going to be built on. And for the folks who live nearby, it will be crummy. I live across the street for an open from an open field. It's beautiful. I have an incredible view to the north. Someday it's going to be gone.

[02:37:23] And zoning is important. And until until that happens in areas that are unknown in Missoula County, there is still some cloud of uncertainty. All right. Let's go ahead and vote. All in favor, please signify by saying I.

Okay. Thanks, everyone who joined us in person and also online today and for sticking with us and for staff doing their work on the fly.

[02:37:48] Just going to say thanks so much to Bailey and to Tim and to Nick and John for figuring this out.

[02:37:54] Thank you. Any other business come to us today? See? None will be adjourned. John.