

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 05, 2022 – 2 PM

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

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the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Vero
Commissioner Slotnick
Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Andrew Hagemeyer, Senior Planner, Community and Planning Services
Lindsey Romaniello, Planner, Community and Planning Services
Jennie Dixon, Planner, Community and Planning Services
John Hart, Civil Deputy County Attorney, Attorney's Office
Emily Brock, Missoula County Director of Economic and Land Development
Flanna Ewinger, Administrative Assistant, Fair
Karen Hughes, Assistant Director, Community and Planning Services
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Garrick Harmel, Housing Specialist, Community and Planning Services-Grants
Mel Fisher, Strategic Initiatives Manager, Communication and Projects
Chris Lounsbury, Missoula County Chief Administrative Officer
Tim Worley, Senior Planner, Community and Planning Services
Matt Heimel, Planner, Community and Planning Services
Chet Crowser, Director, Community and Planning Services
Laurie Hire, Office Manager, Community and Planning Services

1. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:02]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:02]*
3. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:51]*
 - a. [Proclamation: Missing and Murdered Indigenous Women Awareness Day](#)

4. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 2:24]*

5. **CURRENT CLAIMS LIST** *[Time stamp – 2:24]*

Claims received as of April 20, 2022 to April 26, 2022 by the Commissioners' Office total \$876,544.53.

6. **HEARINGS**

a. **Missoula County Growth Policy Amendment, Zoning Code Update and Zoning Map Revision** *[Time stamp – 3:36]*

Andrew Hagemeier, Senior Planner, Community and Planning Services

Land Use Element - [Resolution 2022-056 Book: 1075 Page: 646]

Zoning regulations and zoning map - [Resolution 2022-057 Book: 1075 Page:647]

7. **OTHER BUSINESS***[Time stamp – 2:25:02]*

8. **ADJOURN**

Chair Vero – Called the meeting to adjourn at 4:26 p.m.

BCC Public Meeting May 05, 2023 – 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.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

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Speaker1: [00:00:02] The land acknowledgement that Missoula County acknowledges that this event takes place on the Aboriginal territories of the Salish and Kalispell people. Now stand for the pledge. I pledge allegiance to the flag of the United States of America. To the republic, which stands one nation under God, indivisible. With liberty and justice for all. So we have one proclamation here for under public announcements, whether you like to read the last.

Speaker2: [00:00:51] Whereas Missoula County joins with Canada Hite to heighten awareness in Montana, the Great Plains region and the United States for murdered and missing indigenous women. And. Whereas, there is not a comprehensive estimate of Indigenous women who are missing and murdered in the United States. But many factors contribute to the crisis, such as fear, stigma, legal barriers, racism, sexism and the devastating levels of violence in the US. And. Whereas, nearly half of all Native American women in the United States have been raped, beaten or stalked by an intimate partner, and 84% of indigenous women have experienced physical violence in their lifetime. And. Whereas, Native women are 2.5 times more likely to experience sexual assault and one in three will be raped in her lifetime. And. Whereas, Native Americans are four times more likely to go missing in Montana than others. And. Whereas, a native woman is more likely to die by homicide than by illness, intentional homicide is the third leading cause of death for native females between the ages of ten and 24. And on some reservations, Native women and girls are murdered at more than ten times the national average. And. Whereas, for more than 20 years, there have been awareness raising efforts in Canada and murdered and missing Indigenous Women Awareness Day seeks to build support by increasing awareness in the United States. Now, therefore, we, the Missoula Board of County Commissioners, do hereby proclaim Thursday, May 5th, 2022, as murdered and missing Indigenous Women Awareness Day, signed by the Missoula Board of County Commissioners.

Speaker1: [00:02:24] Thank you. Sir. Any public comment on items? Not on the agenda. Violet. You're going to have to help me out. I can't see if. Okay. I don't see anything. So our current claims list received as of April 20th, 2022 to April 26, 2022 by the Commissioner's Office totals eight \$876,554.53. We have one hearing today. So it's a big day. Andrew Hagmaier So we have Missoula County Growth Policy Amendment, Zoning Code Update and zoning map revision. Take it away.

Speaker3: [00:03:18] Is that us? It's our.

Speaker4: [00:03:20] Turn. Sure.

Speaker3: [00:03:23] Commissioner Navarro. Commissioner Slotnick. Commissioner Stottlemeyer. I'm Andrew Hagmaier.

Speaker5: [00:03:31] I am Jenny Dixon and I am Lindsay Romanenko.

Speaker3: [00:03:36] And we are the staff that have been working on the Missoula County Zoning Update, which consist of the zoning regulations and the zoning code. I am in the AU. I am sharing my presentation. So let me let me just get this up to full screen. I. So for today's hearing, we have two components. One, the first component is a resolution. Four, a resolution of intent to adopt an amendment to the 2019 Missoula area land use element. I'll get into the details on that here in a little bit. The second component of today's hearing is a resolution of intent to adopt the Missoula County Zoning Code and Zoning Map update. Just for everyone's information in the audience online and the commissioners. This is the outline of our presentation for today. We're going to talk a little bit about zoning fundamentals. We will outline the process and outreach that have been a part of this project. We'll do an outline of the code itself. We'll talk about our methodology for when we look at comments and whether or not we recommend changes for those comments. And we'll post some recommended motions and then we'll talk a little bit about what happens next depending on the outcome of today's meeting. So quickly for the public looking to comment today. If you're online, you'll want to follow the directions on how to comment in that virtual format. It's pretty straightforward. Violet will be able to help you with that, whether you're online or whether you're here in person.

Speaker3: [00:05:22] When you get up to comment, state your name, give your comment, you'll have 3 minutes. We have a lot of folks to get through. So you will be held to a three minute comment if others have made your point already. It's pretty good decorum to just get up and reaffirm what other people have said rather than restate what other people have said. As we do have a lot of people and we do want to hear from everybody. If you have questions, your field, your you're free to ask questions and we're encouraging you to ask questions. But because we are in the middle of a public hearing, the way it works is we will not respond staff won't respond to your questions. The the the board won't respond to your questions at this point in time. We will make note of your questions. And after we've heard from everybody, we'll get back to your questions. And then finally, of course, be courteous and play. So the growth policy amendment in 2009 or 2021, the state legislature passed a new law, and it requires that growth policies increase to include a projected population density and recommended lot size if counties wish to adopt zoning further than three miles from a municipality, that includes lot sizes that that has to be in the growth policy. And we adopted our amendment to the growth policy, the Missoula area land use element in 2019. So we did not anticipate that we followed standard planning and practice and included a description of intensity through dwelling units per acre, which you can easily extrapolate to projected population density and recommended lot size.

Speaker3: [00:07:10] However, it wasn't explicit in our growth policy and so we do have a minor growth policy amendment. We believe it's pretty much an administrative change based off of statute. It does not change any of the content within our growth policy. But what it does is it creates a table that for each land use designation that we currently have in the Missoula area land use element, it has a projected population density and recommended minimum minimum lot size based off the dwelling units per acre that we already had. So moving on to the zoning, which is much more interesting topic, hitting on some fundamentals of of what zoning is. So zoning at its crux at it is a tool to implement adopted policy. That's what the intent of zoning is to is to do adopted policy when it comes to land use regulation as we call them, in growth policies in Montana, they do not have any authority to regulate the zoning is the regulation that implements the growth policy. There's two components to zoning. There is text, which is. This pile of paper and then the zoning map, which shows where these rules apply geographically on the landscape. So when you update, when you adopt a new code like we're proposing to do, you are in fact also adopting a new zoning map.

Speaker3: [00:08:37] Our policy that we're implementing through this zoning update is a combination of the 2016 Missoula County Growth Policy, which is a county wide document that's fairly general, doesn't get too specific in the land use, but then also the 2009 more. So we're implementing the 2019 Missoula area land use element, which is very detailed strategy to manage growth and development in the Missoula Valley, an area roughly from Bonner out to Smurfit-Stone from. I'd say that let's say the rattlesnake wilderness down to the southern end of Miller Creek is roughly the geographic area we are talking about here today. The current regulations, which were adopted in 1976, implement the policy that was adopted in 1974. So right now, our rules and regulations that we have for Missoula County are in implementing a vision and strategy for growth management that is almost 50 years old. So there's a

definite need to bring our zoning code back up into to align with our current strategies for growth management and also bring it much more in alignment with current planning practice as the planning profession has clearly evolved in the last 50 years, but also so of the pressures and values of the that are occurring within the Missoula community. Um. So I forget what this fight is for, actually, so I'll probably just breathe through it. But the proposed code out, it's just simply saying that the proposed code is implementing the 2018 Missoula area land use element and the 2016 Missoula County Growth Policy.

Speaker3: [00:10:30] So most what everything that you find in this code has some connection to this planning document that we adopted in 2019 that went through quite an extensive public property process. So obviously we've got a 50 year old code that we're sitting on right now and we're looking at a brand new spanking code shiny that we're proposing right here. There are some big improvements for our community in this new code. First is in terms of our housing opportunity, we know everyone knows that we've got a real problem with housing. The proposed code is not going to solve our housing crisis, but it does give us more tools in our tool belt to address it. It helps diversify our housing stock, and it also has ways to leverage private dollars to get deed restricted affordable housing. So big improvements on housing, there are big improvements on resource protections. And the proposed code, for example, the stream side setbacks, but also wildlife protection, many other assets that Jenny will talk about a little bit more later. There's also much better improvements and mechanisms for local agriculture, which are really important to the Missoula community. And then finally, the 1976 code surprise did not contemplate climate change. This code, however, does contemplate how climate change is going to affect our community. Something happened. All right. And now Lindsay is going to talk a little bit about process.

Speaker5: [00:12:17] Thanks, Drew. Yeah. So like Drew alluded, I'm going to talk about the process and it has been to get to this point that we are at today and has been years in the making, and we have had thousands of participants in that process. And, you know, once again, it began back in 2017, 2018, when we started contemplating and creating the Missoula area land use element. And that was the big visioning process that we went through. And it, you know, it took a couple of years to create the document and we got the feedback from thousands of Missoula area residents. And that document, as Drew said, was adopted in 2019. So the next step in that process, we didn't really waste any time. We saw that this vision needed to be implemented. So we went through our current zoning code and we hired a consultant to help us in this process, and we did an audit of our current zoning to see what was working, what's not working, what needed replacing and how best to incorporate best practices and our vision. And we came up with a really great framework and a draft, and after a whole bunch of revisions, we came up with an initial public working draft of the zoning code that you see before you and that was released. The public working draft was May 15th, I believe, of 2021.

Speaker5: [00:13:59] So, you know, kind of a year ago ish. And since then we've been doing everything in our power to get the word out and to get people involved and to get feedback on the code. And that was a rather successful process. We got hundreds of comments. We engaged thousands of people digitally as well as in person, and that then with all that wonderful feedback that we received, we then created a new draft that we brought to the planning board and that was that draft was released on January 14th. You know, again, we we did this outreach process, making sure that everyone knew there was a new version of the code and that we were bringing it before the county or the planning board. And then we received a whole bunch more comments and engaged in a whole bunch of more conversations. And then at the planning board hearings that we did in March, they unanimously voted to approve this code. And then we we went back and we redrafted one more time. And with all those comments that we received for the planning board, and that is the draft that we have that you guys have today. It was released on April 7th, and that is what the document that we're proposing as well as some of the amendments that you'll see in the packet. So going forward, you know, at your discretion, you know, we will adopt this or or not.

Speaker5: [00:15:33] But going forward, if we do adopt it, there will be a huge monitoring process that we plan to go through to make sure that it's working the way that we want it to. Because, you know, once it once it actually gets implemented, we begin to see the cracks. So that will be the next step in the process. And we you know, if this does get adopted, then in the next year, we will you will expect can expect to see

revisions based on what is working and what's not working next slide. Yeah. So to go on a little to a little bit more detail on our outreach efforts, this has been a huge process that has taken over the the last year or so. Just to clarify, our our legal requirements are to do one mailing before the planning board hearing kind of a month, month ish. Before the planning board hearing, we post a legal ad in the local paper and we post signs around the county. You'll only have to post five of them. So those are our legal requirements. But we definitely wanted to do a whole lot more than that. It is really it has been critical that people know about this and that we get feedback to make this a good code.

Speaker5: [00:16:51] So we did a whole lot more. We did two mailings to all of the property owners being affected, one this past summer and then one before the planning board hearing. We've done a number of press releases about the various drafts that are being released and the events that we have social media posts, paid advertising. We threw up a website with all the information. We've got a mailing list going that we've been sending up. Monthly updates. And then this last summer we had a whole bunch of events. So we met with we did special presentations with the planning board. We had four in-person events, all located outside during social distancing during 2021. And then we had four online workshops, specifically looking at specific topics. We had local, local events. We had a set up at the farmer's market and then we hosted dozens of stakeholder meetings to get in detail feedback. And then we had a display at the library as well in case people wanted that there. Next slide. So the result of all of this, we see it as a huge success. We had we've had over 30,000 website visits. Of the all the information that's up there. Specifically, people have been very interested in the zoning map, the proposed zoning map that we have. So, yeah, we've received a ton of traffic on that. So we think that the word has gotten out based on those visits.

Speaker5: [00:18:24] And then we've had hundreds of conversations with members of the public. Hundreds more comments that we've received and incorporated into our various drafts. And as a result, it has made a tremendously better code. We are so grateful for all the members of the public that have been involved with this. This document would not be what it is today without that next slide. Um, so finally you guys have received. Just to outline how, what comments you've received, you've received all of these things starting since the release of the draft on January 14th. Obviously, the hundreds of codes that are the hundreds of comments that we received this summer were all incorporated into that draft. And then starting January 14th, you guys have received all the comments that we received for the planning board hearing as well as staff responses. And then since then, you've kind of been receiving this steady stream of comments with staff responses. You will also find in your packets over the last 24 hours or so, we've received more comments. So those have been included in your packets as well. And I think that those are the only ones that staff has not had the time to respond to. And so, yeah, hopefully you guys will have had a chance to go through and read some of those and. Yeah.

Speaker3: [00:19:49] I was just going to say contextually those comments that we received to that you just that we handed to you just now are not new. They those topics have been brought up before in previous comments. So there's no new content in those comments that we've received in the last 24 hours.

Speaker5: [00:20:08] That is correct. So now I'm actually I'm going to pass it off to Jenny, who's going to go through a summary and the outline of the code. Thanks, Lindsey. So Drew and Lindsey have talked about the why and the how of this process and these regulations and the map update. And I want to talk to you about the what the content of the zoning. And I hope you don't mind. I'm going to the content. I think you guys already know pretty well. So I'm going to address the audience, if you don't mind. So the. The content, the code structure of these zoning regulations can really be divided into four categories. One is kind of the boring stuff that people don't really deal with on a day to day basis or really affects them unless it's an unusual situation in the process and administration of zoning regulations. So I'm not going to take any time to talk about that unless there are questions. The chapter two is the chapter or the chapters or this is the chapter that describes the zoning districts. That really is what most landowners. That's the section that will be of most interest, that will be most applicable. And it describes what you can do on your property and how and how you can do it in terms of space and bulk and height and and placement of your buildings. The third category of content are design standards, and these are design standards that essentially apply to all uses throughout the county that zoned part of the county, and would

be things like building types, landscaping, parking, lighting, noise, environmental protections like riparian regulations and sign code.

Speaker5: [00:22:03] There is a chapter in here that applies to about two dozen uses that that are kind of enhanced standards for those uses. And that would be in Chapter five. Those would be things like tourist homes, accessory dwelling units, cannabis related uses that the that we felt needed a little extra design, I guess, or conditions criteria by which they could develop to make sure that they fit into a neighborhood or into a commercial area or wherever they might go. And then finally, chapter nine kind of stands alone. It's a it's a special development options and bonus and incentives. And this chapter takes a look at if you're doing a special type of development, your rules might be a little bit different than they would be, for example, in chapter two or some of the design standards. And I'm going to talk about those in a minute, so I don't want to go into those too much. Next slide. So at the beginning of this presentation, Drew talked about the four, four categories, the big improvements. And I want to dive into that a little bit more with you. The first one is housing and Development. Opportunity is where we're really trying to take a look at how to make that work better, address our housing crisis the whole country is experiencing and how to do that in a balanced way that addresses the growth opportunities and but yet also protects community values. And that has been very important and what has really taken us quite a long time to get what we feel is the right balance and hope. And that's, again, based on policy, as Drew was talking about at the beginning.

Speaker5: [00:23:56] And some of those I just threw out a couple of examples here. Some of those examples that help ensure some housing and development opportunity in the new code are some reduced setbacks, reduced parking requirements, more housing types in more locations, and that includes accessory dwelling units, duplexes in all of the districts that allow residential. And then, as I was mentioning, that Chapter nine, that development options and bonuses and incentives and that those types of developments would include cottage court developments, which is a more compact development. Tiny home developments. We have some standards for mobile home parks and the bonuses and incentives. Let's you and I'm going to talk about these actually, I'll go over those in a little more detail in a minute. Next slide, please. That second. I think the second big improvement is our resource protection. That is balancing that development side of things. So we are looking at enhanced floodplain protections, use limitations in the floodplain, riparian resource protections that would have a protection area and buffer areas that either restrict or limit or to some degree will protect those areas through limited development of the built environment within proximity to our riverine and wetland areas. And along with that protection of wildlife and wildlife habitat that uses those areas. And then finally Hillside and ridgeline development, which we have on our current regulations, and we simply strengthened those to to work better for the public to be able to develop when there's limitations based on hillside development that would make a site un buildable. We've built in the ability to basically have a waiver to that so.

Speaker1: [00:25:59] Go ahead. Thank you.

Speaker5: [00:26:01] The third big improvement is our local agriculture, how we treat local agriculture. We have essentially one agricultural district right now. Well, we have three. And we're going to have that's going to break out into four with some subsets. So ultimately about seven. So and those are going to treat agriculture a little bit more specifically about what kind of agriculture you're doing, whether it's just run of the mill agricultural use or high intensity agricultural use, looking at breaking those down and being really clear about what kind of agriculture is allowed in those areas. Ag related businesses being allowed as accessory to those businesses, which will let farm operators be able to. Be able to use their property not just for the growing but for the for the end products, whether it's selling or food production and those kind of things. And then finally, a conservation design development option in Chapter nine that protects our ag soils, that allows for some density increase in exchange for protecting those soils, and really just trying to make the agricultural economy more resilient and better able to respond to local needs than we currently have in our our zoning regulations.

Speaker4: [00:27:29] Next slide, please.

Speaker5: [00:27:32] That fourth big change had to do with environmental protections and specifically climate change. And that first bullet that I threw out there is broadly addressed throughout this topic was. We tried to look at not just do we need a section about how to protect the environment and and how to address climate change. We tried to do that throughout the entire code with less parking, therefore less and less pervious surface. Excuse me. Impervious surface bike. Parking opportunity. Landscaping with a native landscaping. And then we have some incentives for electrification and using renewable energy sources and establishing resiliency in our floodplain areas through the protections that I talked about with limiting of uses and then also protecting the hillside and ridgeline development for slope stability. And so just a wide variety of environmental protections in the code. And go ahead. I'm going to just talk very quickly about the district or the chapter that is going to be of most interest to to citizens trying to use this code, which would be chapter two, our district standards. It's going to tell you the uses that you can do, what size lot you need to have, how tall your building can be, how big of a footprint and that type of thing. And for those of you who have not been on our website and see zoning update, our code is there.

Speaker5: [00:29:17] We've been, as you described, we've had various drafts. Our most recent draft is April seven. We've made those available in hardcopy also at various locations around the county. And it's a it's a pretty big document and trying to convey all of the information. Well, it's impossible in this type of a setting. So if you haven't seen that and you're interested, you can certainly contact us or check online for information about that. And then I would also mention. The last thing I would mention about building design and how to integrate residential into commercial areas is this form based code idea that we've tried to really take from our zoning audit recommendations that we wanted to see more attention paid to the interface between the the private development and the public realm. And so we're looking at building types and building elements that will make make those areas more pleasant and inviting and spur some economic opportunity, is what we're hoping. And then the last I have two more slides. I'm going to go pretty quickly because I know we're running running long. Here is that Chapter nine development options, these various development options that are available to folks that are a little different out of out of the the norm of the standard zoning chapter two, where we've got conservation design developments, tiny homes.

Speaker5: [00:30:52] I've kind of gone through those, but that's another chapter that may be of interest to folks. And there's one that we haven't that's been relatively newly introduced into this. Actually, there's two into this chapter making sure that there's an opportunity for townhome development and then clustering cluster subdivision, which allows for clustering without density bonus in certain situations. Next slide. And then finally, incentives and bonuses. And this is really, I think, a lot of interest. The commissioners have expressed a lot of interest in this, as has the public, the different types of. Incentives that we we are trying to encourage our community members to take a look at doing as well as what we'd like to see in development. But they're not requirements. But in exchange for doing these incentives, such as a multimodal connectivity or alternate transportation, electric vehicle charging stations, you would be assigned points and you could then use those points to do to get a bonus. And there are the five different types of bonuses increased height, density or building footprint or decreased setbacks or parking requirement. And I think with that, that's as much content I will try to load into your brains here this afternoon. Thank you for your time and attention.

Speaker3: [00:32:19] A few more things quickly. The myth hitting on the mythology, our methodology for how we looked at Public Comment Inc. recommended a change or not a change. The first thing we looked at in every situation was whether or not it was consistent with the 2019 Missoula area. Land use element zoning is an implementation of your public policy. Our public policy is the 2019 Missoula area land use element. Then we always look at state laws. We think about the different court decisions that we're aware of that affect land use. We then highly consider the existing entitlements on a property. So what the current zoning is, if there's a subdivision approval, things like that, then we think about how it's going to impact the rest of the code. If it's especially if it's a tech change, tax change, does it alter other parts of the code or is it consistent or inconsistent with other parts of the code? Then we'll look at if it's a map, we'll look at site specific considerations, we'll look at other plans and policies. So we might take a peek at the transportation plan, for example, or the purchase plan. And then finally, we'll think about how we approached similar situations. So if someone else made a request and all things being equal and we said yes to that request, then that would be the final decision point to say yes to this request.

Speaker3: [00:33:41] So it wasn't an exact science, but these factors contributed to everything. And when I'm talking about state law, I'm also referring to the criteria for zoning in state law that are part of the staff report and the findings of fact. So with that we have some motions to consider, recommend and motions. I am going to hit these very quickly and then if the commissioners are ready to make motions later today, we can come back. So we have the main motion on the growth policy that would to adopt a resolution of intent on the growth policy. We will bring this back up, but it's going to be a couple of hours of public comment. So we'll forget what's in this until later, I'm sure. Then we'll have the main motion on the zoning code and the zoning map. So one motion for both the zoning code and the zoning map. And then because there will be amendments to the zoning code, certainly following the proper decorum of Robert Rules of Order, we have some we have some help cheat sheet for you to to deal with all that. I'm not going to go through it right now. We'll deal with it if you're up for a decision later today and you will use subsequent motions, you'll make the main motion and then you will use subsequent motions to, to, to do that. And I have some templates ready for you.

Speaker3: [00:35:12] So finally, what is next? No matter what happens today, something will happen next. Let's talk about that. If the resolution of intent is adopted, we are we we have gotten on the schedule for the final resolution to adopt on June 9th at 2 p.m.. We'll publicly notice that with the agenda that's normally published, it will be in this room at that time with other agenda items that day. And it probably will be a hybrid. Meaning. Yeah, but the code won't become effective on this June 9th. We want to give folks a little bit more time to prepare and we need to prepare. We need to create forms and applications so the effective date is scheduled for we make the recommendation to you. You guys decide the effective date, but we will suggest July 1st, 2022. Nice, easy number. If no decision today, we will have a continuation and I'll bring this back up if no decision is is made. So, Juanita, you would bear or you would want to announce this at the end of the meeting, that the continuation would be to June 2nd, 2020 to 2 p.m. and Sophie Moyse Room, which is right here 200 West Broadway. And you can check the BC meeting portal for information on online participation. So with that, I'm going to hand it back over to Commissioner Farrow. Thank you.

Speaker1: [00:36:45] Thank you guys so much. Really appreciate it. Well, let's start with some public comment. We'll start with people in the room and then we'll move to folks online and on the phone. Sorry. Slotnick is asking if people should queue up. It looks like you're already doing that. So again, reminder, this is you have 3 minutes. Try not to repeat what someone else has said. Be respectful of each other's times. And it looks like we have Emily Bruck. And please state your name for the record. Thank you. Emily Brock.

Speaker5: [00:37:25] I'm the director of land and economic development for the county, and I'm here today speaking on behalf of the Missoula Development Authority. We got this presentation from Capps at our meeting and had a discussion about it and there was a vote to support the staff recommendation. We there was acknowledgement that it's not perfect.

Speaker1: [00:37:46] But that it is urgently needed and.

Speaker5: [00:37:48] That the best that the process has been wonderful and that the best way to serve the community with our housing crisis and the infrastructure we need is at the Y.

Speaker1: [00:37:58] Is to adopt the recommended motions and.

Speaker5: [00:38:01] Then address.

Speaker1: [00:38:02] Any of the changes that might come up through maintenance.

Speaker5: [00:38:06] And so I wanted to pass that on.

Speaker1: [00:38:08] To you guys for the official record and good luck today. Thank you. You all have copies of my. I'm sorry. Help me with your name again. We have a couple.

Speaker3: [00:38:26] It was included in the memo dated May 4th.

Speaker1: [00:38:32] Hi. My name is Nicky Sardo, Red Quill Ranch. I own 40 acres down Highway ten. It's 90, 50. Highway ten. And my question is, will your zoning devalue my land? Is it a takings? A brief history. In 2008, this 61 acres was preliminarily approved. It was very close to be approved for a 32 lot commercial light industrial subdivision. And the man that owned it died and everything went to pot in 2008, as you recall. Red Quail Ranch, my company exchanged 25 years of hard work into the remaining 40 acres, and we had ideas of doing exotic mountain flavored bottled water from a gushing 100 gallon per minute well or a finished commercial storage facility on part or dense, dense housing development. I've had several meetings with your planning department and I'm asking that you either leave it un zoned or light industrial or commercial to conform with the adjacent properties. It is not ag soil. It's 26 feet deep of clay. I have attached the science pages. Soil core samples were taken in 2007. Well, report shows clay for 26 feet deep. Montana and Missoula only grows hay and cattle due to temperatures. I was president of Farm Bureau for three years. My husband is from the winery section in Croatia. We know farming the 40 acre tract here may have been chosen by a capricious drone drone's eye view. And I think there was a mistake made. Nothing will grow here. How much trouble is it for you to change this zoning if you zone it to high end density housing? Now, I'm 74 years old right now and I'm too old to wait for the sewer to come down or to light industrial. We're surrounded by the Trap and Skeet Club Interstate Highway on one end, the gas trucks and everything in the storage facility to our west side. Thank you. Thank you, Nikki.

Speaker6: [00:41:18] Because that's good. Good afternoon, Commissioners. Staff. My name is Dave Loomis. I'm live on the far west end of the Missoula Valley. I'm here to I want to make five key points from my point of view about this zoning document that I have read every single page and and it was worth it. So my points are that it's number one that's logical and well written. I say this only because I've been in this planning business for over 40 years of my life. I'm not in it anymore, but I've seen a few and this is excellent. Well done. Number two is that the standards are clear and provide examples for anyone who wants to develop. To follow step by step as you go along. Abc ET cetera. It's not that difficult to follow. And I'm sure all the developers here can handle it easily. The administration enforcement and definition sections are clear, ineffective, and this is something usually ignored in many zoning ordinances. So this is really clear when questions come up that those are the answers. I want to compliment the staff on the Development Options in Intent section that gives some flexibility, lots of opportunities to revise and change and be creative. In Missoula County. I must congratulate the county and your staff. For the significant public input and outreach and continued discussion and revision of this document. It's really big. It takes a long time and you spent a long time on it and staff did a really, really excellent job. So those are the reasons that I, I urge the planning board of which I'm a member to to move forward. And I was not able to be there for the vote. But these are the key points, and I believe you should follow the planning board recommendation. Thank you.

Speaker7: [00:43:26] Thank you, Dave.

Speaker6: [00:43:30] Good afternoon, commissioners. I'm Bert Caldwell. It would appear that I'm going to represent the Bonner Council this afternoon and. My notes died on me. Hang on just a second. I do want to follow up with what he just said. I think the staff did an excellent job on this. But I want to dig into details a little bit, because as a member of the Bonner Council, I'm representing at this point, the members are the council, the community that live in West Riverside. They're in the details of this. And the last map that I've seen and I understand there's potentially one coming that's newer. There is a discrepancy as far as West Riverside is concerned between the light, industrial zoning and the heavy industrial zoning of West Riverside. The West Log Yard. The lots that are planned in the plat for the West Log Yard. Run perpendicular to the zoning strip for light industrial that runs along West Riverside Drive. If the plot and correct me if I'm wrong, because I know you're not going to answer me. So I can say that if I'm right, if a lot has got multiple zoning, it can be used or sold with as the least restrictive zone. And if that's true, then the fact that we've got light industrial zoning, which was requested by West Riverside. The lots could be heavy industrial. I'd like you to take a look.

Speaker2: [00:45:12] At that and correct it.

Speaker6: [00:45:14] Before you approve this. Other than that, I think it's a great I think the whole thing and again, I'm speaking from the Boehner perspective, I don't know anything about the rest of the county on this, but I think it's a great idea and a good move. Thank you.

Speaker1: [00:45:30] Thank you, Burt. I'm Mary Louise. Kidnap, and I live way up the rattlesnake. My neighbors and I live in a unique, narrow neighborhood, totally surrounded by the rattlesnake wreck area. The zoning update created two new codes in our neighborhood, opening up our neighborhood to possible future development that our neighbors never imagined when they purchased their properties. The members of our neighborhood did submit comments to the Planning Department on these changes, and thankfully the Planning Department read them all and responded that they would indeed recommend that the two most concerning options for development would remain in the special exceptions category, requiring a review rather than simply permitting it. So that was a good thing. My neighbors all agreed that the neighborhood is not suited for any further development. And they want these. They don't want these changes in the zoning and that our neighborhood does not fit into any of these new categories or these new codes at all. But we also know that over time and with a growing county needs change and it is difficult to develop a limited number of zoning codes that suit all the neighborhoods. One size does not fit all. I want to commend the Planning Department for working hard to discern and meet the needs of everyone in the Missoula County. You guys did a great job. Thank you, Mary Louise.

Speaker6: [00:47:14] Good afternoon, Commissioner. My name is Gary Mattson. I live in West Riverside and I want to express my great appreciation for the efforts of the county planning staff, in particular Andrew Knickmeyer, Jenny Dickson and Lindsay Romanelli for their roles in creating the draft zoning map and code. It was a monumental task and extremely well done and I also greatly appreciate the role of the Missoula County Consolidated Planning Board and its contributions in reviewing the draft. I can't imagine any more that could be done by either planning staff or the planning board to solicit public input during the process of creating the draft. My comment relates to a specific property in West Riverside called the West Log Yard. I'm a longtime local resident and recall that when this property was entirely undeveloped open space, my family would walk over there amongst the fields in the forest and it was simply an open space. So time brings change. The draft zoning map shows most of the West log yard as being zoned heavy industrial. I strongly support zoning the northern portion of the property as light industrial, which would minimize impacts upon the residential area adjoining it on the north. I would strongly support the light industrial zone for the whole property, but that may not be accomplishable if there is such a word. This could bring a light. Industrial could bring in such things as a medical walk in clinic or professional offices, both of which have been envisioned by the community for a long time. I know that West Riverside residents are looking forward to a collaborative relationship with the landowner that can result in great benefits to both parties. So thank you for this opportunity to comment.

Speaker1: [00:49:14] Thank you, Gary.

Speaker7: [00:49:19] Good afternoon, commissioners. My name is Judy Mattson. I'm also a West Riverside resident, and so my comments will be directed toward that area as well. Thank you for this process. And a special kudos to the camp staff, including Jenny, Andrew and Lindsay and others who have we've met many times. So we're on a first name basis now. I would like to highly commend the live make designation that has been proposed for East Missoula and West Riverside. It it extremely well reflects the lifestyle of those neighborhoods. So thank you for that. My other comment does have to do with the West Lawn Yard, and I won't repeat comments that you've already heard about zoning there. I do want to encourage that a permanent easement for public access to public lands be incorporated around that site, say, from the Black Bridge. If you're familiar with that along the Blackfoot, up to public lands, the state park and Forest Service land along the river as well as along West Riverside Drive, which would border the property line to also the trail that would access that public land. So thank you for all of the work that's been done. And those are my comments.

Speaker1: [00:50:43] Thank you, Judy.

Speaker6: [00:50:47] Good afternoon, commissioners. I'm Mary Ann Ali with Berkshire Hathaway, and I'm here representing the Missoula Organization of Realtors. And I have a letter to read and present in support of this process. Dear Missoula Board of County Commissioners, Missoula Organization of Realtors. Moyer appreciates the opportunity to comment on the proposed county zoning code. Update EMR is a trade organization representing over 900 members advocating for equal housing excuse me, equal housing opportunities, home ownership and private property rights. More supports the proposed zoning code update prepared prepared by the Community and Planning Services Capps staff. The Zoning Code Update is a culmination of several large scale community engagement efforts, starting with the adoption of the 2016 growth policy through the 2019 area land use elements, the county staff process of engaging private and public sectors, ensuring that all voices in the community are heard has resulted in a strong approach towards achieving the community goals of sustainable and intentional growth. Missoula is experiencing a housing crisis unlike any encountered in generations. It is our belief the proposed zoning code update will facilitate increased production of new housing stocks for our community. Moore has reviewed comments offered by the Montana Building Industry Association media on the proposed rules, and we encourage strong consideration of their proposals. We recognize the iterative process taken by Capp's staff to incorporate community suggestions and concerns into the draft before the board. Additionally, we would encourage this iterative and engaging process be leveraged during the implementation to ensure our community continues on the fast track. On Fast Tracking of development signed by Jim Beacham, CEO of Mar.

Speaker1: [00:52:41] Thank you, Marin.

Speaker6: [00:52:49] Hello. My name is Mike Regan. And over the past couple of years, I know many of you have put in countless hours planning and strategizing many areas of the Missoula County and come up with some really well thought out, thought out and visually appealing plans. I want to thank you all in advance for your time and effort. I am, however, concerned over the newly designated neighborhood center area in the Bonner Mill Town District, and that's why I'm speaking to you today. My wife, friend and I own land in the area for the past four years and have started to successful businesses, which contribute greatly to the economy and the community of Bonner, providing a much needed service and sizable property tax revenue stream. The two businesses, University Storage and Titan Self Storage, account for 16 of the 25 acres in question. As major landholders of this newly proposed area, I'm concerned that the infrastructure won't necessarily support the vision that you and some of our surrounding community members might desire for this land. I've recently expressed this concern to members of your planning committee and some local professionals. The issue is this If there is no foreseeable plans to put in water and sewer, a neighbourhood centre designation isn't feasible. There just isn't enough land available to allow for the necessary setbacks and allowances for septic drain fields and wells to accommodate all of the new uses. It is imperative, therefore, to have infrastructure in place prior to the development of multifamily housing, grocery store outlets or even coffee shops.

Speaker6: [00:54:08] I know this firsthand because I've recently reached out to many businesses that I thought might be interested in this new development, and none of them expressed interest due to the limitations currently in place. As you might imagine, designating this land as a neighborhood center could triple the value of our property. If multifamily housing were to be built, that would only further the value of our storage units with the influx of new tenants. With that being said, you would have my full support. But as a community member and reliable taxpayer, I can't in good conscience say that your decision would further either of our interests. If this designation is made, I won't be able to fill the county community's vision for this land. The land would remain useless to everyone, and ultimately the community will lose countless dollars and uncollected tax revenue as this land remains unproductive for decades to come. Although many people may disagree about storage and its not being visually appealing, I would argue that there a necessity amongst the growth that the Missoula area has been experiencing. The housing crisis is only going to increase and so will the need for storage. If you live in Montana, you likely have toys and other items that allow you to enjoy this beautiful state. Area covenants, lot sizes and shrinking road widths will no longer allow for outside storage of any kind.

Speaker1: [00:55:16] 30 seconds.

Speaker6: [00:55:17] Mike. The likelihood for builders to supply supplementary storage has also decreased due to building costs and lack of space on smaller building sites. My ask of you today is county commissioners and planners would be to consider the current nature of the area that you're designating as a neighborhood center and realize what you're proposing is not only unrealistic with the current infrastructure, but in possible. If you won't allow us to expand our current business and we can't do what you're proposing, how should we proceed? If 70% of the land is currently zoned as light industrial? Don't put an unrealistic overlay on something that can't be realistically deemed as such. Thank you in advance for your consideration.

Speaker1: [00:55:50] Thank you, Mike.

Speaker2: [00:55:53] Hello. My name is Nate. I live over in the West Riverside neighborhood.

Speaker1: [00:55:56] Sorry, Nate. Your full name, please.

Speaker4: [00:55:58] Nathan. Harry. Nathan. Eli.

Speaker6: [00:56:00] Hearing if I'm in trouble.

Speaker2: [00:56:03] So I live over in West Riverside. I've been there for a couple of years now. We own our house on Seventh Street, and the area that I'm concerned about is the Bonner West Riverside log yard that we've talked about earlier.

Speaker6: [00:56:15] And I will echo.

Speaker2: [00:56:16] Some of the statements that they made earlier. I think the one thing I just really want to drive home is that the area is zoned for heavy industrial with one strip of light industrial and based off the 2017 Community Health Assessment. If you look at what Bonnaroo, West Riverside, which included Tura and some other areas as well, it showed that we.

Speaker6: [00:56:35] Needed a community center, we needed a gathering place, a.

Speaker2: [00:56:38] Market, a clinical area for access to health care. And while I know that that could be a possibility with heavy industrial, it doesn't necessarily focus.

Speaker6: [00:56:47] Us in that direction.

Speaker2: [00:56:49] So changing that zoning.

Speaker6: [00:56:51] To all.

Speaker2: [00:56:51] Light industrial would be something that would benefit our neighborhood. And I know that the community would actually really enjoy having that there. And in addition to that, I just want to remind that that right now is green space. And there's. There's like a herd of bighorn sheep that come through there every year. There's a lot of wildlife that come through that zone. So anything that we do pass this point, we can't necessarily take back. So I just.

Speaker6: [00:57:15] Kind of want to.

Speaker2: [00:57:16] Impress upon you to take your time and think about that and see what actually benefits our community and look at that health assessment and see what.

Speaker6: [00:57:23] That community said they wanted and what they value, which is greenspace and actually being able to gather as a community at a place that isn't the town pump.

Speaker2: [00:57:31] So something just to think about as you do your planning. So thanks for your time.

Speaker1: [00:57:35] Thank you, Nate. Good afternoon, commissioners. My name is Neva Hassanein. It's Neva. Last name. Hassanein Hassanein. Thanks for the opportunity to comment today. I'm as a citizen, a landowner and a former member of the Planning Board for six years. I want to voice my strong support for this proposal. I first off, want to applaud Capps and the Community and Planning Services Office for their outstanding work on this. It's been a long and challenging, but a vital project. Every single time I have participated in discussions with Ccap staff regarding this, I felt listened to. I felt like my ideas were considered, even if they weren't necessarily adopted, but can't win them all. And no, I really it counts for a lot and I think that's really important. And I want to thank them for helping to bring Missoula County into the 21st century, even a couple of decades late. But, you know, here we are. And those terrific zoning is the single most effective tool that we have when it comes to expressing the policy positions that the county has taken and actually applying them to land. So this is a really key piece. I also think this proposal is important because it does focus on the peri urban area. So it is where the pressure for growth and development is the greatest. So I appreciate that aspect of the proposal. I look forward to future zoning elsewhere in the county too, that it's really bringing together, I think, some cutting edge tools in this document because it not only respects the rights of landowners, but it also provides a variety of development options and incentives to ensure that public benefits are met, both for the current and future generations.

Speaker1: [00:59:48] So I really appreciate that aspect. Chapter nine in particular spells out a variety of innovative approaches, and particularly I like the conservation design aspect. This fits with the need to mesh our human intentions with what actually happens on the land and the ecological services. My one concern is I wish we had stronger options for the conservation area set asides. I understand that we're trying to improve those. That's terrific. I'd like to see a provision. 30 seconds diva. Yeah, I'd like to see a provision included for if in the future any commission wants to undo a pesticide area that we have a public hearing, the key stakeholders are invited so that it's really hard to undo these protections in the future. So I'd encourage that. I also really support the proposals to for resiliency and improving our regenerative capacity as a community with respect to the terrific incentives for things like green roofs and EV chargers and so on. So I'm out of time, but thank you so much. Thank you, Nivea.

Speaker6: [01:01:16] Good afternoon, commissioners. My name is Andre Mark here, and I'm a property owner out on Mullin Road, out towards Frenchtown. My comments, of course, have to do with chapter two and specifically some of the agricultural zoning definitions. And what my hope and what I ask and beg of is that there must be some flexibility on that. I appreciate all the hard work that has been put into this zoning plan. It's obvious that you guys have done your homework, that you guys have worked very hard on it, and I'm very sorry that I'm so late coming to the to the table, my family, the mark your family homesteaded in 1887 in the Frenchtown area. I'm the fifth generation of markers to be out on the family farm. My daughter, the sixth generation, unfortunately, had to leave really quickly because of work. But she was here. She's 21 years old. It's good to see her getting involved in the public process. My biggest concern is some of the definitions make it unclear if we're able to keep the family farm in the family name as far as being able to do estate planning, transfer titles on into the sixth and the seventh and maybe the eighth generation of mark year out on the family ranch. And those are the big concerns that I have in regards to the zoning process. Thank you.

Speaker1: [01:02:48] Thank you, Andre.

Speaker2: [01:02:52] Good afternoon, commissioners and staff. My name is Matt Mallett. I'm speaking on behalf of a proposed housing development project that's just off Daysha Lane near the Y in Missoula County. I think we all know that as the county is in the housing crisis, that's not really a secret. And while there's plenty of talk about what can be done, I'm here to offer a concrete action that can be taken. This particular action will work in concert with ongoing county infrastructure planning efforts for the Y to facilitate the development of housing units in the near future and then for the coming decades as well. So we respectfully request that the commissioners accept the recommended changes to the zoning code, as reflected in the April 28, 2022 memo from the zoning team. Specifically, I'll be addressing part two comment number 67, which is on page 53 of that memo. And then map insert nine has additional detail. The recommendation requests at 187.5 acres near the Y be zoned at neighborhood residential and are in

the 2019 land use element. This area is designated as a planned neighborhood area with the intent to establish a minimum density of eight dwelling units per acre and a gridded street network. Missoula County Planning Staff has recommended that these parcels be zoned in R or neighborhood residential, which again aligns with that 2019 land use element. We asked the planning staff to consider this recommendation after a recent iteration of the zoning code assigned these same parcels as age 40, that that designation would mean that this area would only support 20 housing units in total across all 187 acres. Our team has created a plan to construct a neighborhood here that meets or exceeds the minimum density required under the 2019 land use element. But to do that, a zoning designation of neighborhood residential now is critical to make that happen.

Speaker2: [01:04:38] A couple of notes relative to this is that the NRAS zoning district complies with the 2019 Land Use Element Guidelines and incorporates the community goals there, such as creating services and diversifying housing types in that area. Fish, Wildlife and Parks did not identify this area as a key habitat for birds or elk, and nor did Missoula County planning staff indicate that the area has any kind of prime ag soils in that particular section. This area is located also in close proximity to job centers and future industry. So moving forward with a project of this scale and scope will first require a public scale water and wastewater system to be permitted by the state of Montana. Our team is already in partnership with neighboring landowners, with water rights having been obtained and design underway for these systems. This design effort also provides an opportunity for us to coordinate and align with the wider infrastructure planning effort that is underway by the county for the entire wide area, by zoning these parcels and are it lays the groundwork for investing the time, money and effort into designing appropriate utility system to serve Missoula's population, especially by the Y said the company conceptual land use plan. You can see the vision for this area is mixed use and traditional neighborhood design developed exactly in line with the 2019 land use element guidelines. And we don't intend luxury homes here and this is not some sort of exclusive neighborhood that we have in mind. So by accepting the neighborhood and our zoning recommendation for these parcels, the Commission will be taking action towards more housing in Missoula County and setting the stage for smart growth in the coming decades. And we are grateful for your consideration.

Speaker1: [01:06:11] Thank you. Thank you, Matt.

Speaker6: [01:06:14] Good afternoon, commissioners. I'm Chris Salvino. I would like to affirm and echo my colleague Matt Miller's comments. On a personal note, I relocated here last year and experienced the housing crisis firsthand. So I'm a part of the solution now, and we would like to build some of those housing types, cost effective housing types at the Y. So request that you accept the proposal and that the 187 acres at the Y be zoned to residential. Thank you.

Speaker1: [01:06:49] Thank you, Chris.

Speaker6: [01:06:52] My name is Ryan Winbush. I live in the upper rattlesnake. The last property before it becomes the dirt road. And my main concern is the one size fits all approach of the rezoning. The the new regulations would enable and encourage increased density beyond our property, which is kind of at a bottleneck itself. And the entire rattlesnake is at a bottleneck. And so it would be into a forested area and with increased fire danger and climate change. I don't feel that it's responsible and it's actually dangerous to allow duplexes as well as. Kennels and schools and cemeteries, etc.. So I encourage you to rethink that one size fits all approach.

Speaker1: [01:07:44] Thank you, Ryan.

Speaker5: [01:07:48] Thank you. Jamie Rohrbacher here representing WG Group. First off, thank you to CAPP staff. There's been a number of properties that we've been working with them on for zoning, including Grant Creek crossing to zone that community commercial, the running W portion of the subdivision that has not been platted to zone that neighborhood residential south.

Speaker1: [01:08:10] Of the Butte.

Speaker5: [01:08:12] We are working on a project and converting that to a rural, residential and small agriculture and removing it from a legacy district. Um, additionally here representing the Riverside Industrial Subdivision, which is out near the property that Matt Marlatt is representing. So we agree in affirm with Matt's comments to zone that area neighborhood residential along with a portion of the Riverside Industrial Subdivision that is planned for future residential development and zoning of neighborhood residential. Additionally, representing the Bonner West Log Yard. We've certainly heard the Bonner Community Council and under comment number 60 on the April 28th staff recommendations, we have submitted a shapefile that indicates a light zoning light industrial zoning buffer against the West Riverside neighborhood with the remaining portion of the subdivision as heavy industrial. And then along the east side, a large 22 acre parcel that would be zoned AGW 40. And so just wanted to let you know that we've heard the community council, we will be giving a special presentation to their group on Monday and also addressing public access as that subdivision moves through along the Blackfoot corridor and along the eastern edge of that subdivision as well. So just want to say thank you and thank you to cap staff for all of your support.

Speaker1: [01:09:50] Thank you, Jamie.

Speaker6: [01:09:54] My name is Fred Stewart. I live in the Target Range neighborhood and I strongly support the zoning resolution that's being proposed today. I'd really like to commend Andrew, Jenny, Liz for and the behind the scenes cab staff for all the work that they did. It includes an overlay for the target range area that will implement the Neighbourhood Plan proposed zoning. So it's a tremendous. Effort. Tremendous success for the community. Thank you very much for everybody's effort. And we look forward to the approval. Thank you.

Speaker1: [01:10:36] Thank you, Fred. Good afternoon. My name is Bonnie Buckingham. I'm the director of the Community Food and Agriculture Coalition, and I'm here to echo support for this new zoning code. It's been a long time coming and feel that this is really the first tool that we have that really will help conserve agricultural land in a very systematic way. And so thank you so much. I appreciate all the time, as everyone else has said, that everyone has taken to listen to the concerns and to really put into this code the the things that are most going to help us. And my support I've been here many times in front of all of you, you know that I work to build a local food and farm economy, and the foundation of that really is land. And the conservation of that land is essential to being able to build that. So I feel that this code really provides creativity and incentivize good growth, and it also is conserving our community values. We do feel it's a first step. And as we said in our written comments, we really do encourage providing staff support to ensure that these mechanisms are put in place and upheld, and also that the open space bond funds are available and prioritized for these conserved lands. I also would support Neves comment about ensuring public process should these mechanisms come into question at times. But I want to just say thank you again, and we look forward to continuing our work with the county. Thank you, Bonnie.

Speaker6: [01:12:30] Thank you for this time. My name is Paul Hanson. I live up Butler Creek. Eight 2505 Butler Creek. I am probably one of the bigger landholders in this zoning. And personally I don't appreciate the lack of face to face meeting to landowners in my category. A lot of the landowners that are around me that are they have not a clue what this will how it will affect them negatively for the most part. I see that I'll lose a lot of value in my property. I plan on keeping it as a ranch, as a working ranch, but I need flexibility and one per 41 per 80 doesn't cut it. And most people don't want that much of ground. I have relatives. I have family that want to stay there. They want just a few acres, just enough for a home and garage and like that a little bit. But, you know, I hope there's some flexibility because it's just not going to work for me the way it is right now and the value wise. Right now, it's going to really hit me hard. And we have the regulations have got to be reasonable. Something that's that's fluid that can be changed because like has been said many times, one size doesn't fit all. I now know that the coronavirus has been a real challenge. And personally, there's a lot of people that don't like working on the computers and like that, and so they refuse to be involved in it. So anyhow. Well, I don't know how it's going to affect the family transfers right now. It doesn't look good in that. Family doesn't, like I said before, doesn't want 80 acres or 40 acres. They only need a few. And I can't afford to lose that grazing either or farm ground. So anyhow, I hope you take those into consideration if you have questions. My name. And. Numbers there. Thank you.

Speaker1: [01:15:26] Thank you, Paul. Anyone else in the room. No one said what I was going to say. My name is Mary Donnelly. I'm a resident in Upper Miller Creek. And I just wanted to make sure that for the record, I know we've talked a little bit about vacation rentals and Airbnbs, the Hotel Residential Hotels, and I just want to ask that during the next part of the process that we continue to review that so that as there's a push for density and tiny homes are built or townhomes are built, that they're not just turned into residential hotels, that they actually accommodate the citizens that need to have some homes in our community. So thank you very much. I appreciate this process. That's all. Thank you, Mary. We don't see anyone else in the room, so we'll go to online. So Violet. You're going to have to help us out. Looks like there is an Elias.

Speaker6: [01:16:37] Sorry. Did you say me? Elias.

Speaker1: [01:16:39] Elias. Okay. Hi. Thanks.

Speaker6: [01:16:43] So, my name is Elias Hannon. I live in West Riverside. I actually live on West Riverside across the street from the West Riverside log. And I want to talk a little bit about that. But first, I want to say that we are really happy with the live make designation for our neighborhood, and we thank you guys a lot for that. And most of us in the neighborhood are really excited to have the community center designation for the lot that's just south of the highway there. It fits really well with our visioning process and our community definitely does not need any more storage units. And considering the developer across the street in the West Log Yard Division proposed subdivision managed to figure out how to put a whole bunch of well and septic in. I have a feeling that the development the developer who owns some of that property is more likely just doesn't want to put the work into well in septic whether then it not being possible. So we love the community center designation and I want to talk a minute about the West Bonner log yard. So I know that the owner of that property has historic industrial zoning, and it was it's been zoned both light and industrial, and they have rights around that. And I also want to point out that this even though it's historic, historically zoned for industrial, I don't know that anybody in living memory in this neighborhood has lived in a neighborhood with adjoining industrial that is not the character of this community.

Speaker6: [01:18:29] And I know that's not legal, but we have 750 odd households here who whose rights need to be valued in addition to the one property owner or owner across the street. I also want to point out that this property would adjoin or would butt up right against the Blackfoot River on what I believe is the very first successful Superfund site clean up in the country. And I think that putting heavy industrial right there back next to the river is just a bad idea and it's regression, not progress. And I believe that the code supports me in that there's specific stuff in the code that talks about not building heavy industrial next to waterways or neighborhoods. And I think that for the most part, we are resigned that that space will be developed in the neighborhood. But I think that you need to strongly. Consider zoning it all light industrial. I think that it would serve our community division that we worked with the planning, the county planners to come up with several years ago, which was a great process. And OC thank you. And I don't know if I had much else to say besides that. I would I would say that if if possible, I would love for the planners to delay a vote until we figure out with the property owner what is going to best serve both their development and the community which we're working on currently. So thank you very much.

Speaker1: [01:20:19] Thank you. Next we have Laura Goslin. Ron, you're at the Lee Bridges. So, Laura. Hi. Hello, Laura Goslin. I'm also wanting to comment about the Bonner and West log yard area. I live in the area. To Eliza's point, in the purpose of heavy industrial estates, that development is sited away from streams, riparian corridors and wetlands to protect sensitive natural features, waterways and fish and wildlife habitat and movement corridors. That area is a very huge corridor for a lot of very important wildlife that leads into the Bitterroot Valley. So along with the comments that were made before, I would like to align with a consideration to make that entire area a light industrial zone. So thank you very much for allowing comment. Thank you, Laura. Ron Ewart.

Speaker6: [01:21:17] Hi. Good afternoon. My name is Ron Ewart and I'm a planner with PCI and I live at 2642 Sheffield Drive. I just want to talk about the proposed minimum lot size. And this sort of goes along

with what Paul Hanson was talking about a little bit earlier. I think that there should not be a minimum lot size. Currently in the county, there are not minimum size requirements. So why do we want to change things and take away a flexible design tool that we now have? Requiring new and lot sizes goes against state objectives, such as providing more housing, protecting hillsides, creating open space, recreation areas, and being in line with city zoning where there are not minimum sizes. The proposed new minimum lot size requirement would in general require larger and oversized lots. More paving, more infrastructure, less open space, less protection of resources, in some cases less new housing and more expensive housing because there is less flexibility in design. For example, in the existing cr2, you can be flexible and get to per acre overall. But in the proposed comparable two per acre zoning, you would need to create a full half acre sized lot. If there's a minimum lot size, then it would be almost impossible to design a subdivision in any zoning district and max the density to help alleviate this problem being created.

Speaker6: [01:22:51] There's a proposal for a possible cluster development option which would allow a partial reduction in lot size, but it's only an option in each case if the zoning officer will allow it. And the criteria is very loose and subjective, which means there will be claims of arbitrariness because only a select number of people will get it, although most people are going to want it because it's it provides flexibility. But if we get rid of the minimum lot size requirement, there will be no need to have this development cluster option. As I understand, the only reason for suddenly requiring this is because the administration of maximum residential density has become, over the years, difficult to track and manage. If this is the case, then the solution could be that applicants can do a total history of the parcel going back to a certain date. This information is easily obtainable or applicants can have a title company research the information. This way the planner don't have to do the research. Again, the minimum size requirement, which is brand new to county zoning, if implemented, takes away flexibility in subdivision planning and design.

Speaker1: [01:24:04] It's a 20 seconds.

Speaker6: [01:24:06] There's no reason to take away now. Thank you.

Speaker1: [01:24:10] Great. Thank you so much, Ron. Lee Bridges. Hi, I'm Lee Bridges from East Missoula. Can you hear me okay? We can. Thank you. The county planning staff has done a masterful job of working with our community in East Missoula, working diligently.

Speaker6: [01:24:29] With us for years to.

Speaker1: [01:24:30] Protect our community values and character. Thank you so much, you guys. Through their creativity, Capps has helped us to come up with this live make zoning designation that perfectly encompasses our zoned areas, allowing our residents to our residents out here to maintain their.

Speaker6: [01:24:49] Livelihoods and.

Speaker1: [01:24:50] Ability to make a living. I'd like to thank the county planning staff for their hard work and I support this updated zoning code. Thank you very much. Thank you, Lee. Violet. I can't see on the screen if.

Speaker5: [01:25:10] I don't.

Speaker1: [01:25:10] See any more hands up. But just a reminder to folks calling in on the phone.

Speaker5: [01:25:14] You'll have to hit.

Speaker1: [01:25:15] Star six.

Speaker5: [01:25:16] On your keypad to unmute yourself. If you would like.

Speaker1: [01:25:20] To give comment, just hit star six and let us know. Thanks. Let me folks on the phone. Do we have. Just to. Okay. Doesn't look like anyone on the phone. No. Hands up. Anyone else in the room who would like to comment? We're going to close public comment. And have a discussion. Thank you stuff. This is this is like you've told us, this is 50 years the most significant land use decision before a commission in 50 years. So well.

Speaker4: [01:26:07] Done.

Speaker3: [01:26:09] That's correct. I've kind of been keeping track of a number of points that I wouldn't mind addressing for the record, if that's okay with the commissioners. Great. I wanted to start with the very second comment. I will say it's very first. I forgot. Emily Blake continued first with Nicky. Sergio, I think actually Nicky left, which is unfortunate. So she was wondering about takings on our property and if the code is going to devalue our property. So the Sardo property is in the planned neighborhood land use designation, which is out by the Y, and that's an area that we've identified, the county has identified in our planning documents as a place that we want growth to occur, but we don't have the infrastructure in place right now to support the type of growth we're looking for. And so the implementation of the planned neighborhood land use designation is to zone it for low density one per 40 working lands. Ag Working Lands has nothing to do with soils. The AG Working lands isn't about soils, it's about working lands. The ag r is about soils. So the idea is to keep it relatively undeveloped until we get a chance to put that infrastructure out there. And then it's holy smokes, gangbusters, right? So are our policies or regulatory decisions affecting the value of their property? Maybe, maybe in the short term. But in the long term, our plans, policies and the execution of those things are going to massively impact their the impact the value of our property much, much, much to her benefit, because the densities and uses are essentially sky's the limit. It's a minimum of eight dwelling units per acre in terms of housing types and a whole list of type commercial types that could occur on that property. So yeah, we're proposing to zone it. Ag r AGW 40. So things. So it's so. So uses that are not compatible. With the fact that we are trying to make public investments for infrastructure out there are put on that property in. Does that make sense?

Speaker6: [01:28:35] Yeah. Yeah.

Speaker2: [01:28:37] So if I understand you right. If if the zoning on on. Usados property were to be changed to something like one per acre, which right now, given the sanitation infrastructure, is what could happen. She'd build one house per acre and definitely experience a return on investment if but if that happens later, when the infrastructure is out there where we could build eight, nine, ten units per acre, that opportunity would be gone. So in a sense, we're banking an opportunity for higher density at a later date by keeping this super low density. Right now, it's not an expression of this lands agricultural value. In fact, it's it's an expression of its development value. Its time just has not come yet because we haven't put the infrastructure there yet. But the hope is that it's on the way.

Speaker3: [01:29:22] Well, and yeah. And it provides, it does provide some use of the property and some economic return of the property in the short term. And in, in the county is actively working towards an infrastructure plan that incorporates her property to get the water and sewer and figure out how we're going to get water and sewer out there. So the SA Doughs are sitting on a property that soon will be worth a lot.

Speaker1: [01:29:48] And you've had I'm sorry.

Speaker3: [01:29:50] We got this comment within the last 24 hours so.

Speaker1: [01:29:53] There hasn't been a chance to.

Speaker3: [01:29:55] To explain it to the start. Us I actually, I take that back. I think we maybe have mentioned it before in the past over the phone.

Speaker1: [01:30:02] Okay. Sorry, go ahead.

Speaker2: [01:30:03] Yeah, that's super important. And, and clearly there's not any long term or even short term devaluation of the property because the opportunity remains when the infrastructure is available to develop at a much higher density. And in fact, there is a parcel that we heard reference today that we are actually going to be doing that predicated on a plan for that property.

Speaker3: [01:30:32] Yeah, there are two other properties that have asked for the neighborhood residential zoning that are part of the plan neighborhood. Our original proposal was for ag ag w 40 and and they've, they've made a pitch to Zona Na and we think that pitch was acceptable. And the reason being is because we are working on this infrastructure plan and it allows a synergy between those properties and their development plans and their development planning and our infrastructure planning. There's a synergy there. So we actually think it's probably a good idea to to zone it in are with with the folks that are looking to.

Speaker6: [01:31:11] Develop.

Speaker3: [01:31:12] That in a manner that's consistent with the land use element.

Speaker2: [01:31:16] So I guess something that I would want us to consider down the line is that at the point in time at which infrastructure is available to build out at a higher density and rezone it accordingly, that that be a commission initiated rezoning because obviously there are folks who are reaping the benefits of us doing this globally today. And were it not for the lack of infrastructure, we would probably be rezoning these other parcels today.

Speaker3: [01:31:47] Also agreed. Noted. Yep. So that's the first item. The second item is the Bonner West log yard property. So it started with Bert Caldwell's comment about adjusting the zoning to match the proposed lots. And that's what our that's we received a comment Jamie from WBBM or Barker addressed it. I think it's comment 60 in the April 28th draft saying hey, we she's representing the landowner. They would like to adjust the zoning. The industrial light and heavy zoning to match the property to the proposed property boundaries for that subdivision. So that would increase the buffers somewhat between the West Riverside neighborhood and the the main portion of the property that. Bonner, the heavy industrial portion. Are you guys familiar with this location? Should I show you what property I'm talking about?

Speaker1: [01:32:47] Yes, on my computer. So, yeah, please do. The strips. Yeah.

Speaker3: [01:32:53] And I won't be able to necessarily replicate the strips, but I could use my mouse to kind of show you what generally what what is proposed and or what's the current proposal versus what we're saying the change should be. So give me 1/2 to share my screen.

Speaker1: [01:33:10] Of the old fashioned.

Speaker4: [01:33:12] Like.

Speaker3: [01:33:22] Okay. You should be able to see my screen now. This is the this is the proposed zoning as it on the April 7th draft. And you see the north half of the log yard there, the north sliver of the log yard there is proposed to be zoned ICL. That was a recommendation of the planning board and that the rest is proposed to be zoned black, which is heavy industrial. So the. The Bonner, Mr. Bonner, Milltown Community Council and WGN were both recommending that the zoning follow the long lines of the proposed subdivision. And I can't show you what those are. I don't have like a file to show you, but it is in your packet, the file, the actual drawing, and it actually extends that ICL down somewhat to the south. So it extends that. And that's a recommendation that we support. A proposal that we support. We can't support the ICL for the whole property. And the reason why is because it's currently the whole property. This is this is actually a reflection of the existing zoning today. So not what we're proposing. Our proposal that you're seeing right there is a reflection of the existing zoning today.

Speaker3: [01:34:37] And when we're talking about how we want to approach comments, one of the one of the criteria is the land use element and the other another one is existing entitlements. So right now they have an existing entitlement on the majority of the property for heavy industrial. If we were to zone it light industrial. So the land use element also identifies it as heavy industrial. So if we were to zone it light industrial, that would be in conflict with our land use element and that could be a regulatory taking. And so there are court precedents on regulatory takings. It Oslo would be in conflict with state statute on zoning and it would also be in conflict with a number of court decisions on how you how zoning and land use growth policies need to reflect each other. So what we really get what the neighborhood is saying, it would be legally a very bad decision by the county. And we we look at this. I can't. I can't hold that up in the street. Jimmy found the join, but yeah.

Speaker2: [01:35:44] Andrew Yes. So bye bye. That by the same token, is the proposed light industrial here out of sync with.

Speaker3: [01:35:56] So there's sort of a.

Speaker2: [01:35:57] Caveat.

Speaker3: [01:35:58] There that if the landowner wants to zone it light industrial, we can support it. And so the landowner has considered this and has made a recommendation to their representative on what they want.

Speaker2: [01:36:10] Right. So but and I understand that, but any number of folks across the county could propose something for their own property that is out of sync with the land use element. So that's that's the question here. Is the light light industrial by its very nature, out of sync with the land use designation in the land use?

Speaker3: [01:36:33] It is. But the way we look at it, and this is a great question is because there's been a number of ag owned large ag properties have wanted lower zoning than what the land use element has proposed. And the way we look at it is if you're asking for less intensity than what the land use element is proposing, you are in conformance because you can move towards that land use element still in the future. So if they were asking for residential or commercial on the property, even if the property owner was, we would say that's not in conformance, we can't. And would it be against all this court precedence and state statute. But if it's less intense than than it but but similar. So like light and light industrial works because it's less intense but similar, but neighbourhood commercial wouldn't work because it's so dissimilar. And so we've had some ag owned ag properties who are, who are. Identified for higher intensity residential want to be lower intensity residential because they see it as affecting their ag operations to be zoned residential. And that works. We can do.

Speaker6: [01:37:50] That.

Speaker3: [01:37:51] But when they're in, they're drastically different. Yeah, thanks.

Speaker1: [01:37:59] Oh, I'm sorry. I'm.

Speaker5: [01:38:03] So this is a TED district. We have about 700,000 in.

Speaker1: [01:38:06] This district right now. And we're really hoping to do.

Speaker5: [01:38:09] Something with wastewater in this district that actually can serve the neighborhood in a way that the neighborhood doesn't have to. To pay for that infrastructure.

Speaker1: [01:38:18] If you.

Speaker5: [01:38:18] Zone it light industrial and it's not in conformance with the growth.

Speaker1: [01:38:21] Policy, it will be in violation of TED law and we won't be able to keep our district here. Thank you.

Speaker3: [01:38:32] So I can actually show it to you. I can show you what it looks like here.

Speaker2: [01:38:43] So are you suggesting that this is in violation or am I misunderstanding what you're saying?

Speaker5: [01:38:49] No. The staff recommendation is good because.

Speaker1: [01:38:51] It is consistent with the growth policy and the.

Speaker5: [01:38:55] Recommendation for a little bit more light industrial is good because it's consistent with the growth policy. But if we violate the land use element or the growth policy, we violate TED law.

Speaker2: [01:39:06] Got it. And Ted is for folks listening. Targeted economic development district.

Speaker3: [01:39:10] Yeah. And thank you, Emily. I mean, the staff knew about that and took that into our thought process, too. But it is. Yes, that's definitely Emily's world. And she is correct. So I've got I've got what the proposal would look like. I mean, the colors are different, but the yellow is the black and the blue is the light gray. And so that's what we're proposing.

Speaker4: [01:39:31] Now.

Speaker1: [01:39:34] Thank you.

Speaker6: [01:39:35] Yep.

Speaker3: [01:39:36] All right. And then I have one more highlighted and that.

Speaker2: [01:39:41] Andrew, before you move on from West Riverside or the West Log Yard. One question came up about trail easements. And unless I'm mistaken, zoning is not the place to deal with easements.

Speaker3: [01:39:59] It's outside the scope of this project. But there's a subdivision come in and that would be more appropriate conversation.

Speaker2: [01:40:03] Okay. Thank you.

Speaker1: [01:40:06] I'm sorry. So when the subdivision comes, folks who are concerned about public access to public lands on that property, that's where it's.

Speaker3: [01:40:14] A more appropriate time for that conversation.

Speaker2: [01:40:16] Yeah, and it is a totally legitimate comment and it's something many of us have been talking about for quite a few years about the need for public access.

Speaker3: [01:40:27] The next comment that I wanted to.

Speaker1: [01:40:29] Sorry.

Speaker3: [01:40:29] Slotnick Oh, absolutely. I'm sorry.

Speaker6: [01:40:31] I.

Speaker2: [01:40:33] Why don't you go through all yours, then? I'll ask you a question.

Speaker3: [01:40:35] Okay. Okay. Now. I lost my place here. It was Paul Hanson's comment. I hear the concerns about flexibility. That's a real concern with large, lot, large landowners. It's something that we are aware of when we went through this sort of this process. Paul isn't the first large landowner that has talked about flexibility when it comes to zoning, that's pretty well known. So there are a couple provisions that in the code that allow for flexibility for large landowners. And the first, of course, is conservation design, which is which allows a large landowner to move some density around and create lots of any size as long as there's some sort of commitment for protection about how you've moved density around. And that can be as simple as an ag know an ag exemption lot to protect that area. So it is quite flexible. The the second type of flexibility and I don't know if this would be necessarily what the Hansens are looking for, but would be a clustered subdivision option which allows quite a bit of flexibility in your design of a subdivision without having to put anything together and protection. But those are two mechanisms for flexibility that large owners would have that necessarily want to be available to anybody in the code. So it kind of favors them. The third thing is, and, you know, Mr. Hansen's comments said they stayed on the record, they weren't looking to develop. So this isn't the it's relevant, though, is that he is also part of that property. The Hansen's property is also in that planned neighborhood where we would be looking at an infrastructure plan. It's it's a more difficult area to get infrastructure to because if the interstate is in the way, but it is a place where we're going to be looking at. And so there's the potential a portion of their property would significantly increase in value in terms of development potential in the future because of our policies. So.

Speaker2: [01:42:46] And Andrew or anyone else. Could you speak to family transfers and how zoning would affect or not that or what the considerations would be?

Speaker3: [01:42:55] So the type of division that's created, whether it's a subdivision or family transfers, we're blind to it and zoning. The fact is you're trying to create a division and it has to follow the zoning rules. So you could be using a subdivision, a family transfer or a boundary line adjustment. It's all the same. Yeah. And this is sort of connected to Ron Howard's point that the last thing I wanted to get on the record is he's correct. The current code does not have minimum lot sizes, it has minimum densities so people can create development that you see. It might be one home per two or be two homes per acre. You might see that sort of zoning. And so you might see a bunch of lots that are like. Three quarters of an acre and some at a quarter of an acre in the same subdivision and. Our problem with that practice is that we have to track this density movement around back to 1976 through the tracks of record. And it's not a problem necessarily when people propose a subdivision because Ron is correct. The applicant has to do it. They have to give us the title report that shows this whole tract history. Right. The problem is someone just calls us on the phone and says, hey, I want to know, I'm looking at a property out in target range and I want to know if I can divide it.

Speaker3: [01:44:32] And then we have to. We have to research this practice. We can't we can't tell that person on the phone. Well, first of all, you need to go get a title report and call us back. We can't do that. And so we have to take staff time to do that research. And we ask staff, you know, is this really a problem? And we had somebody say, I spent 40 hours working on one tract history because of a phone call that's 40 hours that they weren't working on building permits or a subdivision to actually get development through the pipeline. They were just researching a tracked history because someone called and said, Hey, can I divide this property? I'm thinking about buying it. So that's that it's a drain on staff resources. And we don't have a lot of staff resources. And there are certain. Potential outcomes in our future where staff resources could be even more difficult. And so it is we want to focus our resources to actually moving projects through the process. So doing building permits, you know, administering the codes and not and that situations like this. So I everything you said is correct. I mean, but not having minimum lot sizes gives you a ton of flexibility in design that allows you to, to, to arrange things around environmental conditions or arrange housing or deal with weird lots. Those are really those are positive things.

Speaker6: [01:46:03] So what we're.

Speaker3: [01:46:04] Proposing so we listen to this. We listen to these comments, right? We've heard these comments. Mbia had similar comments, the more reiterated MBIA comments in that respect. And so what we've done is we've proposed to create this clustered subdivision option. It's a development option. And because it is easy for us to keep track of these of the tracked history in a subdivision much you know you can just look at the plan and you can have a condition of approval that says exactly where the density is. It takes it. That really doesn't take time. If someone calls, we can easily look it up. So you've. If you do if you do a subdivision, you can take advantage of this flexibility. And we've changed that. Even based off of the second round of comments that Ron submitted, we've made it even more easy to do a clustered subdivision. So it does protect resources, it does allow flexible housing options. They are good things. But we need to we need to take advantage of them in moderation. We can't we can't go forward with anybody, can doesn't everybody in the county, they don't have to follow minimum lot sizes because it's just too much of a strain on our staff to follow. So we're suggesting it happen only through subdivision and it does. Yes, it does give the commission a little bit of discretion to say no. And you know what? That's okay to have a little bit of discretion now and then a subdivision process. There's a lot of there's a lot of process and a lot of administrative decisions to make. And, you know, there may be a situation in the future where we say, you know what, this doesn't meet our standards. But overall, you know, it should be something people can take advantage of. So that's those were the four comments that I've identified that I thought we needed to clarify and put something on the record before you all just fire away at us. Now it's free. You're free to do whatever you want.

Speaker2: [01:48:09] I feel terrible, Andrew, because you answered most everything. All of my questions already. So good job. All that's left for me is on. On Mr. Gewirtz. And let me just see if I can go back and forth so I understand. So it sounds like what he wants is mostly available. He just has to use subdivision. And if he's going to be building more than one house or two houses, if it's if it's not a family transfer or BLR or something like that, he's going to be going through subdivision anyway. So for the most part, what he wants is going to be available, if I understand it, right?

Speaker3: [01:48:41] That's correct. And it might have some it might have some sideboards on it that weren't there in the past. But here's the deal. This is the way I look at zoning is zoning. Zoning is a contract with our community on what we want development patterns to look like. And so if you if we're allowing people to deviate from zoning and saying someone's going to deviate from a minimum lot size in their subdivision design, the public should be getting something in return for that, like there should be a public benefit. And so what we've done is just crafted some very simple language that says if you're going to be doing this, here's our public benefit, you're protecting environmental resources or you're creating additional housing opportunities, and that's it.

Speaker2: [01:49:20] Yeah, I appreciate that. And I also appreciate. Both MA and the planning board giving this a thumbs up. And if if and I totally respect Mr. Ewert and I appreciate his comments. And if they were going to constrict development in a truly meaningful way, I believe Miller would have said, no way are we supporting this. And the fact that they're appreciative of this flexible model and as is the planning board, makes me feel like, yes, this could be problematic, but for the most part there's enough flexibility to move around it. And I also really appreciate the public benefit side. Yeah. And likewise you answered most of my questions, Andrew, but just a few lingering ones. So is Neva still here? Did she leave.

Speaker1: [01:50:08] Satisfied?

Speaker2: [01:50:10] She had mentioned something about adding or creating process to ensure like a public hearing if if something conservation wise set aside undergoes a future change. And could you speak to that and.

Speaker3: [01:50:28] Dive into that? Yeah. Oh yeah. So our Conservation Design Development Option Section 9.3 of the code allows a landowner to, to. To a cluster development in a specific portion of their property. And if they do that, then they get development bonuses. So they get they get more density. And the tradeoff, the public benefit, is that they have to protect a resource that's valuable to the greater public. It doesn't make it public land, but it might and it could be quite varied. It can be ag land, it could be a

historic preservation site, it could be ranchland, it could be view sheds. There's there's a whole list of things that it could be. And then so there are mechanisms for that protection. There are five mechanisms. There's an ag exemption, there's a deed restriction, there's a subdivision plat, there's a conservation servitude and a conservation easement. So. It's this is it's design. We our intent is that these things remain more or less permanent. But the reality is the legality of it is only a conservation easement can be truly permanent. All of these other the other four mechanisms have an out there's some way to to reverse it. So what Nieva is saying is, all right, if we're going to accept this public benefit and let people cluster. We need the public should be able to weigh in if at any point in the future we want to reverse it or need to reverse it. So. She she she I got I actually got a heads up on this comment. She called me and said she was going to. That's why I'm so articulate. So what we would recommend and this is not in any sort of writing, so you'd have to make a motion on this. What we would recommend is that in section. Yeah, go left. Go and left in.

Speaker4: [01:52:41] That.

Speaker3: [01:52:44] In the applicability section. So 9.3 B, we move the current one B down to C and we put a new B in there that says if anything needs to be reversed. You have to follow the process in Section 11.5, which is the the section of the code that outlines a public hearing. Except for a conservation easement, which wouldn't be able to do that. Yeah.

Speaker2: [01:53:15] So do you guys have that language up or you're going to create it on the floor?

Speaker3: [01:53:18] You we'll help you. We would have to create it. But what we what we're going to do is help you navigate awkwardly the motion to perfect.

Speaker4: [01:53:27] Thank you. Yeah.

Speaker2: [01:53:29] Excellent. Thanks. Thanks. Thanks for that question. Yeah. Yeah. All right. So let's revisit the neighborhood center comment that Mike Regan brought up over in the West Riverside area. And talk to us a little bit about this nexus between existing infrastructure and zoning and what the land use element and land use designation calls for. In that area, if you wouldn't mind.

Speaker3: [01:53:55] You bet. So this is in the boundaries of the Bonner Mill Town Community Council, and that we engage them heavily in the development of the Missoula Missoula area. Do you want a visual? I have this all memorized.

Speaker2: [01:54:11] Please give us. Please give everyone a visual.

Speaker3: [01:54:22] So I've got the zoning they exist the the proposed zoning up. So Mike Regan owns a number of tracts of record in this area. That's pink there. That's the proposed neighborhood center zoning that is implementing the 2019 area land use element that designates this area as neighborhood center. That Bonner Milltown community, as you even heard in the comments today, really wanted to see more opportunities for commercial and a more neighborhood center, you know, like a true like community center. So this you know, this area, when we were going through the land use element, we were evaluating areas. This area had that potential. There was some potential for that. So we went ahead with the land use designation and and it was approved. And as we're going to proactively zone that area, we're proposing the neighborhood center zoning it is currently on zoned. And so we're doing the direct implementation of the policy and. Yeah, there's there's true. It's true. There is not water and sewer out there. You know, we we have the capacity to kind of handle one of these big water sewer type planning project. And we still here planning projects at a time. And you know, we're taking on the Y this this could be next and it's it's next in our mental list. But that doesn't mean anything really in reality except that we're thinking about it. But it you know it. The the lack of infrastructure limits, the use of this the uses of this area regardless of the zoning. And so the reality is, is, you know, Mike has storage units, that's his business. Storage units doesn't need water and sewer, really. I mean, very little water and sewer infrastructure. So it can be put in places that don't have sewer and water. So, you know, he's seen this as

that those those uses wouldn't be allowed in neighborhood center. And so he's he's seen this as a problem for him.

Speaker6: [01:56:39] So we we.

Speaker3: [01:56:41] He Mike commented during the the planning board about this. And as you can tell, his comments are really objective and thought out. Right. I mean they're really strong comment. So what we did, we did two things to try to address it because we you know, there's as I have mentioned, all this, all the court case and precedents and everything that that applies to the bond or West Middletown Law Yard applies here, too. So zoning this industrial would be legally problematic. So instead what we did was we we expanded. The ability to have a non-conforming use. So Mike storage units would become a non-conforming use. So we allowed non-conforming uses to be able to expand by 50%. So he can continue to operate his storage units there. They're vested in he'll be able to expand his storage units, his multiple operations, each one by 50%. So we did that for use and we also expanded non-conforming. Yeah. It was just for use. Yeah. So. Yeah. I mean, we like why we couldn't address it in terms of recommending a map change. So we found this other other mechanism to try to address those comments by expanding a non-conforming use. And he wasn't the only person that had some sort of comment that we weren't. We didn't decide to do that just because of his comment. There were other considered other comments as well. But that that that's sort of the situation there.

Speaker2: [01:58:27] There's kind of a rhyme with the Zardoz issue in a sense that we're zoning for what could it be in the future where when infrastructure is there. Yeah. And that. Right. And as long as we're allowing him to expand in a non-conforming way, he's not being horribly constricted. And if we actually are able to get that infrastructure out there, his options increase manyfold, manyfold.

Speaker3: [01:58:51] And he still has all the options within neighborhood residential. I mean, clearly commercial uses have gone in in the Bonner area without sewer and water. There are clearly our commercial uses out there.

Speaker2: [01:59:02] One of the other books.

Speaker3: [01:59:03] Yeah, there's a bank. There is a town pump. I mean, there are things. There's wires.

Speaker4: [01:59:08] Yeah. Thanks. Yeah.

Speaker1: [01:59:13] Keep going.

Speaker2: [01:59:14] I better. Okay. Rattlesnake up. A rattlesnake. I was going to do that one, too, so we had a couple people comment on that. One person commented, I think Mary Louise is gone now. But anyway, she seemed to be satisfied with some of the some of the changes that were being proposed. Someone else commented in a way that I wasn't quite sure if he was aware of what is on the table. But could could you describe the situation?

Speaker3: [01:59:47] Let's start first with the planning because that's what we're doing here is implementing the planning, right? So the land use element for the upper rattlesnake is it recognizes all the constraints that the upper rattlesnake has. And and it it proposed the same sort of land use patterns that are currently allowed within the upper rattlesnake. So no, it does not does not propose significant changes in intensity or or development for the upper rattlesnake. More specifically, though, I'm going to hand this over to Lindsey, because she was really the master with working with the upper rattlesnake on their on their questions and comments.

Speaker1: [02:00:25] Can we have a visual forefront?

Speaker3: [02:00:27] You don't know where the upper rattlesnake is.

Speaker4: [02:00:31] Tree see the wrong side.

Speaker3: [02:00:35] You don't have every inch of this map memorized.

Speaker1: [02:00:38] This is because Brian was concerned about. But my understanding was in terms of density or purging or too much.

Speaker3: [02:00:50] Volume, that there were significant changes in the code. And actually what we're doing the zoning is pretty much is much the same as we can possibly make it.

Speaker5: [02:00:59] Yeah. So the districts that we're proposing up there are one which is that light kind of yellow and then that kind of brighter green which is ag rural, residential, ten units per acre. And the purpose for that, so the RS one that's mirroring the density that is currently zoned that it's currently zoned for and then the ag ag are ten. I'm sorry, I'm probably mangling these names, but that is similar to what the lot size basically what is on the ground up there. So currently I believe that area is one per 40, but most of the lots are, you know, between ten and yeah, all of the lots are between ten and 15 acres. So there isn't really potential for any more dividing up there. So density isn't we're not expecting to see any other building. This area is pretty well built out to these densities. The inclusion of having a duplex or something up there, you still have to have that density. So if you are building, if you're proposing two units, you know, on an acre in a one unit per acre area, you have to have two acres of land. So again, we're looking at the same the same density. We're not expecting a lot of density to occur. The other concern that they had was with some of the uses proposed in this new code. So right now, most of the uses that we are proposing are either allowed as permitted or as special exception.

Speaker5: [02:02:54] And a lot of those uses are required by state law. So like community residential facilities, daycare facilities, those are required to be in some way, shape or form permitted either by special exception or allowed in all districts. So a lot of those there's there's a couple exceptions. One was dog kennels and campgrounds, which we have listened to those guys and we have put into that special exemption category. There's a couple others things like cemeteries, funeral homes, schools. Yeah, these are a couple of uses that we think are important. Community facilities, specifically schools that we think create by allowing them as permitted is kind of a best practice to permit more mixed use, walkable neighborhoods, things like that. Of course, in this area, we're we're not expecting to see a school pop up there. Again, this is a built out area. They've got a school. It's it's not specifically up there. It's technically what would be considered lower rattlesnake. But any school that goes in up there would be competing with that. And that's just not really a feasible option. So we have proposed a couple that we don't recommend changing, but those are very, very minimal. And for the most part, we do not foresee their them this neighborhood to see any major changes.

Speaker2: [02:04:28] Thank you. Can I follow up on that? So the gentleman said one size doesn't fit all. What was he referring to?

Speaker5: [02:04:39] Yeah, I think I think he's referring to the idea that, you know, they want to see this remain as the same as possible. I think it comes from kind of this anxiety that any zoning change should should bring that this you know, this will this will create change in a neighborhood. We do not see that kind of change occurring up in this area based on the zoning that we're proposing. And we also don't want to create a whole whole bunch of zoning districts. We you know, we each individual neighborhood, we don't think it's appropriate to have an individual zoning district. We're looking at this from a more comprehensive and holistic perspective that.

Speaker2: [02:05:27] So they're in a zoning district that would allow some of these uses that are actually never going to happen here, given the reality of the place. But but that they are potentially possible is causing them some concern.

Speaker1: [02:05:39] Yeah. Yeah. And in the room. Okay. Sorry. Were you were you done?

Speaker2: [02:05:48] I think. I think I got it. What he would like would be what you're saying. We don't want to do specific zoning districts for specific neighborhoods. And in reality, the density makes this built out. Nothing is going to change here. But on paper, a school could happen, a rehab, a dog kennel. But given that everything's already built out to the maximum density that is allowed, there isn't going to be anything there.

Speaker5: [02:06:13] For the most part, yes.

Speaker2: [02:06:15] So hypothetically, if someone wanted to put a cemetery in up here, we have this. What is the special exception process look like? So it wouldn't be granted by Wright to just go out and start sticking people in the ground up there. But what would our review process look like for such a thing or a dog kennel or whatever?

Speaker5: [02:06:42] Yeah. To put something like that on the special exception. So these would go through our board of adjustment. And so that is a public process. It takes a whole different application and the neighborhood gets noticed and they get their say with the Board of Adjustment. And the Board of Adjustment makes that decision if it's appropriate in that area.

Speaker2: [02:07:04] Great. Thank you.

Speaker1: [02:07:07] And then Andre Mark here had a question about definitions in chapter two and.

Speaker2: [02:07:16] I think that's another large. Can I take a guess at it? My guess is that this is a large landowner in an area who doesn't appreciate the one for 40 and feels like his future options in terms of development would be constrained.

Speaker1: [02:07:33] Okay, thank you. I thought it was specific to definition and.

Speaker2: [02:07:36] Then looking at family transfers, which we're not taking up right now, but if he has 40 acres and it's one for 40, how could he give some to the six or seventh generation?

Speaker5: [02:07:49] So the market marketers owning land out in Grass Valley, that area is proposed for zoning of AG ARE, which is one for 40. Keeping in mind that any legal tract of record in that zoning district, whether it's 40 acres, 20 acres, two acres, is going to have a legal right to build. So there's no restriction on that future. Subdivision has to be a conservation design. So not only are they getting that one property, but but they are required to do a conservation design which then gives them additional density. I remember so and we've been having this conversation with landowners in that ag ar district that who feel like, oh my gosh, one for 40. I'm not I can't do that. And what we've said is you have a lot of opportunity that maybe you're not aware of. And and that may be the case here as well.

Speaker2: [02:08:41] I'm sure that the conservation design, since it hasn't been the way we do things, I'm sure isn't in people's consciousness, but when they realize some there's a trade here, when we protect resources that we publicly want to see protected, they get density bonuses. And Cannock could actually enjoy some development.

Speaker1: [02:09:00] Thank you.

Speaker2: [02:09:03] I'm good. I'm good with a motion if you. Oh, unless. No, I think all of my remarkably all of my questions have been answered.

Speaker3: [02:09:16] Let me let me bring up the PowerPoint presentation because this is going to be a web, but we'll get there.

Speaker1: [02:09:25] John. How are you feeling?

Speaker2: [02:09:29] That's an important.

Speaker4: [02:09:29] Thing. We. Yeah. Very periodically.

Speaker6: [02:09:58] And they.

Speaker4: [02:09:59] Always. I feel.

Speaker1: [02:10:07] Great. Fantastic.

Speaker3: [02:10:09] So this was the easiest two and a half hours of your day, is what you're saying.

Speaker4: [02:10:16] All right.

Speaker3: [02:10:19] So this is the wrong slide. Let's find the right slide. So we have a host of motions to take on. If you're ready to make motions, the first motion I would recommend you make would be on the growth policy. It's clean and easy. This is all you have to do.

Speaker2: [02:10:42] I'll I'll go ahead. All right. I would move that. We adopt resolution of intent to adopt the proposed amendment to the 2019 Missoula area land use element, part of the Missoula County Growth Policy, as recommended by the Missoula Consolidated Planning Board based on public comment and the findings and conclusions contained in the staff report. I'll second that.

Speaker1: [02:11:07] Any further discussion. All in favor. I.

Speaker2: [02:11:18] So I made the right.

Speaker3: [02:11:20] So you adopt? Yeah. No, that's right. Growth policy. Taking care of the growth policy. We will have to come back and do a final resolution here in about a month.

Speaker4: [02:11:28] Mm hmm. Okay.

Speaker3: [02:11:31] So next is. This is the way I think things would work with the zoning code. You guys make a lot of motions and everything. What? Why we're kind of saying this is complicated is because. You have to make motions and then amendments. So you have to then you have to make secondary. You make a motion and then you make secondary motions and you move through it because you're not just accepting what's the you're not just approving the proposal. You're proposing the approving the proposal with all these changes that have been recommended based off a public comment. So that's why we've what we're going to do is we're going to throw up a main motion, and that main motion is here. So you would someone would make this main motion, you would second it. And then instead of voting you, you would then start making subsequent motions to amend. So we'll start here and then actually, if you want to.

Speaker1: [02:12:31] 31. What's that? And then we'll go to slide 31.

Speaker4: [02:12:35] Yeah.

Speaker2: [02:12:39] Okay. I'm ready to make this motion. I would move that the Board of County Commissioners adopt a resolution of intent to adopt the proposed Missoula Zoning Code update and the proposed Missoula County Zoning Map, dated April seven, 2022, as recommended by the Missoula Consolidated Planning Board as amended based on public comment and the findings of fact and the conclusions contained in the staff report. Second.

Speaker3: [02:13:03] And then now we now we have now we do more. So now we move to slide 31. So step one is to make the main motion second discuss done. So now we have to make subsequent motions. And what we've done with these these staff memos is we've included, as you've seen them, we've included all these recommended changes. And so we can kind of break this these subsequent

motions up by the staff memo. And so I think the first would be maybe to to make a motion. And I've got motions prepared for you. We've got motions prepared for you on these two to do this, to make a motion on the first memo, the 428 memo, seconded, discuss if you want to make if you if there are any recommendations that you don't like of staff, then you can remove them. You do all that. And then you vote on that motion and then we'll move to the next memo and then we'll finally conclude with any motions that you want to make that aren't based off of any of the two motions, which I'm thinking that Nivea's comment might be one and there might be others. So the subsequent motion would look like this.

Speaker2: [02:14:23] Okay. I would move to incorporate the recommendations of staff in the April 28th, 2022 men memo to amend the proposed Missoula County Zoning Code Update and the proposed Missoula County Zoning Map, dated April seven, 2022. I'll second that.

Speaker1: [02:14:40] Discussion. We can actually vote on this one.

Speaker4: [02:14:44] Yep. Oliveira, I.

Speaker3: [02:14:49] Second subsequent motion would be here.

Speaker2: [02:14:55] All right. I would move to incorporate the recommendations of staff in the May 4th, 2022 memo to amend the proposed Missoula County Zoning Code Update and the proposed Missoula County Zoning Map, dated April seven, 2022. Second.

Speaker1: [02:15:10] Any further discussion on favor i.

Speaker3: [02:15:15] Okay. So now this one gets a little bit wonky here. So this would be the motion to make any changes based off of public comment from today or that you received. We handed you a handful that we received in the last 24 hours or 12 hours or so. And none of those are contextual like they're they're just reiterations of content that was already taken care of in these previous memos. So there's nothing new in those. But we did hear some new comment today. And so if there are any changes you want to make based off of the comment today, this would be the time to do it. So we can help you articulate what those changes might be.

Speaker2: [02:15:59] Help us articulate what nivea's change would be.

Speaker1: [02:16:05] Three be moved to.

Speaker3: [02:16:08] I'm sorry. Right.

Speaker1: [02:16:09] And if there's anything, it needs to be reversed. Follow 11.5.

Speaker3: [02:16:13] Yes.

Speaker2: [02:16:14] Well done.

Speaker3: [02:16:15] Yes. So you would basically say that I move to do this, pop up, go through this, and then include your proposed change here. So maybe I can write it down for you.

Speaker2: [02:16:26] Maybe that would be most excellent.

Speaker4: [02:16:44] To. It'd be. Right. I wouldn't put.

Speaker2: [02:16:53] Sausage is being made as we speak.

Speaker4: [02:17:08] Four or five. Five. But.

Speaker3: [02:17:35] Let me read this real quick. I think we have something crafted.

Speaker2: [02:17:43] Okay. I will move to amend that we met amend the proposed Missoula County Zoning Code update and the proposed Missoula County Zoning Map, dated April seven, 2022, to amend Section 9.3 B to require a public hearing per section 11.5 to rescind a mechanism of protection. I'll second that. Good idea.

Speaker1: [02:18:07] Further discussion. All in favor, I.

Speaker3: [02:18:12] Excellent. So if there are any other changes you'd like to make, we can try to craft language for that now to.

Speaker2: [02:18:25] No other changes. I just have a conversation. Nothing to do with voting on anything. Think about the larger landowners who may not be aware of the conservation development. Is it possible for you guys have tons to do, but maybe to reach out to Mr. Marker and the gentleman from Butler Creek just to let them know these options are out there and give em a brief explanation if you haven't done already.

Speaker3: [02:18:48] Yeah, we definitely have. We can get their contact information. We have.

Speaker2: [02:18:52] Okay. Thank you. One thing that did not come up today, I was expecting someone might mention it, but at one point in time we were planning on folding into this process wildland urban interface standards related to zoning, and it became apparent that that was a bigger discussion than we could accomplish within the time frame that we were wanting to move the rest of the zoning code forward with. So that's still ongoing. It's yet to come. We're taking the time necessary to sort that out, and it's not uncomplicated, but at some point that will be brought forward in the future.

Speaker5: [02:19:34] I would also like to add to that this code does contemplate vacation rentals. There was a comment about this vacation rentals and Airbnbs and things like that, but it doesn't do it to the fullest extent that it could potentially. And so kind of in the in the upcoming future, there's definitely interest in doing a study or of some sort on vacation rentals and possibly including additional standards based on what we find from that study.

Speaker2: [02:20:07] I was going to say that the plan is plan is that that study will happen very soon now that we have a new housing person on board. So it shouldn't be long.

Speaker3: [02:20:20] So with that you are free to vote on the main motion, which I will put back up in case anyone forgot.

Speaker4: [02:20:28] All right.

Speaker2: [02:20:29] I was the intern.

Speaker3: [02:20:32] You've already made this motion.

Speaker2: [02:20:33] I just had to vote on some extraneous comments. Okay, go. Go for the extraneous comment. So, first off. Thank you, staff. This was one of the most robust. Public engagement processes that I've seen in my years of public service. This is. The culmination, and I guess it will be fully culminated here in a month when we we take up the final vote on this. But this is the culmination of years and years of work amending our growth policy by way of the land use element, moving into the audit of the zoning code and now the zoning code before us today, folks ask, what are we doing to address housing? And I think it's been said today, well, this is not the silver bullet. This is a big deal. And this is going to really set the context for creating our own destiny here in Missoula County, achieving the vision that we've set out in our growth policy documents, and also creating some really important mechanisms at a regulatory level to address the housing challenges that we face. So thanks to staff, thanks to everyone who stuck with us this two and a half hours today and who engaged in this process for months and literally years to get us to this point. I'm super happy at where we are. Some extraneous comment.

Speaker1: [02:22:09] Extraneous comments.

Speaker2: [02:22:11] So in Echo Dave's thanks. What an incredible effort. And to note some some themes that have found their way through these efforts and I'm not talking just about the zoning project or the zoning update, but going back to the land use element. And the themes that I see here are really intensive public engagement and responsiveness. So I'm a nearly countless you could count that. But the nearly countless public meetings, tens of thousands of visits to websites, exhibits in public places, the amount of of intentional public engagement and then responsiveness, given what you heard, is really amazing. It's the kind of government we say we want to see. So huge kudos to you for pulling that off. And then to see an expression of our values come to reality, come to fruition in this zoning. And people say that about budgets, but I think it's in zoning, too. It's an expression of our values. And what we're seeing here come to light is we're saying, yeah, we recognize this housing crisis and we really value that. Everyone who wants to live here should be able to live here. And we need to make space for people who do in-person work and don't make a lot of money. We're facilitating that type of housing in this zoning code. We're also recognizing that resource protection is super important. And one of the reasons why those people want to live here is because we have protected these resources and that we're taking looking really carefully at things like riparian areas and ag lands that really are meaningful. And then the last piece of it in terms of protection, it's it's not a natural resource, but it's a human resource. We're setting up community and I'm thinking specifically about what's happening in these neighborhood centers and things like Live Make. We don't want to live in rabbit warrens of housing and drive 20 miles to buy stuff. People want to live in communities that feel like neighborhoods, and I feel like this zoning code is conducive to that too. So great job with engagement, being responsive and bringing these values to light. Excellent piece of work.

Speaker1: [02:24:08] Well said. And I hope the community feels that your values are represented here. This is six years and a pandemic and a very deliberative process. But this is. This. Is this. Where we're at now and it's really exciting and thank you for your expertise and patience goes for the community as well.

Speaker2: [02:24:35] Now we get to vote.

Speaker1: [02:24:35] We get to vote, I guess. It's been moved and seconded. I almost want you guys to reread the main motion.

Speaker2: [02:24:44] We do that one more time. Yeah. Why not now? Encore. Okay, we're all going to move this together and that we, the Board of County Commissioners, adopt a resolution of intent to adopt the proposed Missoula County Zoning Code update and the proposed Missoula County Zoning Map, dated April 7th, 2022, as recommended by the Missoula Consolidated Planning Board as amended based on public comment and the findings of fact and the conclusions contained in the staff report.

Speaker1: [02:25:11] All in favor.

Speaker6: [02:25:12] I.

Speaker1: [02:25:15] Thank you, everyone. Oh, thanks, Fred.

Speaker3: [02:25:21] Just if there are any reporters out there. I think the important thing is it's effective July 1st. Let people.

Speaker4: [02:25:27] Know. Thanks.

Speaker1: [02:25:31] Thank you, guys. Thank you, Lee. Thanks, Lee.

Speaker2: [02:25:36] Of the present.

Speaker4: [02:25:37] Mad at us.

