

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 12, 2022 – 2 PM

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

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

1. CALL TO ORDER

Commissioners Present:

Chair Vero
Commissioner Slotnick
Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Tim Worley, Senior Planner, Community and Planning Services
Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office
Nick Zanetos, Planner, Community and Planning Services
John Hart, Civil Deputy County Attorney, Attorney's Office
Steve Niday, Survey Party Chief, Surveyor's Office
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Chris Lounsbury, Missoula County Chief Administrative Officer
Jennie Dixon, Planner, Community and Planning Services
Laurie Hire, Office Manager, Community and Planning Services
Allison Franz, Communications Director, Communications
Matt Heimel, Planner, Community and Planning Services
Chet Crowser, Director, Community and Planning Services
Anne Hughes, Missoula County Chief Operating Officer
Andrew Hagemeyer, Senior Planner, Community and Planning Services
Annie Cathey, Administrative Assistant, Commissioners' Office
Juniper Davis, Parks, Trails & Open Lands Program Manager, Community and Planning
Services
Shane Stack, Director, Public Works
Andrew Czorny, Missoula County Chief Financial Officer
Karen Hughes, Assistant Director, Community and Planning Services

2. LAND ACKNOWLEDGEMENT *[Time stamp – 00:02]*

3. Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:02]*
5. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:32]*
 - a. [Proclamation: Kids to Parks Day](#)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:40]*
7. [CURRENT CLAIMS LIST](#) *[Time stamp – 01:40]*

Claims received as of April 28, 2022 to May 3, 2022 by the Commissioners' Office total \$1,139,530.33.
8. **HEARINGS**
 - a. **Missoula Rural Fire District Annexation Petition** *[Time stamp – 01:40]*

Karen Baldridge, Property Records Specialist, Clerk and Recorder's Office

[Resolution 2022-058 Book: 1075 P: 1127]
 - b. **Road Abandonment Petition – Portion of Cottonwood Lane** *[Time stamp – 04:03]*

Karen Baldridge, Property Records Specialist, Clerk and Recorder's Office

[Continued to June 9, 2022 Public Meeting]
 - c. **Tower Street No Parking Resolution** *[Time stamp – 07:21]*

Shane Stack, Director, Public Works

[Resolution 2022-059 B: 1075 P: 1129]
 - d. **Clow Family Transfer** *[Time stamp – 15:45]*

Nick Zanetos, Planner, Community and Planning Services

[Application Withdrawn]
 - e. **Moccasin Lane Storage Units (West Valley View Storage)** *[Time stamp – 38:11]*

Nick Zanetos, Planner, Community and Planning Services

[Denied 3-0]
 - f. **Removal of 1' No-Access Strip – Water's Edge Subdivision** *[Time stamp – 01: 42:49]*

Tim Worley, Senior Planner, Community and Planning Services

[Continued to June 2, 2022 Public Meeting]
9. **OTHER BUSINESS** *[Time stamp – 04:01:10]*
10. **ADJOURN**

Chair Vero – Called the meeting to adjourn at 6:12 p.m.

BCC Public Meeting May 12, 2022 – Transcription

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

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] Place on the Aboriginal territories of the Salish and Kalispell people. Please join me for the pledge. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. We have a proclamation which if you would like to read it.

Speaker2: [00:00:32] I. I would be more than happy to. So a proclamation of Missoula County. Whereas May 21st, 2022 is the 12th Kids to Parks Day, organized and launched by the National Park Trust and held annually on the third Saturday of May. And. Whereas, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands and waters. And. Whereas, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension and hyper cholesterol. Lester Alinea. And. Whereas, kids, the Parks Day will broaden children's appreciation for nature and the outdoors. And. Whereas, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors. Now, therefore, we, the Missoula Board of County Commissioners in the State of Montana, do hereby declare and proclaim May 21st, 2022, as kids to Parks Day dated this 12th day of May 20, 22 by your Board of County Commissioners.

Speaker1: [00:01:40] Thank you. Is there any public comment on items? Not on this agenda. Our current. And I'm. I'm sorry if I don't think I see anyone online. Our current claims list received as of April 28, 2022 to May 3rd, 2022 by the Commissioner's Office totals 1,139,005. Sorry. \$1,139,530.33. We have six hearings today. So first, we'll begin with Missoula Rural Fire District Annexation Petition. And Karen Baldrige. Good afternoon. My name is Karen Baldrige with deputy clerk, clerk and Recorder. We have received a petition to annex land into the Missoula Rural Fire District, submitted to the Clerk and Recorder's Office. The property to be annexed is the southeast quarter of the Southwest Quarter and that portion of the northeast quarter of the Southwest quarter lying south of Forest Highway Number 16, all in Section tOe Township 12, North Range 22 West and Missoula County, Montana blessed that portion deeded in book th4 of Michael Records Page 260. Parcel number 287708 located at 28541 Highway 12 west in Lolo Montana 598847. The petition has been signed by the property owners who represent at least 40% of the acreage and 40% of the taxable value of the property to be annexed. The annexation has been approved by the Board of Trustees for the Missoula Missoula Rural Fire District, and a notice of hearing has been published twice in The Missoulian. This petition is now ready for your decision. Thank you. Thank you.

Speaker2: [00:03:53] No questions. I would move that. We approve the Missoula Rural Fire District petition for annexation as presented. I was taking that.

Speaker1: [00:04:03] Any further discussion on this petition? All in favor I. Thank you. Thank you. And you're the second one. This is the road about a petition. Hello. My name is Karen Baldrige, Deputy Clerk. A recorder. Again, a petition to abandon a county road has been submitted to our office. The road proposed to be abandoned is a portion of Cottonwood Lane located in section three Township 16 North Range 15 west beginning at block three. Lot one of Seeley Lake home sites ten a block, eight block eight of Seeley Lake home sites three and ending at block three lot 15 of Seeley Lake Home Sites ten A and block eight. Lot seven of Seeley Lake Home Sites three. The petition fee has been paid in full. A notice of hearing has been published twice in The Missoulian. The petition has been signed by at least ten freeholders of the road district and all affected landowners have been contacted. The petition is presented to you for discussion, to set a date to view the road and to set a date for the second hearing on the matter. Thank you. Thank you. Discussion. Set a date. And I'm sorry, is there any comment on this?

Speaker2: [00:05:32] As the did add to this.

Speaker1: [00:05:38] Is that.

Speaker3: [00:05:39] Here?

Speaker1: [00:05:40] Do you have a comment on this?

Speaker3: [00:05:44] The only comment I would have is I would love to view the road with whichever commissioner is up next. And I don't remember.

Speaker2: [00:05:53] I think it's me.

Speaker4: [00:05:53] It's it's Commissioner Slotnick.

Speaker1: [00:05:55] Yep.

Speaker3: [00:05:55] Okay. All right. So get back to me on what date you want to go and we'll go.

Speaker2: [00:05:59] Yeah, after. After we hit the hot springs, we'll just a joke. Thank you, Steve.

Speaker1: [00:06:06] Any further comment? Okay. So you'll work with.

Speaker2: [00:06:14] However, I work with Kyla and Steve to set up a time.

Speaker1: [00:06:18] Okay.

Speaker4: [00:06:24] Do you do you need to set a date for the.

Speaker1: [00:06:26] We do need to set a date for this right now hearing not for the viewing that can happen, but for the next hearing, at least a tentative date.

Speaker4: [00:06:34] Yeah, let's see. We want to give Josh and Steve time to do their viewing. Maybe June 2nd or June 9th. Okay. Let's say, commissioners, any preference?

Speaker1: [00:06:50] Yeah. And we we have no control over our schedule. So this is we're going to kick this to Violet and Kyla and they will take care of that.

Speaker4: [00:06:59] Well, playing on the June 9th public.

Speaker1: [00:07:02] Hearing, if that's okay. Thank you. Thank you. Thank you. Decision making in real time. Okay, so now. And I don't see Shane Stack here.

Speaker4: [00:07:18] Maybe he just joined on on teams.

Speaker1: [00:07:21] Looks like. Okay Tower Street, no parking resolution.

Speaker5: [00:07:26] Oh, wow. Already?

Speaker1: [00:07:31] Hey, Shane.

Speaker5: [00:07:32] You guys move fast. All right. Well, I can share my screen really quick, and we can kind of go over the proposed resolution. All right. Let me know when you can see that.

Speaker1: [00:07:58] I believe we can see it.

Speaker5: [00:07:59] Okay, perfect. So we had a request probably in the fall of 2021. I did some evaluations and met with property owner in the area of Tower Street and Tower Street between South Avenue and Central. And then through those conversations, we asked the the commenter, the individual that was concerned to put together a petition for the parking resolution. So he reached out to his neighbors on Tower Street between South and Central. And three of those folks signed that petition and kind of zoom in to kind of show you where those are. So the folks that were requesting the no parking are essentially along the entire eastern side of Tower Street and then just along this first property boundary on the west side of Tower Street. And I've got a PDF that kind of shows that as well. So this is the PDF that goes with the draft resolution for the no parking. So we opened up. The opportunity for public comment a few weeks ago and we did receive three comments. I wanted to run through those really quick. Tait Jones commented and said he had concerns about additional vehicles parked at the historic district as a result of folks utilizing the Fort Missoula Regional Park. I reached out to Donna Gaylor and looped her into that conversation, and Mr. Jones and Donna Gaylor are working to coordinate addressing his concerns. Daryl Christensen emailed and said that he thought parking issues on Tower were as a result of events at Big Sky High

School and that it wasn't from Fort Missoula Regional Park. Just simply thanked Mr. Christensen for his comments. And Kirk Jennifer, who is one of the petitioners, emailed this past weekend, had more photos of folks parking on Tower Street and parking in his driveway. And so. Those were the those were the only comments. I asked Curt if he could make the meeting. So those are basically the comments and the resolution.

Speaker1: [00:10:35] Thank you, Shane. There is. Is Kurt here? Oh.

Speaker2: [00:10:44] Hi. My name is Kirk Jennifer. Me and my wife live at 3414 South Avenue West.

Speaker6: [00:10:51] Which is directly across from the soccer fields.

Speaker1: [00:10:54] Is your is your microphone on?

Speaker2: [00:10:56] I don't know. Here. It's great.

Speaker1: [00:11:02] Sorry, Shane. Can. Can you hear Kurt?

Speaker2: [00:11:05] Yeah.

Speaker5: [00:11:06] I can hear him fine.

Speaker1: [00:11:08] Okay.

Speaker2: [00:11:08] So when the park went in there, there was a lot of accidents, almost fatalities on South Avenue. And the city came in there and put up no parking signs and that shoved all the parking for the people that doesn't want to go don't want to go over and park in the parking lots, clear onto Tower Street. So me and my wife own four wildland fire engines with federal.

Speaker6: [00:11:37] Contracts with the.

Speaker2: [00:11:39] Forest Service, and we also own Valley Limousine. And we have, of course, two stretched vehicles. And we can't even get out of our yard, let alone into our yard. I've been hit on my lawnmower. The people fighting to try to find spaces when people. Pull out of a spot. Sprinklers have been an issue. I know our neighbor down the street has had ruts from travel trailers and stuff that they just pull in on their lawns and. When we call in my wife and I'm gone on wildland fires all summer, she can't even get in the yard. And so. We're supportive of the police and stuff, but of course there's a lack of people to respond when we call and when they came out, all they did is remove one vehicle so she could get in the yard, which made it so we.

Speaker6: [00:12:39] Couldn't get our bigger.

Speaker2: [00:12:40] Vehicles out of the yard. And it's been a ongoing problem. There's anywhere from 15 to 50 vehicles at a time. It's whenever there's major events going on over there. I've been.

Speaker6: [00:12:56] Verbally assaulted.

Speaker2: [00:12:57] I've had. As requests from Shane to take some photos from you recently to pass along to you guys, the commissioners. And when I was out there taking photos about four weeks ago, a lady that was in a vehicle. Accused me and I was standing on my side of the street of assaulting and threatening her kids because I was taking photos for you all. And so it didn't stop there. She called the police. And they feel entitled. They really do. And that's what I hear all the time. Well, when the police showed up. He he told her that one, you can't park on the road. And they're not just parking with a little bit of their vehicle on them. There's all four tires most of the time parked on asphalt, both sides of the road. That's only three foot wide easement. And you can't get down that with just one vehicle if somebody opens a door. There's problems there. They park right against the stop signs. You can't see to get in. You can't see to get out. Our neighbor to the east of us, Ritchie, has had the same problems. We've both watched almost fatalities on multiple occasions and. We understand the police can't help the police tell them they can't park there. They can't park on the road. They can't block the road, but they do it anyways. And we just can't you know, it's I don't want to go to jail because of someone like last weekend that come on to my property and stuck his finger in my face and says.

Speaker6: [00:14:55] We can park wherever.

Speaker2: [00:14:56] We want to park. And that's the nice comments of hundreds I get.

Speaker1: [00:15:03] Thank you.

Speaker2: [00:15:04] If that helps you.

Speaker1: [00:15:08] Is there any other comment on this? No parking resolution. Precious.

Speaker2: [00:15:19] We've. Thanks for your testimony, sir. And we've heard about this before from Shane. So if you see us making fast action, it's because we've heard about this already. We have empathy for you, get your situation. And I'm happy to make a motion that the board approved the Tower Street no parking resolution from South Avenue west to west central ALP, all seconded and to echo my colleague, hopefully this will make the situation better.

Speaker1: [00:15:49] Any further discussion. All in favor, I. Next we have Nixon at us with the Clough Family Transfer.

Speaker5: [00:16:03] Thank you, Commissioners. You share my screen here.

Speaker3: [00:16:06] We're going.

Speaker5: [00:16:14] So this is a request from Isaiah Cloud to use the family transfer exemption. And I would first start with some background on the project. The proposed transfer is sorry. Can we get rid of that on the screen? Here

we go. The proposed transfer is located in the West Fork of Putty Creek. Drainage off of Mica Springs Road. For context, it's approximately eight miles from the I-90 interstate. The property is on zoned. The growth area that covers policy is the 2002 Regional Land Use Guide, which designates this track as open and resource with a recommended density of one dwelling per 40 acres. Looking at existing onsite conditions. The property is 13.14 acres in size. It currently has no structures on it. It is address 7261 Mica Springs Road. The claimant does own the adjacent property. 7178 Mica Springs Road. And he is in the process of building a home at this location. Now get into the proposed transfer, it would result in the claimant's father receiving track 19 B one, which would be 8.39 acres in size. The claimant would then retain ownership of the remaining 4.78 acres, which is proposed as track 19 B two. The proposed transfer would result in a density of one Joleen per 6.57 acres. The application was sent out to agencies across Manila for comment. The Health Department commented that the project must go through sanitation review or cite an applicable exemption. The floodplain administrator commented that the flood risk at this location are unknown because the West Fork Creek has not been mapped by FEMA. He didn't comment that if this project had come through as a formal subdivision, it would require a flood study due to the drainage area, which is over five square miles.

Speaker5: [00:18:18] And the reference for that is the county sub regs. Section 3.30.6 C. Now I'm going to go over staff analysis and any rebuttal presumptions and general evasion criteria, points that were triggered. So rebuttable presumption before which triggered the claimant owns the adjacent parcel and he could gift the entirety of the subject parcel to his father without any land division. General Vision Category one, the claim it works for Meridian Construction, which is a commercial construction company based out of Spokane, Washington. General admission criteria too, was also triggered. The claimant did purchase the property within the two year window that the division criteria asked for, and the date was January 4th, 2021. The normalization criteria of point number 13 was also triggered and this relates to the floodplain comment from our administrator and the need to go through a flood study. General Vision 14 was also triggered. The policy stated recommends one dwelling for 40 acres. The proposed felling transfer would result in a new density of one dwelling per 6.585 acres. The last general revision number 18 is also triggered. The property is located in the WUI intermix and has a very high wildfire hazard level during subdivision review. It would be determined if these impacts are significant enough to require mitigation. Additionally, flood risk would be determined during subdivision review and it would be determined there if this criteria point would also need mitigated. The claim, I believe, is online. I'm going to go over the family, transfer questions with them.

Speaker6: [00:20:14] Eric.

Speaker5: [00:20:15] Hello? Can I please have you state your name for the record?

Speaker6: [00:20:18] Isaiah Cloud.

Speaker5: [00:20:20] Thank you. So, question number one, did you buy the property with the intent of dividing it?

Speaker6: [00:20:25] I did.

Speaker5: [00:20:27] Question number two, do you or your transferees intend to transfer the property within the next year?

Speaker6: [00:20:31] We do not.

Speaker5: [00:20:33] Question number three, have you talked to anyone at the county about going through Sunday's review?

Speaker6: [00:20:39] I've been in touch with you, but that's about it.

Speaker5: [00:20:42] A question for Will the property be developed?

Speaker6: [00:20:46] Oh. We intend to put my dad a single family residence on the property for my dad. Yes.

Speaker5: [00:20:52] Thank you. And last question. Would the recipient of the property be residing on the property? Yes, he will. Thank you. That is all the family transfer questions. Staff is recommending denial of the transfer, and I will turn it back over to you, Commissioners.

Speaker1: [00:21:09] Thanks, Nick. And I'm sorry. Did you have. Are you done, Nick?

Speaker5: [00:21:16] I think that was Isaiah asking a question. Yeah.

Speaker1: [00:21:18] Yeah. Okay. And then. Yeah, go ahead and share what you'd like to share with us.

Speaker6: [00:21:24] Sure. Well, Nick, I don't know if your supervisor is on the line or anything, but if nothing else, at least one of the commissioners to know. Even though you gave us a recommendation I don't like, you were awesome to work with. Super professional, very responsive. And I sure appreciate your professionalism and communication. You've been great. I guess I want to maybe just break down what I have to say and to to talking points, one being what I would consider low hanging fruit with respect to the concerns that would be raised through the subdivision process. The the zoning or the density dwelling of one dwelling per 40 acres is is what it is. But if you if you look at this drainage, there's multiple parcels that have residences on acreage that's less than six acres. In fact, the first four houses that you drive by as you get to this are on parcels that are less than that in acreage. There's certainly precedents for that in this area. Not that I want to say that it's it shouldn't be allowed, but I'm just saying that there's other properties out there that are certainly smaller in size. The other thing with respect to the floodplain, I did a quick study and it's on this map right here. You can see on the top left corner, the elevation of that creek is 3705. The elevation of the creek at the bottom right is 3706 or something like that. Anyway, if there was no moving creek, it would take about 3 million gallons of water to reach the building sites on this.

Speaker6: [00:23:11] So again, just trying to demonstrate if anybody is familiar with this drainage, that's a pretty steep run. That would take a tremendous amount of water to actually be of concern. So I don't think that there's any risk really for flooding. I think anybody that would be out there or is familiar with it would understand that. And then I guess the third thing for me, with respect to low hanging fruit, I do work for a commercial contractor, but I do

schools and clinics and retail strip malls and things of that nature, but never subdivided before. In fact, this is my first attempt to do anything remotely close to this, so I don't have any experience doing this. So it's not something in my real house. If it was, I probably would have been able to avoid this testimony altogether. Right. So but I think really ultimately, I think what this really boils down to is the intent and whether, you know, I'm trying to maybe circumvent the subdivision process. But a little context here, which is one of my frustrations that I expect I expressed with Nick. The application doesn't really give you any opportunity to demonstrate context. It's really just yes or no black and white questions. And I mentioned to Nick when I bought this property that we actually were only going to buy 1980, or that was only the only person that was available for purchase at the time. And we work with our realtor to get the next adjacent 19 B tract with part of that purchase so that we could put my dad there and my father in law actually will be moving over as well.

Speaker6: [00:25:01] So the request to demise 19 B is because my my wife and I are, for lack of a better word, we're kind of the breadwinners of the family. We understand that we're going to be taking care of our folks as they age. And the goal is, as Nick said, we're building a house on 1980. We'd like our folks to be with us since we're going to be taking care of them. We'd like them to be next to us. So 19 B would be available for my dad and I'd like to retain the rest of that portion to build a future home for my father in law, you know, and when my dad and I decided to move over, we've been looking for property for about three years in Montana. We're from Spokane. Obviously, one of my heart stops. One of my criteria is for property was that it would it was that it would adjoin public property. So I wouldn't really want to buy \$300,000 worth of land just to divide it and then sell a piece to somebody with unknown intentions in the middle of nowhere. Right. It kind of defeats the whole purpose of. Buying property that's that's out there. And so, you know, whether that matters or not, I don't know. But again, I'm just trying to provide a little context here to what we're attempting to do. We're doing it in good faith, and we're really not trying to circumvent any regulations by any means.

Speaker6: [00:26:28] I did run this by Eli and Associates in town. They're they're an engineering firm and an environmental study firm. And before they'd even present a proposal to me, they. They grilled me. I mean, I can show you lots of emails where they said, what do you do and why are you doing it? Who are you sending it to? And after about 11 emails and phone calls, they finally decided, okay, your intent meets or your your plan, your goal meets the intent of the family transfer process. And they actually gave us a proposal to do what I'm doing right now and do all this work for me. I didn't want to pay for that at the end of the day, but they felt like it met the intent of the family transfer. I also ran this by Jerry Steinbrenner, who's an attorney in town that does a lot of these and use his words. He thought it was a slam dunk. So when the report came back recommended denial. I was a little frustrated. I was a little taken aback because I had done some due diligence and I'd done my research and try to communicate again, good faith intentions here and what we're trying to do ultimately at the end of the day, obviously, guys, it's your decision. But I guess that's that's all I have to say. I'm an open book, so if you have any questions, feel free to ask away.

Speaker1: [00:27:55] No, thank you. Can you. I need a visual reference. Can you. Can you show us the. The area and the partial size? Can you even zoom out a little further so we get a feel of the neighborhood.

Speaker5: [00:28:19] So how do you Creek Road coming down here, West Fork or Petty Creek, then Outback Trail. But then we have Mica Springs Road here coming off of the West Fork.

Speaker1: [00:28:38] Thank you. Slotnick.

Speaker2: [00:28:42] I can go for it. Okay. All right. So, Mr. Clough. Clough. Mr. Clough, thank you for all the detail in the context. That's super helpful. So. For me personally, when I look at this, it it looks like. You're going to end up with if the family transfer goes through, you end up with your chunk of land that can you go back to the first map with the numbers and names on? Thanks. I was there for a moment. So you'd end up with 19 eight, which you currently own? That's correct. And 19 be and then your father would have the 4.78 acres, is that correct?

Speaker6: [00:29:20] Just the opposite. He would have no worries. He'd have the yellow shaded section. Okay.

Speaker2: [00:29:25] Thank you. Yep. Sorry for that. So what that kind of looks like, though, is after all this, you'd end up with a new salable lot, which looks to me and feels to me like subdivision. And that's irrespective of floodplain issues or density or the size of other the density of other surrounding parcels per family transfer, to my understanding is you give a chunk of land to one of your family members. They got a new chunk of land which is a wonderful tool, and meets all the goals, all the all the needs that you described you have with your with your father. What this looks like is that your father gets his needs met, but you also get a new tract of saleable land, which really looks like subdivision. And I believe you, sir. You've come across as a person with integrity. I totally believe you. And yet this looks like you end up with what really feels like a subdivision. You've got a new piece of land to sell. And what I just want to throw out there and we should double check with land development experts like Nic, is that you might be able to actually accomplish your goals through a boundary line relocation, which you start with. You got two parcels, you end up with two parcels. They're just shaped differently and then it doesn't at all look like subdivision. You start with two, you end up with two. In this case you're starting with two and you're ending up with three with one of them where you're not living. Your father's not living. Looks like you could sell it if you wanted to. That's where I'm coming from.

Speaker6: [00:30:51] Yeah, and I totally recognize that you're 100% right. That's where. And I consider the boundary line adjustment. And I think ultimately we'll go that route if it's if it's denied. But again, the intent is to give that piece to my dad and retain the other piece for my father in law. Again, you know, on the surface, it looks exactly like what you're just saying, but it doesn't really accomplish the goal, which is to have my family and my wife's family adjacent to us, who are both in their seventies and kind of approaching that the golden years, if you will. And so we're trying to do this in a way that's cost effective for us to keep them close to us. But I don't have anything to rebut against that other than to communicate the intent.

Speaker1: [00:31:38] So let's.

Speaker2: [00:31:40] Drummer Yeah, thanks Mr. Clough, and great description and background. It does appear as though you got some bad legal advice. These are not slam dunks by a long shot. And I think the reason why for any attorneys or developers here in the room are online, the reason why is that we have seen good intentions turn out in exactly the opposite scenario of what was suggested when we've approved things like this in the past. So that's why we're pretty cautious when a new lot is sellable, a lot is created. So I guess to build on my colleague's thoughts, one approach certainly would be a boundary line relocation. The other would be a question for our legal counsel. Or Nic,

is it acceptable to transfer a parcel? I guess maybe it depends who's who's name. The the track 19 A is is or the the parent tracking question who who's the owner of record of it? But could he transfer one parcel to his father and the other parcel to his father in law? I was thinking the same thing Damien would both he and his wife have to have their name on the title to the property in question.

Speaker5: [00:33:03] I believe they could have. I think general practice is to have one name on. I'd have to go back to the records to make sure that we could do it with two. I believe it could be accomplished.

Speaker2: [00:33:15] John.

Speaker6: [00:33:17] I don't exactly understand the scenario, but the law only requires only allows you to. Transfer property to your your blood relatives so I can only transfer to my father. I couldn't transfer it to my father in law.

Speaker2: [00:33:38] So in the question at hand here, I guess this might be a question for Mr. Clow in in whose name is the property owned? Is it jointly with your wife or or just yourself?

Speaker6: [00:33:51] Well, that's a good question. I actually already broached this topic with Eli and Associates, and they last gentleman that was just talking, I think hit the nail on the head. They said that you can't transfer to your anybody that's not your blood relative. Otherwise I would have proposed that to, again, kind of get away from what this looks like on paper. And but the property is in my name. We transferred it out of my wife's name to transfer it only to my dad. But I would love the opportunity to transfer to my father in law in one piece and transfer me to my dad on the other. But as far as I understand it, I don't I don't think that's permissible either.

Speaker2: [00:34:36] So thank you. It's to ask John a question. So if Mr. Clough and his wife own the property, can they together do a family transfer giving each of their fathers a piece? If they are joint owners of the chunk of land in question.

Speaker6: [00:34:57] In the past, we've required a. One spouse to quit, claim their interest. To the other spouse and then that spouse who is remains owning the property can do the family transfer to their blood parent. And then, you know, you're you're you're doing some you can do the the deeds, so to speak, in the opposite direction that that.

Speaker1: [00:35:34] Parent.

Speaker6: [00:35:35] And then then the other one, you know, doesn't quitclaim, but they would deed the entirety of the property back to the other spouse and then they could do the transfer to that blood parents. I. I'm not I'm not visualizing necessarily how it would work in this scenario. I think it's possible, though, and that's that's what we did. We actually quitclaim the deed from my wife's name to my name. To do that exact thing. And if we were to do that in a quitclaim, one parcel to myself, one parcel to my wife, and then split off the parcels to our father in laws, I think it would actually yield four parcels, which would look even worse almost. But yeah, yeah. Nick makes a good point that I too was thinking about the boundary line. This is why the boundary line relocation solution is, is probably the course of action that Mr. Clouse should take because then that gets his, his father a piece of property and then he and his wife, you know, or or his wife then owns the, the remaining parcel and she can do a family transfer to her father.

Speaker2: [00:36:51] So this is a this would end up being a two step process. Boundary line relocation, followed by a family transfer. And then if I'm understanding right, then it would then we would be in line.

Speaker5: [00:37:05] Correct. And we could stack those in one application. We did that commonly.

Speaker2: [00:37:09] So there you go. See, we're we're trying to get to. Yes, here. Mr. Clough.

Speaker6: [00:37:13] I appreciate it. Thank you. I appreciate the creativity. Yes, it's awesome.

Speaker2: [00:37:17] Let's do that. Yeah. I mean, that sounds like the most elegant solution. The question would be for us today whether it would be sensible for if Mr. Clough is amenable to this approach, for him to withdraw his application and pursue the new route versus us voting this up or down today and then.

Speaker1: [00:37:40] How does that make you feel?

Speaker2: [00:37:41] How's that sound?

Speaker6: [00:37:43] That's great. Absolutely. I'd love to table that. Take this out and work with Nick and reapply in a different approach. You bet.

Speaker2: [00:37:52] Thank you so much for your patience.

Speaker6: [00:37:55] Thank you.

Speaker1: [00:37:56] Thank you. Thank you. Thank you, Nick. John. Marcus and Lane storage units.

Speaker5: [00:38:11] Get this presentation fired up. Okay. All right. So this is the mock saline storage unit proposal, also known as the West Valley View Storage. And this is a building for lease or rent proposal. I quickly just go over the VFR regs and to overview since we don't see these very often these do apply to UN zone land only and these records get triggered by a certain threshold depending on the use that is being proposed. In this case, does the storage unit use and that threshold is four or more buildings or 30 or more units in one single building on one single track of record. So that was triggered and that's why we are here today with the BFR review. Then we have the review criteria below there. To switch gears to the some project background. So the location of the project is off of Moccasin Lane. Approximately half a mile from Oxford Lanes, intersection with Mullen Road and about four miles to Y proper. Current zoning, it is unsound. Growth policy is agriculture, and that comes from the 2019 land use element. Because I know it will probably come up later. I did want to know that this will be zoned with the news resolution that was adopted last week. If that goes into effect on July one, the proposed zoning for that is a R, which is open lands and ag reserve. The zoning was not a factor in the staff analysis due to the submittal date of the application and its vested right under the old regs.

Speaker5: [00:39:59] In India existing onsite conditions. The property is five acres in size and address 13105 Moccasin Lane. There is currently one home on the property and three sheds. Project is proposing 388 storage units over nine buildings. The single family home, Surrey, single family home and sheds are proposed to remain. This is tilted to the right. So we do have the north. It will be to your right when looking at that site plan. Property. Sorry, this project was sent to Missoula County agencies for comment. The only comment received was from Mozilla County Public Works, which commented that the project is located off of a public right of way and any new approach under this roadway would require an approach permit. Now getting into public comment. Property owners within 300 feet of the proposal were notified via mail on April 14. We received eight public comment letters. Mail. Sorry. Email. Voicemail as well as one petition with 20 plus signatures on it. These came from adjacent property owners as well as owners in the surrounding neighbourhood. To summarize some of those concerns. There are concerns over a commercial development in a primarily residential area. Concerns. Concerns over increased traffic and dust and the effects that would have on health and safety concerns regarding the closed bridge over the Frenchtown Irrigation Canal. Concerns over lighting from the pro's development.

Speaker5: [00:41:31] And also concerns regarding a violation of the private covenants that the subject party property is party to. Now getting an end to staff analysis starting with impacts the physical environment. So the property is not located in any FEMA flood plain and it is also outside the air stagnation zone, but as inside it impacted zone M and impact zone and just relates to woodstove and fireplace restrictions during stage two air pollution warnings. The project is proposing to stormwater stormwater retention retention facilities on site and there's also a condition approval that requires a gradient drainage plan to be reviewed and approved by Missoula County Public Works and the town at the time of building permits submittal. I'm looking at impacts to the human population. All properties surrounding the subject property, our residential nature. The comment was previously mentioned. Public comment does go in this section of the staff report. That's what I wanted to mention here. And then based off of public comment to to two conditions, approval were added. One is a landscaping plan that includes a visual buffer around the property and another is a lighting plan to mitigate light onto adjacent properties. In fact, human population is also where we look at growth policy compliance. Like I mentioned earlier, the property is designated as agriculture under under the 2019 land use element. Commercial buildings are not not included as intended uses in the ag designation. The proposal is not not in substantial compliance with the AG designation per the 2019 land settlement due to state law.

Speaker5: [00:43:12] There is no no conditional approval that is recommended based solely off a grade growth policy compliance. Now looking at access to the site, the applicant is proposing a new approach onto Moccasin Lane for access into the storage unit development. Marks Lane is a county maintained roadway with the road surface width of approximately 24 feet. It is unpaved and variable condition. Like I mentioned earlier, a conditional approval does require an approach permit to be reviewed and approved by Missouri County Public Works prior to issuance of the Land Use and Zoning Compliance Permit. Access. Access to the pro site via Mullen via Mullen Road is currently restricted due to the closure of the Bridge on Moccasin Lane. The bridge runs over the Frenchtown Irrigation Canal. Access to the site is still available, however, from the West via Desha or Pulp Mill Road and to the east via Moccasin Lane. Conclusion Staff is recommending approval of the project with five conditions. I believe I went through all the conditions already besides the first one, which just states that the project must be in substantial compliance with the submitted site plan that was submitted in the packet, and we allow for

slight differences to comply with applicable codes and conditions of approval requirements. It's all I have. Commissioners, I'll turn it back to you.

Speaker1: [00:44:36] Thanks. Before we take public comment, did you have any clarifications or any questions you want to ask Nick? Okay. Public comment on this. Anyone in the room. Aw. Thank you. Sorry. Before we take public comment, is the applicant in the room? Would you like to speak? Carly Stroll. Okay. Come on up.

Speaker4: [00:45:20] So my name is Tiffany Kelly. I work with Five Valleys Law and we were hired by Cali to amend.

Speaker1: [00:45:27] I'm sorry. We're having some problems hearing.

Speaker4: [00:45:31] Yes, it.

Speaker1: [00:45:32] Is. Maybe just get really close to it. Okay.

Speaker4: [00:45:36] So we were hired by Carly to amend the covenants, which we are currently in the process of doing. We have gotten positive feedback. From the neighbors. And Carly is working to come up with accommodations for concerns around signage, lighting, hours of operation and security. We are aware of the petition. We have some concerns with it. We had one of the neighbors tell us that they signed the petition but were unaware of what they were signing. There have been some changes to the project due to engineer's reports for drainage, traffic and waste. There is planning to be around somewhere between 282 to 256 units, which is a reduction from the proposed 388 units. If you have any questions, I'm open to answering them. Or we have the engineer here as well to speak about specifics of the drainage plan.

Speaker1: [00:46:56] Do you guys have any questions here? Okay. Thank you. We'll call you back up if there's other questions. Is there any? Public comment in the room.

Speaker2: [00:47:09] Only because.

Speaker1: [00:47:10] Hers just state your name.

Speaker2: [00:47:12] Please. Right. Elle Peterson. Mr. Hart. Rachel. How are you? So I'm an attorney, and that's the only reason I wasn't planning on speaking. Other than the.

Speaker6: [00:47:21] Fact that Mrs. Stoll, this attorney was speaking.

Speaker2: [00:47:25] So I represent one of the landowners in the subdivision. I don't even know if it's.

Speaker5: [00:47:31] An actual subdivision.

Speaker2: [00:47:32] But in the area. And it just seems to me like the cart on the project is way ahead of the horse because in order for any building permits to be issued, the community planning and services. Group needs to to approve the plan, which one of their primary things that they look at, at least from what I understand, is the covenants and the covenants on the property. Absolutely 100% prevent this type of development. So. Other than wasting a lot of people's time, getting a lot of people upset. I see no purpose for this because until the covenants get changed, if they do get changed, then this is a non-starter, not only from the county standpoint, but I mean. I don't want to have to waste my clients money to go across the street and get an injunction.

Speaker6: [00:48:40] So it's we're just way ahead. I mean, I appreciate the.

Speaker5: [00:48:48] He it's ignorance. It's I don't appreciate it.

Speaker2: [00:48:53] I think this is very poorly thought out and we're playing catch up and we shouldn't even be here today. So thank.

Speaker1: [00:49:01] You. Thank you.

Speaker6: [00:49:09] Hi. My name is Robert Logan. I currently live at the corner of Gowan Lane and Barb. I am not force. I mean, I'm not against the proposed proposal of. Her doing what she wants to do with her own land as long as it fits into the aesthetics of the surrounding property. All the landowners out here moved to the country to have their horses and their dogs and their animals to be outside of the city. There are some properties that are that have been changed. Previous landowners have done that want my property is one of them. What he was saying in the covenants that it restricts the commercial use. We do have some people that are self employed out of their own garages, but they are not a business. They build steel. They work on people's cars, but they do not do it. Under an LLC or a corporation. So for the covenants being changed, that's been in effect. I mean, a lot of us have bought our property that have been against the covenants. Out there. So we're kind of grandfathered in. Nobody's ever said anything for covenants, changes and possibility lawsuits and suing for these changes on property that were never approved.

Speaker6: [00:50:39] Well. We've all bought our property that way. And I, I proposed in our meeting of the attorneys if it did meet aesthetically of what our neighborhood consists of, which is agricultural people have horses. And I mean, it's kind of a ranch community, but. If it would fit in with the lighting and stuff like that, that would be internal. Then it wouldn't be affecting people's line of sight to their houses or shining in their kids bedrooms. But another concern is also we've been getting a lot of transients out there with the pulp mill and stuff being down. I've had people break in in my back yard and with a storage unit facility there, even though they own the property and they staying there, they still don't know what's going on in the middle of the night. So the surrounding people that have ag equipment and boats and snowmobiles and stuff like that, what's the possibility of thefts? I mean, so that's kind of my \$0.02 is bringing that kind of development, people coming in and out at all times of the night. And the threat to our livelihood there.

Speaker1: [00:51:58] Thanks, Mr. Logan. Come on up. Good afternoon. My name is Patricia Wicks. You're going to have to get closer to the microphone. There you go. Hear me now? No. Yep. That's great. Even closer. Okay. A

little bit closer. There we go. First of all, I would like to thank commissioners for the time and effort you've been putting in in zoning. I'm sure that's quite the job. My husband, Mike Gould, and I own five acres that share the property line of this proposed construction site. And we strongly oppose this storage unit development on 13 105 Moccasin Lane. This development is a major intrusion on the surrounding landowners and the Missoula County covenants in this area, with population of approximately 300 people. The negative impacts of this storage unit construction would be vast. High volume traffic on Moccasin Lane and at the storage location would lead to unsafe roadway, extreme dust, vandalism, theft, increase in man caused fires, pollution and an overall unsafe contaminated area. The demand for road maintenance on Moccasin Lane would put unnecessary pressure on the already tight schedule and budget of the Missoula County roads. If this project was accepted, Karlie Stahl's financial gains from this storage unit would cause the surrounding landowners to absorb loss in property value and the increase in property taxes. Please don't allow this development to invade our agricultural community. There is no benefit to the surrounding landowners. Thank you for your time and considering our concerns. Thank you. Anyone else in the room? Come on up, sir.

Speaker2: [00:53:49] Hello. My name is Andy Lester. I live at Marks and Lane. Number 13 is where I'm at. Two things thanks for doing this is I think it's agricultural land now. And then in a couple of months, it's going to be rural agricultural land. So if it's going to be that in a couple of months, I hope it's good for right now. And then the other thing I'd like to mention is we have gone to one meeting so far with the folks that want this and we're entirely against it. And the sentiment at that meeting was most of the people at that meeting were against it also. So I hope you can take that into consideration because I don't think until we change our covenants, you folks would rather go with our covenants. I would imagine. Thank you for your time.

Speaker1: [00:54:49] Thank you, Andy.

Speaker2: [00:54:53] My name is Tim Stivers. I'm a resident on the end of Gowan Lane, and I've lived there for 40 years. One of the original land purchasers. I have ten acres and I'm against it and I'll there's been four wrecks at that one lane bridge across Moccasin Lane that's closed right now. And there was actually a lawsuit over it. And. The road coming in from Mullen Road is below grade of what you can see coming from the other way. And it's going to put the safety of the residents because you'll have people coming that aren't live there. The residents know it's a dangerous spot, but people come into a mini storage, won't know that ahead of time. And then the upper part of Moccasin Lane. From the railroad tracks to the first 90 degree corner. There's one really bad corner in there that's blind. And that road. They graveled it a few years back. But the gravel is going into the road now and it's going back to Red Clay. It's Clay Hill. So I say the infrastructure isn't there to support the extra traffic on Buxton Lane.

Speaker1: [00:56:04] Thank you, Tom.

Speaker6: [00:56:18] Everybody was like, I'd like everybody to thank everybody for coming out and doing this.

Speaker1: [00:56:22] Sorry. Help us with your name.

Speaker5: [00:56:24] My name is Austin Weiss. I'm a resident at of Barb Lane.

Speaker2: [00:56:28] I moved there in the last year. I'm originally from Missoula. I know that area very well. It is very Ranchi, old timey. And yeah, I'm very against the idea of having storage units out there. It's a very quiet area. You know, I can hear dogs barking. Half mile, mile away. I don't want to be listening to storage unit doors closing at any given time of the day like there are other residents have said are dirt road cannot handle the actual traffic. It's bad enough the year I've lived there, it's gotten worse. It just there's we're not set up to support that kind of infrastructure with people coming and going and potential theft and all that. It just I don't see why we are trying to do this as well as with the covenants and how they are. We feel like we have a lot other issues to tackle before we try and do something like that out there.

Speaker1: [00:57:29] Thank you. Yep. Go ahead.

Speaker3: [00:57:42] Hi, my name is Janssen Kelsey.

Speaker2: [00:57:44] I live on Garland Lane and I share about 80 feet plus or minus of.

Speaker5: [00:57:50] Property line with the proposed property.

Speaker2: [00:57:55] I've lived there for 14 years. My wife and.

Speaker5: [00:57:58] I moved there.

Speaker2: [00:58:00] Because, you know, it's.

Speaker5: [00:58:02] It's about as close to Missoula's.

Speaker2: [00:58:04] You can get and have property for horses.

Speaker5: [00:58:06] And my wife's always been into horses. I have lots of concerns with the proposed development. The big one is our horses. You know, if if this goes in.

Speaker3: [00:58:25] That section.

Speaker5: [00:58:26] Of property that borders us.

Speaker3: [00:58:30] That.

Speaker2: [00:58:31] Because that's being.

Speaker5: [00:58:32] There. We cannot allow our horses out in that area. I mean, that may sound overreactive, but if anybody's ever been around people in horses.

Speaker2: [00:58:42] They have to feed them.

Speaker5: [00:58:44] And if if our horses are out in that field, they're going to be eating cheeseburgers and everything else someone has in the backseat of their car. No. Six foot chain link fence is going to stop that. Anybody that knows anything about horses knows that they have.

Speaker3: [00:59:00] Stomachs.

Speaker5: [00:59:00] That are about the weakest thing in the whole. Anyway, horses cannot handle that type of abuse, although people think that it's they're doing the horse a favor by feeding them. Another issue I have is the access to the property. This has been mentioned several times already, even under ideal conditions.

Speaker2: [00:59:27] Where were that.

Speaker5: [00:59:29] Bridge on Moxon is open. That bridge is extremely dangerous.

Speaker3: [00:59:36] You know.

Speaker5: [00:59:36] The fact that we don't have I mean, we do have there have been several accidents there, but there aren't even more is because we are all familiar with that area and we know what to expect when we're coming up on that bridge. We need we know that when you get 300 feet from that bridge, you need to be watching up over top of it because it's blind. You need to be watching for cars. If there's hundreds of additional.

Speaker2: [01:00:00] Traffic.

Speaker5: [01:00:01] On that bridge, there will be problems with that bridge.

Speaker1: [01:00:04] Maybe 45 more seconds, Jason.

Speaker5: [01:00:08] Okay.

Speaker2: [01:00:10] And the other way.

Speaker5: [01:00:11] You know, it's not ideal conditions either, coming through those esque curves down through Moccasin Lane. The lighting is a huge issue. It. You know, we move out there for the peace of the country. You know, we don't want lighting. We want to be able.

Speaker3: [01:00:28] To see the stars.

Speaker5: [01:00:34] Water table contamination.

Speaker3: [01:00:36] We're all on wells.

Speaker2: [01:00:37] You know, this.

Speaker5: [01:00:38] Is a purely hypothetical situation, but someone's cleaning out their storage in it and they find mystery jug of liquid. You know, there's a lot of people around here would just dump it in the gravel. This will happen. It's not.

Speaker3: [01:00:53] A matter of if.

Speaker5: [01:00:55] Things like that concern me. The fire hazard, you know, the lack of bathrooms. People are out there getting in their storage unit organizing. They're smoking a cigarette. They will go along the fence and use the fence as the facilities. You know, their cigarette starts fire, burns a hayfield up. There's just a lot of issues. This is a residential agricultural area. There's plenty of commercial space around to be used for this purpose.

Speaker2: [01:01:30] Thanks for listening. I appreciate talking on the phone.

Speaker1: [01:01:36] And if you have more concerns, you can leave them with Violet if. All right. Thanks. I'm sorry and I apologize. 3 minutes per person. Sorry we didn't lay those ground earlier. I just know a lot of people want to speak. Yeah. Hold on. Jason. Tim. Sorry. But that might have been. I don't know. But I got to talk really fast because I have a letter writing. Okay, help us with your name for the record. Brief Westfield and we live at 120 564 Moccasin Lane, and we're kind of between the two areas of Moccasin Lane. So we didn't know about some the petition and stuff until later, but we heard there was like th8 signatures but we would have liked to have signed it. We did attend the meeting on them talking to us about changing the corners and there were about maybe 25, 30 people there. I didn't see one person there that was in approval of changing the cars, but they're going to have a vote which we can express our things. Then I do want someone real quick thing. We're just I'm just thrilled at the new zoning plan. I've been following it in the news and just looking at it all the time when it's finally come through. And I'm just super excited about it. And because that's coming, I guess we got kind of complacent thinking, All right, and then we heard about this, and we were just absolutely shocked that something like this at this late date was going to come up. But I want to specifically address by our house, which is the S-curve, it's a totally blind S-curve right by our house.

Speaker1: [01:03:18] I'll just read this letter really fast about it. Please consider the following information regarding the request for commercial storage facility at Moccasin Lane. Moccasin Lane links Mullen Road on the West with Deshaun Lane. On the East, there's an upper cluster of homes closest to and most easily accessed accessed by Desha, then a section of more remote road with a blind S-curve dropping down to the lower area, where many homes closer to Mullen Road are located. These lower homes are more easily accessed from Mullen. However, anyone from the area of I-90, the north end of Broadway, Highway ten, Highway 93 from the north or the Y area accesses Moccasin from the Upper Desha Side. The entire length of Moccasin is also routinely used daily as a cutoff between Mullen Road and the upper I-90 corridor. For those needing to cross over between these two developed areas of our county quickly, our property at Moccasin Lane is located just below the S-curve. The S-curve is currently very dangerous, not properly engineered for the amount of traffic now using the road, although the road is wide or right in the middle of the blind area, the lead up to the curve are narrower and vehicles approaching the curve are not able to be on one side of the two narrow road, but remain in the middle of the road which functions at the approaches as a one lane

road. At the very least, these approaches to the curve need to be expanded to accommodate two vehicles. In addition, signage needs to be installed to warn drivers something like slow caution, blind curve, state of the right or left or some kind of driver warning a mirror, possibly.

Speaker1: [01:04:57] Also, because of the danger of that curve and the dirt road in that area, we ourselves drive west out to Mullen Road when possible from our home, especially in poor weather, when we do need to go on Bayshore, which we have to constantly now with the bridge being closed, we exercise great caution in that area as mentioned. Let's see. So that's going to be closed for a long time. I'm going to skip this so I don't run out of my time. And I'm saying just for one example, yesterday, after passing through the curve ourselves, a large box truck was approaching directly at us from the other direction at a good speed. Had either of us been a few seconds off, the likelihood of a collision would have been great. Should a commercial storage business be established on the lower part of Moccasin, the traffic brought in through the already dangerous curve would be substantial and intolerably increase. Not only would the number of private cars and trucks increase, but larger moving trucks rented U-Haul service vehicles whose companies often use storage units for their materials and even for parking their work vehicles and travel to them daily would be traveling on that road through those that curve. Additionally, during any construction and planning of the new storage facility with the bridge still closed, construction vehicles, possibly cement trucks and building materials will be brought in along that extremely dangerous section of dirt road and that blind curve before any approval the b 30 seconds.

Speaker1: [01:06:23] Lori any approval the county roads department needs to address these life threatening road issues. This dirt road designed and created many years ago when use and conditions were vastly different, is no longer adequate or safe as it is even before the addition of the storage unit business would be added to the mix, the road department needs to address immediate concerns of the increased traffic due to the bridge closure and any increased commercial use of this dirt road. They need to get a baseline, use information on what more traffic will be coming for a 200 plus storage unit and plan for bringing that road into safety compliance before commercial use of Moccasin Road is granted. The road and access needs to be the same as required for businesses and other commercial use areas, including paved wide roads. With all the necessary features, should the road situation not be addressed properly? With the county now aware of the. Shoos. Any injuries or death to people due to lack of attention would be a double tragedy. Thank you for taking responsibility to see that travelling this road is safe and not made more dangerous by allowing substantially more and heavier vehicles coming and going on that dirt road to a commercial business open 24 hours a day every day of the year. Thanks, Laurie. Anyone in the room have any questions? Well, I'll check with folks online first before we go back for a second. Is there anyone else in the room who hasn't spoken?

Speaker5: [01:07:58] My name is Ethan Pateman, and I live at the end of Barb Lane. I have 12 and a half acres there. I think to pare it. Vidal's comment at the beginning of this. The restrictive covenants in the area requires 75% of the total acreage accounted for to change the covenants in this room alone. There is more than 40% of the acreage represented and we are all in opposition to the proposed storage units. So in order to try to move this on, the covenants will most likely not be amended to allow this type of commercial business or industrial application in the area. So I. Almost propose that we close the Florida comments and vote on this because it's no longer the covenants will not allow this to go in in our area.

Speaker1: [01:08:52] Thanks, Ethan. It would also like to speak on this in the room. Okay. Any comments online? Oops. I'm sorry. So sorry.

Speaker4: [01:09:11] Hi there. My name is Kali Stoli. I am the proposer of this project and these are all of my neighbors here. And I have heard many of their comments. Many of them were at the meeting. It's unfortunate that we have spent so much time on covenants today because I understand that that is not of any control of the county. And so when I first moved to Moccasin Lane over a year ago, we looked around and we said, no, there's no way we are in these covenants because absolutely nobody is following them. It turns out we are all under these covenants. And so there's a lot of discussion about the covenants. A lot of people, even those who have spoken today, are violating the covenants in multiple ways. So there will be a mass overhaul of the covenants in one way or another. How that lands is separate from how this will land, but it is a big issue. Most people have multiple violations of the covenants. A lot of people in this room have multiple violations of the covenants. And so we hope to clear that slate in and move on from that. But in addition to that, I hear people when they talk about safety and road safety, and I just want everybody to know that my son rides those roads with me. My son will be sleeping 25 yards from the storage unit. I will know what happens behind that behind that gate, because I will have video security and I will have a gate code. So I know exactly who goes in and comes out. I will be very diligent about that. Again, my son will be here too, so I just wanted to share that. Thank you. Sorry. I also wanted to share that my storage sizes are geared towards residential, not big massive units for commercial, which typically sees the high traffic residential. In the study that I did with Blackstone Launch Pad, we anticipate 3 to 5 cars a day on Moccasin Lane. So that is because of the size of my units and that it's residential and it's not geared towards commercial use, which typically sees four or five times a week.

Speaker1: [01:11:16] So thank you. Thank you. Okay. Before we go, one more. My name is Kim Crouch. I've been a resident of Missoula for 65 years. I'm speaking on behalf of my children, my grandchildren and my great grandchildren that all grew up in Frenchtown or have lived in the current resident where their father lives. The Stoli is. Our building just to the east of him, they would.

Speaker6: [01:12:00] Share.

Speaker1: [01:12:02] A fence line. Mrs. Stoli says her son will be with her if she can keep an eye on it. How about the people that buy it from her? In two years or five years? They don't have any commitment to it. Yes, there is covenants out there and they're there for a reason. The people that live out there have given their years, their life and. Their history to that area. To have somebody come in and buy property and to try and go underneath and circumvent to me is appalling. She should be ashamed. Thank you. Anyone else in the room. Okay, Tim.

Speaker2: [01:12:59] Timberlake senior planner with caps. I think maybe we heard from the developers representative of a different number of storage units, a reduced number or maybe a different configuration of storage units. I don't think we have anything in the buildings for lease or rent regulations that really addresses an amended application. But I think it would probably be wise if you vote today, Commissioners, to vote on the application you see in front of you, because nobody has seen this alternative at this time. That's probably the smartest approach. So I just thought I'd make that recommendation. Thanks, Tim. Tim, would another option be if this is a serious offer by the developer to amend what is before us today to not take action today and to carry it over and submit an

amended application. I think you would have that option. The regulations are really broad for buildings, for lease or rent. So they don't prescribe a lot of these issues. But I think you would have that option. I don't know. Maybe John Hart might have said it's just a little bit out of the ordinary. It's unusual. I don't think we've ever seen it in this land use category before to have this big a change that or the can gets kicked down the road, so to speak John.

Speaker6: [01:14:29] Well, according to the staff report, the 60 day limit that we're under to make a decision is June 1st. So if you were to, you know, continue the hearing or the applicant wanted to submit an amended application or proposal, I think it would be wise to have the applicant on the record consent to to do that, especially. I mean, absolutely. If it's going to take us beyond that June 1st deadline.

Speaker1: [01:15:04] Carlos, you or your. I'm sorry. Did you have.

Speaker2: [01:15:08] To say I'm glad that Tim said that I was personally feeling a little bit uncomfortable looking at a map that now verbally is not there. Not these two things aren't consistent. So.

Speaker4: [01:15:16] Yeah. So I see I'm trying to find the condition here related to the grading and drainage plan and those changes are based on the grading and drainage plan. And so. I guess my understanding was that in my understanding in the planning phase was that as long as it shrinks, that that's that that's okay. But they're dictated by the grading and drainage plan to ensure that none of my neighbors soils are impacted. And so it's not like a redesign or different thought or anything like that. It's with feedback from the engineers. As we progress in the greening and drainage plan, which I, if I understand right, is not required for this, it's required for building permits, is that right?

Speaker1: [01:16:05] But it's a significant reduction of units.

Speaker2: [01:16:09] Separate configuration of.

Speaker4: [01:16:11] Buildings. We are we are at 309 units, eight buildings, so just one less building. And if we have to cut more, we will. But at this moment, with the engineer and the draining and graders plan. We are at 309 units, eight buildings.

Speaker2: [01:16:34] It sounds like a different proposal to me.

Speaker1: [01:16:38] The neck.

Speaker5: [01:16:40] So we do allow for slight modifications. We use the word substantial compliance with the submitted application. So without seeing excuse me, the amended plan, I can't really comment on whether that would be in substantial compliance or not. So the way they would work normally is when this would be submitted as a building permit. We would be referencing the site plan that was submitted at that time with the site plan that you all either that you all approved during the public hearing process.

Speaker1: [01:17:13] Oh, thank you. Oh. John while there they're discussing. Go ahead.

Speaker6: [01:17:24] Well, I mean, any time you. Are being asked to consider something at a public meeting and a noticed public meeting that is different than what was noticed. You I mean, you start to get into that area where you're you're interfering with the public's right to participate because the public was coming to that meeting, assuming that this was the plan. If the plan is different than you may be running afoul of the the public's constitutional and statutory right to participate even in this situation where, you know, you're getting a reduction in in units and maybe one building, it's nonetheless, it's different than what was posted to the public.

Speaker4: [01:18:14] Carly Yes. So this was a discussion we had early on knowing with the scoping meeting and all of that, knowing that the grading and drainage plan was not going to be done by this meeting. And so with the with the upcoming zoning changes, I do not wish to delay. It's not a significant redesign. The it's one building in the middle there, one of the long middle buildings.

Speaker1: [01:18:44] But we're not really here to discuss what is or isn't. We're here discussing the proposed plan. I'm sorry. Sure. Sure.

Speaker2: [01:18:52] I was just going to say, we got we have one plan in front of us. That's how I.

Speaker1: [01:18:56] Feel. Do you do you want to pull this plan and have this hearing again?

Speaker4: [01:19:04] No. No.

Speaker3: [01:19:07] Either.

Speaker1: [01:19:07] Okay. I'm sorry. Did.

Speaker4: [01:19:11] The proposed changes would.

Speaker1: [01:19:13] Be go ahead and get closer to the microphone.

Speaker4: [01:19:16] The proposed changes would possibly something to do with the building permits, but due to the zoning changes, we believe the best course of action is to go forward on the original plan. Because none of the other buildings. Our changing location. It would be a reduction if needed for building permits rather than a change in the actual.

Speaker1: [01:19:44] Okay. Thank you. Before we go to a second comment in this in the room, I want to get to folks online. Are there any.

Speaker4: [01:19:54] Just a reminder to folks participating virtually. If you would like to give comment and you're using Microsoft teams, please use the raise hand feature to let us know you'd like to speak. If you're calling in on the phone. You will have to hit Star six on your keypad and let us know that you would like to give comment.

Speaker1: [01:20:24] Don't seem to. Okay, John. Sorry.

Speaker2: [01:20:30] Get some questions whenever. I got some Toobin, but I'll go after you.

Speaker1: [01:20:37] Oh, I'm sorry. I thought you were going to say something. Go ahead.

Speaker2: [01:20:41] All right. Well, first off, it's a pretty frustrating situation to be in here, because I by all intents and purposes, it looks like the applicant is trying to slip something in before the zoning changes which would preclude this. That said, we don't have unilateral and complete control over the outcome insofar as we still have to comply with state law and the considerations that we take into account in making a decision. But one of the things I've been hearing a lot about today is covenants and the assumption that somehow this is a non-starter today because what's being proposed violates the covenants. And so, John, I'd like to hear a little of your thoughts, because typically covenants are between private parties and we have little, if any, jurisdiction over covenants that would have to be litigated between private parties in the case at hand. And here's the question. Can we in a buildings for lease or rent decision take into account covenants.

Speaker6: [01:21:52] You've heard me say it before. Your your decision space under the buildings for lease and rent statute is pretty circumscribed. I mean, it's limited. And Commissioner Stoudemire, you're correct. Missoula County doesn't play a role in enforcing private covenants and the statute itself doesn't provide for the consideration of private covenants. That may seem inefficient. And and and it's absolutely frustrating, but. I don't think you should base your decision on the fact that there are private covenants that would prohibit this particular development from going forward. Thanks.

Speaker2: [01:22:43] Could you. Thanks, John. Could you describe the decision space? You said fairly circumscribed. What are those borders? What's contained in there?

Speaker6: [01:22:52] Well, you know, the legislature is has indicated that you can. Claire. You can consider. I mean, remember you. Any time you make a land use decision, it should be guided by the growth policy. Okay. That that's a given. We always do that. You know, the growth policy is the ring that rules them all. And so everything should be in substantial compliance with the growth policy. But we also look at impacts on the physical environment and human population in the area. That's what the statute says. You know, our regulations give us some guidance there. I can't tell you exactly what our regulations say, but that's a that's a very broad decision criteria. We also and within that, we you know, we do look at the physical environment, human population impacts, growth, policy, compliance. And then we also look at water, wastewater, solid waste facilities. That's another one of the bold statutory criteria. Access to the site is another thing the legislature has given you authority to consider, and then the availability of emergency medical fire protection and law enforcement services. Compliance with floodplain regulations. Those are. That's it in a you know, a broad context. And as you can see in the staff report, you know, the planning report, the planning staff goes through each one of those criteria and breaks it down to a certain extent and gives you some findings there. Is that helpful?

Speaker2: [01:24:46] It is. Thank you. Dave So Nick or perhaps Shane Stack, if you're on the line, I'd like to learn a little bit more about your assessment of traffic impacts and the existing infrastructure out there and its ability to absorb the additional traffic that would be generated by this development. Nick. So. Nick or Shane?

Speaker5: [01:25:13] Yeah. Nick can go first. I'll follow up. All right. So unfortunately, the billions released to rent regulations do not have a threshold for traffic study in general based off of previous proposals. We do know that that traffic sorry, that storage projects are in general low daily count drivers. But that's the extent of the the extent of the impact that we do now. So today of this strain, I would just say that I don't have a trip generation manual in front of me, but I would agree with with Nick that they're typically a lower traffic generator. So with in that regard, you know, I don't necessarily have concerns there, if that's your question.

Speaker2: [01:26:00] Yeah, that partially the question related to that the surface of the road and. Could you just describe the current condition and maintenance status of Moccasin Lane? Shane And also in terms of dust abatement that's provided out there or not? Yeah.

Speaker5: [01:26:20] So I believe that one is typically cost share for dust abatement. So we don't have a plan to to cover that entire road every year. So it's just an on where locations, you know, folks are willing to pay for dust. And then as far as a condition, gosh, Dave, it's probably been a month since I was out there. I mean, I didn't think it was that bad. But obviously our gravel roads, you know, significantly more than our paved roads, the conditions can change a lot faster. Spring has a bigger effect on our gravel roads than than the paved roads. And so you can go from recently graded and relatively smooth to washboard and potholed depending on the moisture and traffic you receive.

Speaker2: [01:27:12] Nick and Nick as far as conditioning, something like this. What's our ability to to require off site improvements to the road, such as requiring dust abatement or some other upgrades to the transportation infrastructure?

Speaker5: [01:27:37] I believe those. I believe those would have been handled more through the review process. And since we don't have any land division, we don't have any subdivision standards to reference in the buildings or rent criteria. So I don't believe we could do any off site improvements. Sorry. Condition. Condition. Any off site insurance.

Speaker1: [01:28:01] Did you have anything?

Speaker2: [01:28:03] I got a question for Juanita. Yeah. Livestock. We've heard the concern here as far as at least horses go. And I guess thoughts from your perspective as someone who lives and breathes this. Yes.

Speaker1: [01:28:20] And I agree on that. There's concerns about people feeding horses that come up through the fence. That's my understanding. Again, I don't know what it looks like on the ground. But, yes, I think anyone who owns livestock is concerned about what happens across the fence. But my horses don't eat hamburgers. But I understood. But. Want to finish up public comment in the room before we close public comment. So. There's three and then we have a really long hearing after this. So we're going to have three more people, 3 minutes each, and then we're going to take a break. Go ahead.

Speaker2: [01:29:06] Okay. I don't need 3 minutes. Just a question. As far as there's no confusion in the room about issuing a and we're not here for a building permit.

Speaker5: [01:29:14] We're not here for we're here for a specific purpose.

Speaker2: [01:29:17] But as far as the next step in issuing a building permit, assuming, let's say that you guys vote yes, but in order to issue a building permit, doesn't Mr. Worley's group have to then verify that the.

Speaker6: [01:29:34] Proposed.

Speaker2: [01:29:35] Permitted site is in compliance with the covenants on the land?

Speaker1: [01:29:44] Hart is shaking his head.

Speaker2: [01:29:45] That would be a no.

Speaker1: [01:29:47] Maybe. Can you speak to that, John or. Nick? Sorry.

Speaker5: [01:29:50] Yeah. I kind of just echo what John said earlier. Since Zucchini is not a party to those covenants, we would not take those into any consideration when reviewing the permit.

Speaker2: [01:30:00] Thanks for a building permit because from my personal experience, that's what I was under the assumption that needed to happen. Okay.

Speaker1: [01:30:12] Thanks, Riedel. Yeah. Thank you. You can tackle them in the hallway. I'm sorry, Laurie. Thank you. And then Robert just wanted to say one thing and ask one question. We were told at the recent CCAR meeting that the project had been reduced to 250 units and six buildings. So that shows it's still in flux. And also whether it's six buildings or nine buildings, what we're talking is a five acre piece of land that's agricultural, rural, residential, becoming commercial. You can't hide a storage unit business by making it six instead of nine. And what I wanted to say a question about, you know, in the documents where it says and I know I talked to you on the phone, you said, well, you don't have zoning there yet, but don't we have that 2019 agricultural label that was in your documents? And is that meaningless or what's with that? Because it seems like if you could come out to our road and when Carla says, oh, it's all violations everywhere the CCAR is, there might be there are violations. If you have chickens, you're violating it. You know, right now we knew we need to amend our land hours, make them updated. But when you drive down our roads, you don't see anything like a storage unit business. It's not violations like that. You don't see any commercial businesses in a garage. Someone might be doing car mechanic or something, but it's not any commercial businesses there. And I wish you could see it because just the idea of putting storage units in that area is just ludicrous. And I, I'm so glad we'll have the zoning, but it seems like the zoning we have must protect us somehow. Does it? Thanks, Carly. Okay, last one.

Speaker2: [01:32:00] So we can speak to the Landis element.

Speaker1: [01:32:02] Okay.

Speaker6: [01:32:03] Yes. I just wanted to give you guys.

Speaker1: [01:32:04] Hold on, Robert. Nick, Nick's going to answer real quick.

Speaker5: [01:32:07] Yeah. So just to clarify, the agricultural designation is a policy designation which is separate than zoning. Policy designations are really the foundation for what's done is built upon and what this designation will become. But it is not regulatory in nature itself.

Speaker6: [01:32:25] Scott Yeah, let me just add to that because you heard me say how the growth policies, the ring, the rules them all. So now we're hearing well, but you know, maybe it isn't the legislature and the courts have said that, but they've also said that you cannot deny a land use proposal based solely on compliance or non-compliance with the growth policy. And that's in the statute. And so.

Speaker1: [01:32:58] It's not sold.

Speaker6: [01:32:59] But remember that. And. And you know, I can tell that Mr. Peterson and others are frustrated that we don't have the authority to review private covenants in making issuing building permits or making other land use decisions. We do we do review the zoning, though, and while this is zoning compliant today, it won't be zoning compliance soon.

Speaker1: [01:33:32] Thanks.

Speaker6: [01:33:33] So I just wanted to give you guys a little, I guess, idea of what the infrastructure is kind of like out there. I mean, the main moccasin road on the bottom from Mon to Gowan Lane to the One Lane Bridge is probably the better section of the road until you get up on top. So the dangerous portion is between the bridge crossing the Frenchtown ditch. To the top of Moccasin court. So you have the returns that have been in a lot of people's discussions is probably about only six feet wide and it's a blind almost 90 degree corner. The one lane bridge being down, there's no idea through the county of how long that bridge will be down. We discussed that with them today. The proposition for them is to just put in a culvert. Well, they won't be able to put in a culvert until this time next year. So the bridge is going to be shut down for a minimum of a year is by what the county has been telling us. My wife was one of the four victims that got hit on that bridge. Per Montana Highway Patrol, the blind spot coming off that bridge in the lull, the road is 3 to 5 seconds. You cannot see a vehicle. So she got T-boned too. And she, a person was coming up the bridge she did not see and he T-boned her. 75 miles an hour on Moccasin Lane. So. I think the infrastructure out there as of the road, I, I would like to see the county do something with the road to bring it up to grade. Every time they grade it, it is actually below ground level. So it holds water. So it gets soft spots, frost heaves, it maybe gets graded once a year. And as the dust abatement is only in front of. Certain people's houses that have actually paid for that dust debate. So that's my \$0.02 on the infrastructure that is out on Moccasin Lane.

Speaker1: [01:35:57] Thank you. Okay. We're going to close public hearing and discuss.

Speaker2: [01:36:04] So it sounds to me like the issue of covenants are between private parties. So if one person feels like another person is violating the covenants, they would have to take legal action against that person, not the county. I just wanted to make that clear. Yes. A bunch of the questions I was going to ask as usual, and I appreciate that. I'm personally ready to make a motion unless you'd like to chat for a while first. Yeah. Before we before you do that, Josh, one question as far as the lighting. You mentioned that there is a lighting plan required. Could you describe what that is, Nick? Because I to resonate with folks concerns that this will absolutely change the character of your neighborhood. There is no doubt about it. And what mitigations can there be if this ends up happening is is one of the unanswered questions today. So, Nick.

Speaker5: [01:37:00] Yeah. So the lighting plans should demonstrate that the light shall not be sorry. The lighting should be confined to the development area and not extend outside of of the development boundaries, especially onto an adjacent property owners land. So they would have to have a lightning plan to demonstrate the wattage and how far the lightning would extend out from any proposed light pole or light fixture on the property, and that would be reviewed prior to the issuance of any permit as well.

Speaker2: [01:37:36] Okay. So is it that, General, there's no specifications as far as, like, dark skies. Constraints.

Speaker5: [01:37:47] Currently as written there is not. But we could amend that if you see fit.

Speaker2: [01:37:55] I. Well, we can get to that. We can have some discussion here. Thank you. Oh, go ahead. I want to make sure I'm there. So the girl policy document at question here, is it the land settlement from 2019? Correct. And that calls for this area to be agricultural, correct. So I am ready to make a motion. Make the motion here. So due to the fact that this proposal does not comply with the growth policy, do also to the fact that the plans proposed here verbally are not in don't conform with what the maps we were given. I feel like it sounds like this is still in flux. And I hear what our attorney was saying about one plan being noticed and another plan being discussed on. Also, due to the fact that I feel like there is going to be a substantial effect on human population and the access and the road conditions bother me, too. I would I would move that the buildings for lease or rent project on parcel nine a of course 1747 as represented in the applicant packet be denied based on the findings of fact and conclusions of law found in the staff report and subject to conditions to the following conditions. Well, we're not subject to any conditions because I'm saying deny. I will second that and John.

Speaker1: [01:39:09] Any further discussion.

Speaker2: [01:39:10] Yeah. Was make sure I got it right. The motion to.

Speaker6: [01:39:18] I think Nick has drafted some amended conclusions of law. And if you agree with any or all of those, I would recommend that you state him on the record and, you know, give a rationale for why you.

Speaker2: [01:39:35] Agree with those amended law. I agree that the proposed Baffler project will have significant adverse effects on the human population that cannot be mitigated with conditions of approval. Neighborhood character growth. Compliance. Absolutely lack. And it doesn't seem like there's lack of commercial infrastructure present as well. Also, we've heard from neighbors about access to the site being inadequate and cannot be mitigated

with the conditions of approval. Joining me to read the rest of the. Yeah, okay. The Frenchtown irrigation bridge, indefinite closure frenchtown irrigation bridge. Poor sightlines marks and lane is unpaved and in variable condition, poor sightlines and uneven grade on moccasin lane. I concur and I second that. And. Discussion. Yeah. Just. Just to speak to the motion, I think this ought to be a cautionary tale for developers. Please take our growth policy seriously. And this is extremely frustrating that we are dealing with this today in the manner that we are, because what has been before us, what is before us is a gross non-compliance of our 2019 land use element and clearly trying to get in under the wire before the zoning. The regulatory document that we have at our avail here in Missoula County takes effect. And I think everything outlined here is exactly the sorts of impacts we've heard articulated today.

Speaker1: [01:41:16] You. On Favre, I. Let's take a five minute break before we go to removal of one foot, no access trip. Okay, everyone, we'll go ahead and get started. So if you could take a seat or maybe shut the. Can you shut the doors? Those of you. Thank you so much. And Commissioner Slotnick would like to say something real quick.

Speaker2: [01:42:02] Thanks. Thanks, everybody. So for those of you who had to sit through the last one. Yo, yo, yo, if you mind, stop talking and taking a seat. Thank you. So for you all that sat through the last one, you may have noticed it was contentious and people were passionate. And I hope you also noticed that they were well-mannered. No one lost their temper. No one swore. No one got out of control. It was really great. And I don't think that's entirely due to the presence of our friends from law enforcement community. But they are here. So I'm taking the liberty of speaking for the three of us. We would expect you all show the same degree of manliness and courtesy. So thank you.

Speaker1: [01:42:46] Thank you. Okay. So Tim Worley.

Speaker2: [01:42:49] All right, Tim Worley, senior planner with Community and Planning Services. And this is a presentation to discuss the waterside drive one foot, no access strip. The request is to delete this one foot, no access strip. And the technical representative for this project is for zero six engineering and they are present today. And I should clarify that Waterside Drive is the road in question. It provides access to water's edge subdivision in East Missoula. This is the location of water's edge. I'll just put a highlight on it here. The one foot knock no access strip runs along the southern boundary of water's edge subdivision in phase three, zooming in yet further. So let's try that again. All right. So the one foot no access strip runs along the southern boundary of phase three of waters edge subdivision and these are the townhome units within Waters Edge. This is about a 2020 vintage photo. You can see Canyon River to the east and Mount Jumbo's School to the west. And I believe this is Speedway here. And again, Waterside Drive is the public road in question. There's Waterside Drive. And again, the no access trip runs along the southern boundary of phase three of water's edge subdivision. So what is a one foot no access strip? It's a plat restriction intended to limit access that applies to public roads. And it's also referred to as an access control line.

Speaker2: [01:44:42] And this is an example from Frenchtown, the red line along the southern boundary of this property. Essentially restricts any access to Frenchtown Frontage Road. This is a location just west of Frenchtown High School. The only access point onto the property is right here. That's the function of the snow access strip on this subdivision plat. And similarly, if we move east to Clinton, the red line represents where you cannot access East Moline Road. In this case, you can only access it in three locations here. Here and here. That's typically what we see

for no access strips with subdivisions. So question did Water's Edge subdivision have a no access strip originally? Yes, it did, but only along the Western subdivision boundary. It was intended to prohibit random access along the west side of Waterside Drive. The southern boundary, however, lacked any access restrictions at the time of approval by the Board of County Commissioners. So if we take a look at water's edge back in its preliminary plat configuration, we have three phases phase one. And by the way, left is north. We have phase two and phase three. The no access strip that was added with the phase three file plat is right along this boundary right here. Could you zoom in so we could read the words that are highlighted in yellow? I will zoom in with with with future slides, but just to give a little bit of a chronology, phase one on the North End was recorded in 2008.

Speaker2: [01:46:27] Phase two in the middle was recorded in 2016 and phase three on the Southern Edge was recorded in 2018. The one foot no access strip that was part of the original proposal runs along the western boundary of a portion of phase two and also phase three. So it runs right here. It stops for a 30 foot distance right in here where there's a public right of way coming in from the west and it continues down to the southern boundary. However, it does not continue beyond this point right here. So the southern edge of phase three did not contain a no access strip as part of the approval of Waters Edge subdivision. So here's the the through connection that's shown. If we zoom in a little bit. This is Waterside Drive right here. And the highlight I think that you're speaking of, Josh is right here where it says possible. Oops, let me go back. Possible future connection. So here's Waterside Drive here on the preliminary plat. A possible future connection was indicated. This was what was approved in 2008 by the Board of County Commissioners. 2008 was the original approval. February 27, 2008. That was the preliminary plat approval.

Speaker2: [01:47:57] And then phase one came in that same year and phase two was delayed another eight years and then phase three came in in 2018. What was the original intent on providing a connection to the South? Well if we take a look at the water's edge subdivision preliminary plat submittal basically the packet the book and we zoom in on the project summary it says this access to the development will be off of Deer Creek Road, Waterside Drive, a county standard road will follow the Western property boundary and provisions have been made for this road to provide a through connection to the property to the south at such time as it is developed. Three private access loop drives will provide access to the individual townhomes such that only one of the homes unit 14 will have access directly onto Waterside Drive. And if we look at public testimony before the board of county commissioners and this is minutes straight from February 27, 2008. Jenny, that is Jenny Dickson. County staff mentioned there's a need for you to provide for future access. To the south. There's a couple of properties down there that could ultimately be served by this road. It would have to loop back through and come out somewhere else up in East Missoula. But this would be the northerly end of a potential loop road down through there.

Speaker2: [01:49:35] This was testimony from Dick Ainsworth again at the public hearing before the border county commissioners on February 27, 2008. And if we take a look at the approval letter that came out of the commissioner's office, we have this finding the waterside drive right of way extends to the southern boundary of the subdivision to enable future connection to the south. So what ended up happening is the one foot access strip that you find on the phase three plat was added between preliminary plat approval and the filing of phase three. So the one footnote access strip, I don't actually have the western edge of it in this image. But this is this is Waterside Drive, right of way here of 54 foot wide. Right of way. And now there's this one foot no access strip, as indicated by this label right here. It's maybe a little clearer on this image, although not zoomed in quite so far. So does deletion of the one foot no access trip automatically mean that development development will happen to the south? The answer

to that is no. Any development south of Water's Edge is subject to its own review, and deletion of the no access strip is not a predetermination of development on the property to the south. It would have to come if it's a subdivision, it would have to come before the governing body.

Speaker2: [01:51:18] So this hearing was noticed in the following manner. Water's Edge residents were sent certified letters, as were folks near Waterside Drive, and also this hearing was noticed to consecutive Sundays in The Missoulian. We did, of course, get substantial public comment on this proposal. And this is a summary of public comment since we did receive so much public comment. Allowing waterside drive access from the south will decrease property values in waters edge subdivision. Waterside drive right of way with that being only 54 feet is inadequate to serve other developments. The curves in Waterside Drive, as well as its current alignment, make it an unsafe road for increased traffic. Any subdivision south of water's edge, combined with new homes in Canyon River, will cause excessive congestion on Deer Creek Road and Speedway Avenue. Traffic generated from development south of water's edge will decrease safety at the Speedway Highway 200 intersection and will increase wait times. And Water's edge, residents relied on the one foot no access strip shown on the phase three filed plat which indicated no through traffic. Commissioners. That's pretty much my presentation. Staff's recommendation is for deletion of the one foot no access strip along the southern edge of phase three of water's edge subdivision. I'll be available as a resource today and I believe John Hart also might have something to contribute today.

Speaker1: [01:53:14] John Hart.

Speaker6: [01:53:20] I don't have a lot to contribute, although I'm sure I'll be asked to contribute. What I want you to know is that I think that you have the authority to remove this no access strip. You have the legal authority. I think it comes from Title seven, which is the under. Seven Dash 14 Dash 2101. The Legislature has given the Board of County Commissioners the authority to lay out, maintain control and manage county roads and bridges within the county. Waterside Drive is a county road. Your authority to control that road includes the authority to remove the one foot no access strip that appears on the plot. More more specifically, the legislature is giving you the authority, actually the discretion to do whatever, and I'm quoting whatever may be necessary for the best interests of the county roads. The other a few facts that Tim didn't mention that I think it is important for you to understand is that. The Phase three final plat. That was. Signed by various county departments as well as the commissioners, and then recorded in 2018. That has this one foot no access strip also has a statement on it that was signed by. The developer waters edge property and that the statement that they certify to is that the attached plat that's the final plat. Conforms to the preliminary plat previously reviewed. And granted approval by the governing body. So the developer said this final plat is the same as the preliminary plat that was given approval in 2008. Mr. Worley's presentation. Shows that that is not correct. And then there's also further down under the certification from the developer, a statement. The text and or graphics shown on the attached plat represent requirements by the governing body for the final plat approval and that. And so again, so there are texts and graphics that appear on the final, final plat that were not depicted on the preliminary plat. Commissioner Slotnick, you had a question?

Speaker2: [01:56:30] I did think so. What happened? So that's my question. I guess I'll reframe this. The developer signed off saying the preliminary plat and the final plat are identical in the preliminary plat. There is no no access strip in the final plat. There is. What happened?

Speaker6: [01:56:56] You know I mean the developer. Neither one of the developers has signed the final plat are alive. So we you know that would be an appropriate question for them.

Speaker2: [01:57:09] But it does, at least from this vantage point, look like they added it. Someone did. It didn't just happen. Right. That it we can speak in the past if it was added. And then signed off. But what was signed off was untrue. What was signed off was that the preliminary plat and the final plat were in conformity and that is not true. And someone signed their name to that.

Speaker6: [01:57:39] So that's that's what I wanted to share with you. I'm certainly here just like Tim as a resource. If you have questions during this public hearing and I think now the applicant has asked to to offer some thoughts. Although.

Speaker1: [01:57:57] Yeah, sorry.

Speaker6: [01:57:58] I mean, Mr..

Speaker1: [01:57:59] O'mara, did you have anything to add or ask? Okay.

Speaker6: [01:58:02] Thank you.

Speaker1: [01:58:04] Okay? Yeah. I don't have anything either. The applicant.

Speaker6: [01:58:19] Am Brian Throckmorton with 406 engineering. So I'm going to kind of repeat a little bit of what these guys said. So I apologize for the redundancy of it. Just to start one thing to remember, just like Tim had said, you know, this is not about any development. It's strictly that that will have its day in court for sure. Anything we do will have full, full public review, government oversight, you know, any subdivision. So this, just as a reminder, is just about the one foot no access trip, not about traffic counts or anything like that. No. The other thing on this is to kind of have a little bit of a reminder of that. Go ahead. So just just where we're at, I guess, again, I need to point out most of you guys already know, but the next one on the next slide showing the final plat. And then a reminder like Tim said, a no access strip is almost always used to control basically where driveways go. We put them a lot of times between a stop sign and we're the first driveway is you can't put your driveway too close the stop sign on the west side. It was used so that people couldn't come out their backyards and come onto Waterside Drive. I've never, ever seen it used and it's typically not used because it's control on to a piece of property to stop a road from being used. So so this is kind of, you know, pretty inadvertent on what it was put out there. So, you know, thinking of that, it wasn't the correct idea if traffic was ever meant to be stopped.

Speaker6: [01:59:52] I think, you know, a my idea that this is going to be pretty inadvertent. And as we go to the next slide, I can kind of show you guys. So when you look at the preliminary plat, we showed that the possible future connection, I'll show that. But even as things were constructed, as you guys can see on the very left, photo has shown kind of a setback view of waterside drive. There's curb and gutter on both sides of the road that extends. And then when you get to the very end where the gate is, the road just stops. So that's typical of a future connection. So even through the construction part of this, the plan is showing you would put curb and gutter, you would have some

kind of stormwater catch at the end if you were truly finishing this road to never be built on again. But even in the construction, the idea was to finalize this and keep it going and that's how it was constructed. So again, just just kind of repeating what Tim had shown through the whole preliminary plat process. You know, it showed possible future connections. My next slide is actually the true findings of facts. You guys can read that it's number seven that says Waterside Drive, shell connect to the to the south. So so the whole time the idea was that this road was going to keep connecting to the south. If we can go back one side. One thing I also want to point out is, you know, if you were going to have a road that dead ended, let's say in a cul de sac or looped around, all the private drives wouldn't exist.

Speaker6: [02:01:28] You know, those those were an idea to keep you coming on a driveway off of a county road. So as waterside drive on the final plat is a dedicated county road. And I know that's probably deceiving a lot of people in this room because as you turn to go down, there's a big sign that says Private Drive. As you turn onto Waterside Drive, there's a sign that says Private, private driveway, no, no trespassing, which is not true because it's a county road. That's not true. Okay. So anyhow, I thought when I was there yesterday it said Private drive right on it, but I could be wrong. So as we keep going ahead in a few more slides. So this is one thing I do want to point out that this all along, this is a letter from Dick to the previous owner of the property just to the south that he had actually pointed out about development potential. Right. In the letter, he talks about the potential, the connection to Waterside Drive and that that's that's a possibility in the future that it's open. So this is a letter from 2015. So, you know, all along the plan was for this connection. I think maybe at the end it got it got put on there as a as a cat air. Because again, if you go to the next slide, I can point to you guys where John was talking about right on the preliminary plat or Dick has signed off on as a developer that this matches what is on the preliminary plat.

Speaker6: [02:03:09] So and as the commissioners know, for that change to truly happen would have to go through a major public process because it's very different from the findings of fact from the preliminary plat. So so that statement right there and again, if you're the reviewer in the county, you read that. So when you're going through the plat, you're trying to go through a thorough but you know, you could spend multiple days reviewing every tiny little detail on them and I don't know if you guys go if you looked on that final plat it's one little line that these guys would have signed off on that they could have missed. I mean, it says like it's a dotted line that's tiny next to the bottom line and it says one foot, no access and one spot. So I can see how that gets missed by the reviewing authority. And you're also trusting that the developer is telling the truth when they sign off on this. So I can't see the dick was going to lie and try and slip something through. So I think, you know, it was it possibly was just an accident of a cat error, but it was an accident. It wasn't supposed to be there. That was not the intention of the road. You know, all along you guys can see that the plan was for it with approval to connect to the South. So I just wanted to point all that out. But yeah, other than that, I think it's pretty obvious if we can just get rid of it, it's an accident and go on. So. Thank you, guys.

Speaker1: [02:04:35] Brian or Tim, who has. Do we have a visual of. Final Phase three, the final the hash mark that you referenced.

Speaker6: [02:04:44] You can go back to the first slide we have. One more. There you go. So you can see it's the just I can't you guys quite get to the point the screen. It's it's this little tiny slot here and it's this little dotted line across board. So it's. It's one little tiny spot. And again, there was supposed to be a no no access trip. So it's not like, you know, the no access trip came out of the blue.

Speaker3: [02:05:34] I just want to say.

Speaker2: [02:05:35] We need to.

Speaker3: [02:05:35] Ask him.

Speaker2: [02:05:37] So explain to me how in the process of developing one of these plots that could be accidental. So when you do CAD.

Speaker6: [02:05:44] You do offsets. So if we were going to draw this, for example, he was just saying one quick offset. So you would copy the line and offset.

Speaker5: [02:05:55] Oh, sorry, sorry.

Speaker6: [02:05:57] So when you do that, you would go into CAD and you could say, this is this is a one foot offset on this property line. So but if you did that and it copied through, it would copy the line that you had the whole way. So you could say, I want this line. And if this was a connected poly line, then it would offset to the interior one foot all the way around. So if you didn't come back and truly cut this out, you could make you could have a cad or now it was labeled. But again, when you draw these through multiple levels, you have your CAD guys, you have your reviewing engineer, you have your revering surveyor. So the line could have been added accidentally. The CAD person could have just said, Oh, well, I put it on there. They said, one foot, no access. So there's, there is high potential that it could be an accident.

Speaker5: [02:06:47] Okay. Thanks.

Speaker4: [02:06:50] Sorry.

Speaker1: [02:06:53] Okay, Steve.

Speaker3: [02:06:58] I'm Steve Knight, Lake County Coroner's Office. I completely agree. In fact, that's exactly what I thought happened when I first saw this. The no. The textual. No. Access strip is not adjacent to the waterside drive access strip.

Speaker1: [02:07:15] But say that again the textual.

Speaker3: [02:07:18] Text that says one foot no access, that's not over where waterside drive is, that's over to the right. So I assumed when I saw this that it was exactly that. A card drafting error. They didn't intend to go across Waterside Drive. I can see where they would want maybe the one foot access drive to the east of Waterside Drive. I'm just reinforcing this supposition that that was a drafting error.

Speaker1: [02:07:55] Thank you, Steve. Tim.

Speaker2: [02:08:01] Dick Ainsworth confirmed to me that he added the one foot no access strip. Could you explain? Explain that this is a phone conversation while Dick was still with us and he didn't say much about. Why. But he confirmed that. He added that on the phase three final plat it was intentional. Yes. Okay. No drafting error.

Speaker6: [02:08:26] Jesse Carnatic of Warden Thane also for the developer. I just wanted to point out that in addition to what John said about the commissioners, essentially plenary authority.

Speaker5: [02:08:37] Over county roads, you can do whatever you want with county roads subject to statute. And this is.

Speaker6: [02:08:41] Clearly not controlled by a specific statute. So you have full authority to do what you.

Speaker5: [02:08:46] Think is best in terms of a no access trip that's on a subdivision plat. It does not entail.

Speaker6: [02:08:51] Amending the plat in any way, shape or form because decisions are made about county roads that are shown on plats all of the time. That does not require an amendment to the plat. It will be part of the public record and people will have notice of it beyond the county road issue. However, I want to point out that in this handout I gave you under the Subdivision and Platting Act, there's a definition for what a dedication is, and a dedication is defined as, quote, the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. So my the face of the Phase three plat says we hereby grant, dedicate and donate waterside drive to the use of the public to have and to hold forever. Setting aside all of the preliminary plat approvals, the findings of fact that went into it, the other evidence suggesting that this was not supposed to be here, whether it was placed intentionally or accidentally, the fact that this no access strip is placed within a dedication and express dedication on the plat to the public means that at the time the plat was accepted by the county and signed by the county commissioners, the owner at the time, the developer and now presumably the HOA has no vested right to control what happens with the portion of land that was dedicated to the public forever. And that is the plain language of the statute under the subdivision and Platting Act. So again, even if this was placed here consistent with findings of fact, so long as it wasn't a specific reservation in the dedication on the plat, it became dedicated to the public and it is within solely within the county's authority to decide what to do with it.

Speaker1: [02:10:53] Thanks, Jesse. You guys have more discussion? Should we? Okay. So now you're all very excited to speak to this. So we're going to 3 minutes each. So go ahead and line up behind the podium. And. Go ahead and state your name.

Speaker2: [02:11:23] Thank you. Bill Van Hanigan from Death Topless McDonnell Lindh.

Speaker5: [02:11:28] Here today on behalf of.

Speaker3: [02:11:30] The homeowners.

Speaker5: [02:11:32] Of Waterside Edge and the citizens of East Missoula. You're going to hear today some testimony from the citizens with a specific point of order, addressing their concerns about the consequences associated with removing this no access strip. And these people are going to talk to you today about the importance. Of public process.

Speaker3: [02:11:56] Not just the legality of.

Speaker5: [02:11:58] Public process, but the morality of public.

Speaker6: [02:12:01] Process.

Speaker5: [02:12:04] I'm not here today to argue about your authority. I'm not here today to make legal arguments. But I am here today to say that. If you decide to exercise your discretion. You have a choice. You can view this proceeding narrowly. As the correction of a mistake on a plat. Or you can view it more broadly as an opportunity. An opportunity to address the bigger issues. Which include the open and transparent public process associated with the dilemma that's going to arise if you decide to remove.

Speaker2: [02:12:52] This notation from the plat.

Speaker5: [02:12:54] And the impact that your decision is going to have on public health and safety. And in making that choice and in exercising that discretion, recognizing an.

Speaker2: [02:13:05] Obligation.

Speaker5: [02:13:07] As officials entrusted with the public confidence. To understand the consequences of that decision. So you're going to hear testimony today from the citizens of this area with concerns about the potential absence of a public process. And the potential absence of consideration of the impact of a decision to remove this notation. Now. We've heard testimony a few minutes ago. A lot of speculation here and hearsay about how and why this no access strip appeared on the final plat and what the intention was. But I think I can stand here today and I can say with confidence that Waterside Drive was not designed as a major arterial thoroughfare. Far from it. This development was recorded as a pad, a planned unit development that does not meet city standards for access or current county subdivision road standards, in fact. In the process. Those standards, as you know and as you can appreciate, are substantially relaxed. This is a narrow road with limited visibility. It poses a significant danger. The opening of Waterside Drive is going to result in severe and serious adverse safety threats to pedestrians and a threat to vehicular safety and that entire area. Access is going to funnel into a T intersection at Deer Creek Road, a very busy.

Speaker3: [02:14:42] Thoroughfare.

Speaker5: [02:14:43] And you could be looking at as many as 2000 additional vehicle trips per day and a tenfold increase in traffic.

Speaker1: [02:14:51] Volume. 30 seconds Bill.

Speaker5: [02:14:54] I'm going to just conclude here by saying that you'll hear testimony about the dangers confronting both law enforcement and outdoor enthusiasts, including our children who want to access that river.

Speaker2: [02:15:08] And that.

Speaker5: [02:15:10] I'm asking you today to carefully listen to the testimony from these people behind me, these people, the citizens, your people who are here today to express their concerns about their property, their children and their lives and how this is going to be affected. And if you decide to kick the can down the road and deal with it.

Speaker2: [02:15:28] At a later date, you run the.

Speaker3: [02:15:30] Risk of losing control of this process.

Speaker5: [02:15:33] Because annexation is coming down the track and we all know that. We all understand.

Speaker3: [02:15:37] It. You have been a unique group.

Speaker5: [02:15:41] You've set yourself apart from other commissions. You've done a lot of good things. You've funded the addition of deputies to assistant river safety and the summer months and in the off season to act as school resource officers. You've worked with the Forest Service to help regulate the extreme pressure placed on Johnson.

Speaker3: [02:15:58] Park, the bridge.

Speaker5: [02:16:00] And parking area off Speedway and McClay Bridge. And you probably haven't received the recognition that you deserve for these decisions. So we're asking you today is to continue that tradition and embrace the values that have made this commission unique and effective standards. And effective stewards of the public good.

Speaker1: [02:16:20] Thanks, Bill. Yeah. Thank you. Okay.

Speaker2: [02:16:42] My name is Andrew Hurst. I am a resident at Water's Edge. And what I've given you is my most recent email in opposition to this entire thing, as well as some attachments which I want to speak to directly as it relates to this whole issue. I'm less concerned about the no access trip than I am about the road that was originally approved by the county commissioners, that was actually implemented as approved across all three flats, and that by its own nature cannot be considered anything other than a local street, by my estimation. And the regs, according to the Missoula County subdivision, regulations state that local streets have characteristics of two traffic lanes, one or two parking places, and access to abutting properties and local streets shall be designed to discourage future use as collector streets. Now Mr. Worley's presentation about the no access trip was great. We saw the examples from Frenchtown, but those were ending at intersections. We have no intersection where this has been cut off, where it's right now cut off at an easement on the other side, a driveway. The reference was to possibility having it extended to

a couple of properties. We weren't talking about high density usage, a couple of properties. It's not high density usage, which is what I think I'm hearing. So the next example I have is the road standards document from the county subdivision regulations that basically describe what a local road, what defines a local road. And so clearly ours is a local road. Then if you actually look at what I provided, we were getting a lot of images of the first design from 2008 that was approved of the first plat where only one property had its road, its driveway going directly onto Waterside Drive.

Speaker2: [02:18:29] Well, as luck would have it, by the time we got to the final implementation of those, there are three driveways that if you look at the both the last two plat images I have directly into the pinch point of that road. I'm sorry. One minute. Thank you. That's why I'm speaking fast here. So the first plat had only one driveway actually going onto waterside drive. We actually now have three and they are at a pinch point that cannot be remediated. If you look at the way that the western edge of the new access strip is, you'd have to do some eminent domain to make that work to become a corridor. What we're asking for basically is remove this no access strip and suddenly, miraculously, we have a corridor and we don't we have a local street that is not designed to, you know, do anything more than possibly a couple of extra properties. But that's not worth talking about here. So I would and then I was the very last thing I have on here. I'm so nervous. Excuse me. This is the pinch point picture. So if you look at that fence that comes right up to the edge of the road, it's right at what I'm going to call Deadman's Curve. If it was tried to make this into a court or right now it's just a pinch point. And but there are three drives that specifically go into that pinch point. And I'm not how you're going to solve for that. So that's all I.

Speaker1: [02:19:52] Thank you, Andrew.

Speaker4: [02:20:00] Hello, everyone. My name's Catherine Marie. Bill mentioned the kids that use the river and float, and that would be me. So I come from years of floating the river every summer with friends and family and witnessed the traffic that went on Tamarack Road and that was just parking. Talking. You want to talk about 250 units that have multiple people per unit, which means multiple vehicles. So then you want to thread everyone through a road that's barely wide enough for two cars to pass. We're going to talk about kids playing out, their grandkids playing out there. Many people that live in the water's edge community have kids and grandkids that are well. They want to play with them out in their front yard and in the back. It's right by the river. So where do you think those kids are going to play? Out front in the driveway with their grandparents, their parents and being in the road. And you're going to have people speeding by. And with the risk of children getting run over, are we are we serious? Really? That's what we want to do. We need to keep the safety of the community and our top priority and keep that that road ending where it was supposed to end. There is no there's not supposed to be cars going back and forth. It is a small community with a private drive, and we need to think about the safety of everyone. So I really thank you for your time today and consider everyone's opinions. And I hope you all have a great Thursday.

Speaker1: [02:21:25] Thanks, Catherine.

Speaker2: [02:21:30] Hi. My name's Eugene Phillips. I live at one, two, five and 1330 Creek Road, which is the property directly adjacent or across the street from water's edge and Waterside Drive. So I'm really here to test more to what I already see so that we can extrapolate from there. Deer Creek Road is a very busy road. Obviously Kane River is big and was added after the road was was put there. There's a lot of traffic, there's a lot of trash. There's

picked up quite a bit yesterday. There's quite an impact to the river. Obviously, Sharon's right there. People float, people hang out. Pretty special place in Missoula. But what I can tell is that the impact to the community is left on the locals largely. I'm a runner myself, my wife as well. So, you know, we walk our dog there every night into Canyon River. We go on the Kim Williams trail.

Speaker5: [02:22:26] People drive fast.

Speaker2: [02:22:28] It's a fairly aggressive road. They treat it like a county road. It's not a city road. And there's really no doubt that East Missoula is and was designed to be rural. It's not an urban core. So I know that the issue of development is. A sticky one for every community. I've lived in other places as well. But what I also know is that trying to retrofit large. Population centers and density into smaller towns has an impact that you won't know until you see it, and there will.

Speaker5: [02:23:00] Be no undoing.

Speaker2: [02:23:00] It once it's there. And I've seen it firsthand as well. So from my experience to your creek, road is already taxed. It gets graffitied trashed. The city does not take care of it.

Speaker5: [02:23:13] It's a county road.

Speaker2: [02:23:14] So this winter I'm sure a lot of people in this room could attest the road was ice for two months. That intersection of Speedway and Deer Creek. You come during rush hour between basically three and 6:00 at night earlier in the morning. And it's a zoo. So I can't even fathom what the impact would be to that intersection. It will be dangerous.

Speaker5: [02:23:34] People will be backed up to the.

Speaker2: [02:23:36] 200 waiting to turn in. Thank you. So I think I would consider just the impact to the community that's already there. Again. I live across the street, so I witnessed it. I see it. I go out to my mailbox. I have to wait for.

Speaker5: [02:23:50] Traffic to pass. People do not move over.

Speaker2: [02:23:53] No fence. It's not to say people are rude, but they don't. And you know, a lot of people who own in Canyon.

Speaker5: [02:23:57] River, I presume, or have second homes and.

Speaker2: [02:23:59] Whatnot. So this isn't their community. I don't know that this new community will be that or not, but that road.

Speaker5: [02:24:05] Definitely dumping out onto Deer Creek.

Speaker2: [02:24:07] As far as it impacts me is one thing is that as much as it might impact the community, it will impact it a lot. There's no sidewalks. Again, this is not an urban core. It's a rural neighborhood. Thank you. Appreciate your.

Speaker1: [02:24:18] Time. Thank you.

Speaker6: [02:24:23] My name is Bruce Baxter. I'm a homeowner near Waterside Drive. We own a property 855 Montana Avenue, which is at the top of the hill. The memorandum stated Property Owner I brought a short list of questions I'd like to enter into the public record open questions. The property owner south of Water's Edge has requested removal of the no access strip. And this raises a lot of questions. First of all, a lot of is probably no. But is the aforementioned property owner agreeable to being identified to the other property owners near water's edge drive? Is this property owner requesting to remove the no access strip along the western edge and the southern edge of water strip drive? If the access strip is removed, what additional legal rights does this give to the property owner? South of water? Waterside Drive. What are the purposes or reasons for the removal of the access strip when addressing the purposes of the request for removal? This could con conjectures up a lot of more questions. The property owners of Waterside Drive have been approached in past years by previous owners, South Waters Edge, who shared their intentions for the Southern property for. From these previous conversations, it was easy to conjecture that multiples of dozens of new residents would be planned to be constructed upon that southern property. In this raises even more questions. Is all of the traffic of these new residents being planned to be routed through Waterside Drive? Is there a second or third access point being planned for this southerly property? Let's skip that one. It's all of the construction equipment to build these new residences being planned to traverse through Waterside Drive. Will this new potential development impact any other infrastructure along Waterside Drive? Are there plans to provide water supply, sewer service to that area? Until at least these questions, I believe, are publicly answered and commented, invented and vetted. I strongly recommend protesting against any change to the no access strip. I also ask if there's any possibility that any of these questions will be answered today. Thank you.

Speaker1: [02:26:47] Thank you, Bruce.

Speaker2: [02:26:53] Good afternoon.

Speaker6: [02:26:54] I'm Bill Joan Cramer. I'm the newest member of the Water Water's Edge community. And I'm here to talk about we've talked a lot about the new access strip and why it came about or whether it was recorded properly by the county. But we need to consider it a benefit to the county in light of the proposed development that is being put forth. Here's the magnitude of the issue. The proposed development currently states.

Speaker3: [02:27:23] 250.

Speaker6: [02:27:23] Plus units. You have an increase in Canyon River already authorized of 100 plus units. It's been said that East Missoula in total has a total of 750 housing units. So what's occurring here is we're authorizing an additional 50% that's going to traverse the streets of East Missoula as what we know are substandard per county regulations today. This raises multiple questions. Is the East Missoula infrastructure capable of handling this?

Increased traffic the streets impacted are not county standards. And is there a plan to bring these streets up to county standards? What is the anticipated source of funding to assist existing East Missoula residents with their current road and safety challenges? And will the county road increase, budget increase to mitigate the impact of the 250 new homes on their community? Or will it be left up to the city or the developer to participate? Since the traffic and safety impact is a result of their developments, a pause in removing the no access strip rather provides.

Speaker2: [02:28:38] Time to allow public comments public to.

Speaker6: [02:28:41] Comment on the newly proposed exit and perhaps additional assessment of the impact of development on East Missoula. The traffic impact to Summer Street. That's a substandard Speedway Avenue, substandard Montana 200. The Corridor Project is only exists on paper in water's edge. You have it waterside drive dead ending into Deer Creek You have Deer Creek dead ending into Speedway Drive and then into Montana 200. You could probably not design a worse combination of streets to support traffic of the volume that is proposed. Infrastructure of East Missoula must be improved to support. If the city annexes these developments and not East Missoula, the county road budget would need to support East Missoula roads without the tax revenue. The infrastructure has been not has not been touched in decades. And can we continue to ignore the infrastructure of East Missoula? Will a transportation mitigation fund be established and funded by the developer and who represents the interests of East Missoula in this transaction? In conclusion, these issues must be addressed in a public process so that the people have a chance to provide.

Speaker2: [02:30:04] Public.

Speaker6: [02:30:04] Comment on the impact of ingress and egress from this large new development.

Speaker2: [02:30:09] Prior to approval of a newly requested.

Speaker6: [02:30:12] Egress. And that is what they're requesting today, is a newly established egress for their development. You remove the no access strip. You've given them their egress.

Speaker1: [02:30:24] Thanks, Phil. Okay.

Speaker6: [02:30:27] Thank you.

Speaker1: [02:30:31] My name is Julie Bergin here and I live in water's edge on Waterside Drive. So I am one of the three properties that unfortunately would back out right onto Waterside Drive.

Speaker4: [02:30:41] To try and get out.

Speaker1: [02:30:42] There's so many bullet points to hit, but with 3 minutes you can't. So I'm hoping the people behind me hit a lot of them. I have a quick question. Number one, have have the three of you been out to drive through so you can probably imagine how hard it would be with that kind of traffic. And I was super encouraged to hear you say at the last agenda item about how a character of a neighbourhood is. If this were opened up, the

character of our neighbourhood would be completely changed. We wouldn't be a toe unit community that can care for our neighbours. We've had several property owners out there who have had Alzheimer's that have kind of wandered the neighbourhood. We couldn't do that. My mother's basically blind. She couldn't probably walk to the mailbox for fear of the traffic going quickly across. If you really, truly are concerned about the character of a neighbourhood, changing and opening up this strip would completely change our neighbourhood. And I'm certain it was no accident that there was a no access strip there. Thank you. Thank you, Julie.

Speaker2: [02:31:57] For the record, my name is Wait, wait, wait.

Speaker6: [02:32:00] Holmes Dick Ainsworth.

Speaker2: [02:32:01] In 2006 approached me about being the builder for water's edge. What is that? Sits on a long, narrow eight acre piece of land, and the zoning could have given DEQ 32 units. Instead, he opted for tow so that we had.

Speaker3: [02:32:15] Spatial.

Speaker2: [02:32:19] Spaces between the homes and the river. We have a walking path down below with a large courtyard and park that abuts that. Instead of the 11% open space that was required, we have 45%. You're right, the preliminary plat did not have the one foot no access zone on it. But preliminary plots change all the time. When it went to the third phase. The county had it for five.

Speaker3: [02:32:51] Months.

Speaker2: [02:32:52] With the signatures on it. Everybody assumed that there was an all access strip.

Speaker3: [02:32:59] But when the.

Speaker2: [02:33:02] Subdivision was approved.

Speaker3: [02:33:04] He also put it on.

Speaker2: [02:33:05] That plat that the county would not maintain the roads. They wouldn't do maintenance on the roads and they wouldn't do snow removal. Greg Robertson was your public works director at the time and he told DEQ the reason is that the road was too narrow and they couldn't negotiate it safely. I understand that you put a one once year on access for future development on it, but you never put a number on it. And you gave us a road that is 39 feet wide, curb to curb, and now you want to run 2500 car trips through there a day. And with the layouts that I saw. Nobody's going to drive south to Summer Street and out that way. Unless they're going to the school or they have a short shrift town, they're going to go out water side drive. They're going to hit Deer Creek, they're going to hit Speedway, and then they're going to have a traffic problem. We're getting on to Tahoe and eventually somebody's going to get hurt because he got short run in the summer. That's a busy place. You have the bridge in summer. That's a really busy place and there's just too much traffic there. Canyon River was a county subdivision.

You had control of that. You were able to ask for improvements. 406 made a submittal to the city for an annexation. And now that that's there, you have zero control. You can't ask for anything. It all goes through the city. So they've effectively taken.

Speaker3: [02:34:39] Away from.

Speaker2: [02:34:40] You what you spent two years drawn up and that's zoning for the county. Thanks.

Speaker1: [02:34:47] Thank you, Wade. Hi, I'm Lee Bridges from East Missoula. I disagree with the comment that the developer made about this one foot no access trip being inadvertent. He brought this to our 2021 East Missoula Community Council meeting. And of which Dick Ainsworth was present. And while Brian Throckmorton was trying to gain access through our Canyon View Park in order to have that be their access point, it was referred to the Northern Access on water side. Water's edge drive about the one inch no access strip. And Dick Ainsworth was emphatic about that. So it was not an accident, it was not inadvertent. The hasty removal of this one foot no access strip without public process defeats its purpose in the first place. This is likely the county's only opportunity to condition development. The development project to meet community goals. This one foot no access trip is our final control valve. After this, it's city and completely out of our control. Any removal would require should require concessions from the developer, including impact fees to improve and address public safety issues such as Summer Street, the collector road access on the south portion of this proposed development. Our neighborhood streets are substandard in width. Summer Street is only 50 foot wide and lack sidewalks and lighting for child and pedestrian safety in East Missoula. With the major increase in traffic that this. The proposed subdivision would incur. Who pays for the necessary road changes, improvements and maintenance costs for the benefit of the city, using our county roads to reach any point outside of their subdivision? What studies will be done on the load on our community county infrastructure? And who pays for that? We lose the opportunity to work with the developer in settling these matters once the property is annexed by the city.

Speaker1: [02:36:56] As county residents, we have no further say. All this needs to be negotiated before the one inch the excuse me, one foot no access strip is removed. I ask that you please delay the vote on this removal request and give us time to work with the developer to learn what kind of impacts this is going to have on our community. What are the costs and who's going to be paying for them? This development presents both traffic and safety issues on its face, not to mention the sewer and pump stations that we put in and other concerns we haven't even investigated. There are too many unanswered questions in this whole process. And before you vote on the removal of this no access strip, I ask that you delay the vote and give our community time to understand the ramifications that would be placed on us by the city on behalf of this developer. As a proactive community, we'd be happy to work with whatever agencies, entities and entities necessary to learn of these impacts and find creative solutions while we still have a choice in the voice in the matter. If that one foot or anything costly, if that one foot no access trip is removed today, it will feel like we've been silenced and overridden. Please delay the vote on this matter until meetings can be set up between the East Missoula Community Council, the developer and appropriate agencies to work out these concerns. Thank you. Thank you.

Speaker5: [02:38:21] Hi.

Speaker2: [02:38:21] I'm Frank Broad.

Speaker6: [02:38:22] My wife and I own 4642.

Speaker2: [02:38:24] Fairview way and phase three of water's edge is my.

Speaker6: [02:38:28] Understanding that.

Speaker2: [02:38:29] Homebuyers in Montana are entitled to rely upon the easements and restrictions in the recorded plat. Indeed, before we signed our contract to purchase a plot and build a.

Speaker5: [02:38:37] Home in November of 2018.

Speaker2: [02:38:40] We researched the recorded plat. We relied on the integrity of that plat and the deed that now incorporates it. Many other buyers.

Speaker5: [02:38:48] Did the.

Speaker2: [02:38:48] Same since January of 2018. We would not have purchased our home if this was not going to be protected from excessive traffic. So. We would. But this issue is not just about us. It's about the entire community of East Missoula and Canyon River.

Speaker6: [02:39:09] And people's ability.

Speaker2: [02:39:10] To travel efficiently and safely to and from their homes.

Speaker6: [02:39:14] So if you make a decision.

Speaker5: [02:39:15] Today, you'll be effectively choosing winners and losers, shifting benefits and burdens.

Speaker2: [02:39:20] Between the developer and the residents of the.

Speaker5: [02:39:22] Community.

Speaker2: [02:39:24] So let's.

Speaker5: [02:39:24] Consider the well-being of the.

Speaker6: [02:39:25] Community of East Missoula.

Speaker2: [02:39:27] First, from my research, the planning process around this development is complicated and problematic and not consistent with the character of community planning. It had minimal notice.

Speaker5: [02:39:38] There was no coordinated community.

Speaker6: [02:39:39] Engagement.

Speaker5: [02:39:41] And there seems.

Speaker2: [02:39:41] To be a hand-off of the plan from government entity to government entity planning should be aligned with the live may principles you all have just talked about in the zoning and certainly the Highway 200 master plan not just left to the city of Missoula with the developers seeking city annexation and approval. At the same time, a city of Missoula Island will be created in the midst of East Missoula.

Speaker6: [02:40:04] The city would be in.

Speaker2: [02:40:05] Charge of the.

Speaker5: [02:40:05] Planning within the.

Speaker2: [02:40:06] 35 acres of the development, and the county would be left with the impacts and fallouts from what they decide to do because their responsibility would end at about where this no access strip is. So with that, the things that have been talked about in terms of traffic, in terms of.

Speaker5: [02:40:22] Public safety and the safety.

Speaker2: [02:40:24] Of not only drivers but pedestrians and bikers and the people like at the at home.

Speaker5: [02:40:31] Assisted living.

Speaker2: [02:40:32] Who go out the day on there with their walkers and scooters and just enjoy the.

Speaker6: [02:40:36] Beauty of the.

Speaker2: [02:40:37] Area and make their way to the bus stop so they can get into town. Those people are going to.

Speaker5: [02:40:42] Be put at extreme.

Speaker2: [02:40:43] Risk as a result of what.

Speaker6: [02:40:44] You could do today. The road and infrastructure.

Speaker2: [02:40:48] Improvements are going to be very expensive. You know, if the you know, there haven't been any traffic studies, but the.

Speaker5: [02:40:54] Traffic exceeds the.

Speaker2: [02:40:55] Capability of these roads. You're just going to have a chockablock.

Speaker5: [02:40:58] Mess as you go.

Speaker2: [02:40:59] Through that. There are environmental impacts that need to be considered with all the added vehicle miles and the loss of public space.

Speaker6: [02:41:07] And just think.

Speaker1: [02:41:07] About the grade. Excuse me.

Speaker2: [02:41:09] 30 seconds. Okay. Just think about the greater cost of fuel that the citizens are going to have as they sit in waiting, as they wait in traffic. If the no, no access strip is removed now, the county loses all leverage and control over the impacts.

Speaker6: [02:41:22] Meaning East Missoula and Missoula.

Speaker2: [02:41:23] County have some burdens and costs of the improvements to infrastructure, including roads that we talked about earlier. And the developer actually gains a monetary benefit from that at the expense of the residents and the taxpayers in East Missoula. Shouldn't the developer bear the cost of the problems that his development creates if the county tables its request now, I'd suggest a holistic planning process, thorough and transparent with public community engagement. Start to study the options and impacts of this proposed change. This includes what requirements will be placed on the developer to address the numerous impacts and costs to address the changes, especially public safety. City documents show removal of the no access strip directly is a gateway to the development and.

Speaker5: [02:42:08] Moving.

Speaker2: [02:42:08] Forward in the city process. It's already in the application process there. The two are inextricably linked, unlike you.

Speaker1: [02:42:15] Thanks, Frank. You're welcome. You can you can leave more if you have more. I'll leave it with Violet. Thank you.

Speaker6: [02:42:25] Hello. My name is Ed Besancon. I'm the general manager of the golf course at Canyon River. I'm also in charge of operations of the development, and I'm also on the Cayman River board of directors. We are adamantly, adamantly opposed to removal of the one foot access strip from our perspective. It's more about the added traffic in on Deer Creek Speedway and at Highway 200. Canyon River has a total number of 270 homes proposed, which of about 135 are built now. So the traffic on Deer Creek Speedway and Highway 200 intersection

are going to double just from Canyon Rivers perspective development, I should say. I'd like I'd also like to point out a couple of my personal experiences of driving through those three intersections. There's times that we've had to. But a policy in place because we have female employees that work in our restaurant late at night. We have policies in place that somebody has to escort them through those intersections. Part of the problem is it can in the past, it's literally got down to one lane. And I've had young ladies have guys jump up on their hoods and etc. and I just can't I can't fathom seeing that many more cars going through such a uncontrolled area. Streets are inadequate. I don't need a study to know that I've driven there twice a day for probably six years now. And. I want to also point out the couple of the areas that are a problem. I know in 250 plus homes, there's going to be a lot of kids in those homes. We have issues at the bridge that, in my opinion, have gone unsolved. Sharon parking area. It's just without some sort of other parking.

Speaker1: [02:44:43] Yes, ma'am. Just one minute. Keep going.

Speaker6: [02:44:47] And I also want to point out Elder's home right around the corner. A lot of times those folks are out walking on the street and it's all you can do to just miss each other as you're driving in and out of there. From the board of directors. I can't believe that you would allow traffic to go through the water's edge the way it's designed. I mean, talk about low income housing. That's what water edge would be when it's done. Thank you.

Speaker1: [02:45:18] Thank you.

Speaker2: [02:45:22] Jack Bellis. I am the resident of East Missoula, and I have.

Speaker6: [02:45:25] Been for many years.

Speaker2: [02:45:28] And probably one of the I bought my house out there.

Speaker6: [02:45:30] In 1970.

Speaker2: [02:45:32] And immediately we started working to improve our community. When we moved out there, there were only two paved streets in the area. It was a highway and then speedway. My wife was tired of cleaning the house every day of the trucks going by our house with the dust. So she instigated a program to.

Speaker6: [02:45:54] Try to get the streets paved out there and it was successful.

Speaker2: [02:45:59] I'm a member that has spent some quite a bit of time and having these sewer project designed out there and put in. And we negotiated with the city for a 20 year waiver of annexation because of the we're getting close to the end of it now. And we we did renew that for an extra ten years.

Speaker6: [02:46:23] Basically because the city.

Speaker2: [02:46:26] Could not give us the services that we were accustomed to, which is in our agreement, which is like the snow removal, the fire department and the sheriff's department. So they agreed to hold off on our annexation.

Speaker6: [02:46:43] And part of our problem.

Speaker2: [02:46:44] Is that when this first came about with the.

Speaker6: [02:46:47] Community to council, they talked about taking part of the park in the Canyon View Park for an access.

Speaker2: [02:46:54] And I thought to myself, you know, these people down here enjoyed that part. And somebody is going to come in and take it away. That is going to.

Speaker6: [02:47:07] Diminish.

Speaker2: [02:47:08] The value.

Speaker6: [02:47:09] Of the.

Speaker2: [02:47:09] Area. For their part, the they had many kids that would use the park and they created an RCD to.

Speaker6: [02:47:20] Maintain that.

Speaker2: [02:47:21] Park in that area. And the developer has come through and said that we will take out quite a bit of the park and we will add it to the park down below. Well.

Speaker6: [02:47:33] These people, I don't think.

Speaker2: [02:47:36] Would want to leave their neighborhood to go to somebody else's park in such a way. And I'm thinking, along with.

Speaker6: [02:47:44] The degrading the canyon view area.

Speaker2: [02:47:48] Because of that, that with the developer wanting to ask for the one strip, one foot strip, no access to go out.

Speaker6: [02:47:56] Then they are creating a.

Speaker2: [02:48:04] Misdeed for.

Speaker6: [02:48:05] The people.

Speaker2: [02:48:06] At water's edge that's going to degrade their property. And I don't think that the county commissioners want to take that on their shoulders, that they are part of a group that helped to degrade the property. So we need to let this go on to a more public process to resolve these problems. Thank you. Good afternoon. I'm Mike Boehm, and I am a resident of Water's Edge. My support is based so much not on legal opinion, but and to follow on to Bill Van Kernaghan statements to those of us who were born and raised in Montana, we have a special bond that goes with the vastness of the state, with the quality of life that we've come to enjoy. And our population has been really neighbors helping neighbors. And this is kind of created a rugged, rugged individualism. You are elected representatives and we, as the voting body, have placed the trust in you that you will protect the values of our community. The future. We're rapidly becoming what I think many of us don't want to be, and that's a mini California. Unfortunately, the wealthier moving in there, pushing people out of our communities.

Speaker2: [02:49:40] And I don't think any anyone of you in this room would wants to see that go forward. An article appeared in Monday's Missoula Current that talked about tourism and the 12.5 million people that come to Montana every year. They're the advertising behind to get people to come. Has almost had a reverse effect. Now we're saying how do we kind of hold this back because of the impact that it's having on on our communities? I mean, we know that the housing prices in Bozeman are about 900,000. Whitefish, 890,000. Missoula, 550,000. Some years ago, we were compared to Boulder, Colorado. 20 years ago. Well, if you look at Boulder, Colorado today, the average home price, the median price in Boulder, Colorado, is 999,000. The. And that is 142% excuse me, 152% over what the national average is. So I guess and real quickly to state the mission statement for Missoula County. Commission is to provide quality public services to protect and enhance the well-being of the people, communities and environment of. Montana and our area. So I guess in conclusion. There are 20 subdivisions.

Speaker6: [02:51:27] Currently in the planning.

Speaker3: [02:51:28] Process.

Speaker1: [02:51:31] Pardon? 30 seconds.

Speaker2: [02:51:32] All right. I guess your legacy will really be defined on not just this. Thing that you're going to vote on here shortly. But on the on the future of East Missoula and our community. That's all I have. Thank you.

Speaker1: [02:51:57] Thank you, Mike. My name is Carey Callahan Bronson, and I am a resident of Canyon River Development, and I'm on their homeowner's association board. I think we all know that development is going to occur in the Missoula area. It needs to be done properly. And I'm just asking that you do not remove the strip until Deer Creek Speedway and Montana 200 have been addressed. Thank you. Thank you, Carrie. Evening, I believe. My name is Beth Jonker Meier. I am the last resident of water's edge. I'd just like to reiterate a point that was made that the no access strip provides the county with the ability to consider the interests of East Missoula and its infrastructure being addressed before that option is lost forever. The No access strip gives you the leverage to support responsible growth in East Missoula. Thank you. Thank you, Beth.

Speaker5: [02:53:27] My name is Ross Keough, and I'm the attorney for I think all of the phase three residents have spoken today. But were you possible to get the area up on the map so soon? We can do and I actually want to reserve most of my time if the commission has any questions. But I do want to highlight one thing in particular, which is this phrase we heard earlier, and I think it's very appropriate. Here is what is the county commission's decision space with respect to this development? And, you know, typically I find myself on the developers side and I've got to be part of a lot of very innovative projects in Missoula County, where we've seen collaborations between local communities, the affected citizens and the county and the city to create really livable communities. And I think that this is an excellent opportunity for us to put this train back on the tracks here and to start to have that conversation. So, you know, if we were to zoom out and kind of look at the street grid here, this is an area that that would be, I think, if you looked at your growth plan and I don't know if we've looked at our growth plan as part of this review process, but that is the underlying overriding planning document that will see development the area behind this. And so I think it's incumbent on us to figure out how we can do that in a way that satisfies the issues that you've seen demonstrated today. And I'm here to tell you that as counsel, legal counsel for these people, I am I'm authorized to have that conversation over the next couple of months or whatever time period it takes to figure out if there is a way that we can connect start to connect streets in that area, to create a true development that will be emblematic of this community. They're adjacent to the river. I don't know if the developer is willing to have that conversation, but we certainly are. And I would reserve my time for any questions the Commission may have.

Speaker1: [02:55:16] Thank you, Ross. Is there anyone else in the room that would like to comment? Come on up. I thank you. Hold on, Kathy. Wait till you get to the microphone.

Speaker4: [02:55:38] My name is Cathy Hughes.

Speaker1: [02:55:40] And I'm concerned. We all know.

Speaker4: [02:55:44] Missoula wants to.

Speaker1: [02:55:45] Have.

Speaker4: [02:55:46] More affordable housing.

Speaker1: [02:55:49] I think if you put this in, you're going to make 20 homes affordable housing. And by the time you put in the other homes. How many years does it take? That's not going to be affordable housing. My concern is if you say we're going to open it up. You don't have any say in what goes on at that property, is that right? It's the city the city could put in. Floor level townhouses. Block the view of everyone in East Missoula from the river. I mean, what would happen? You can't say there's only going to be only 250 homes. But if they decide to put in 500 smaller homes. You're giving up all the rights of the people of East Missoula, and it's really not a good thing to do. Thank you. Thank you, Kathy. Hi. I'm Sue Holden. I'm a resident out in East Missoula, and I'm currently just off of Speedway and Montana. Right next to me is the Sweet Dreams Daycare, which is right on Speedway, which is maybe two blocks from the Deer Creek Road turnoff. I have a big concern with the amount of kids that are at the daycare, not only with the public safety as a whole in mind, but the number of children just in that area alone. So at the increased traffic, which because I can see the speed, the traffic on speedway right now, it gets pretty gnarly at

times and. In the mornings, it can back up, down at the shot when you go on, get on to Highway 200 as it is. And so with the increased road access, gosh, it's just going to be a nightmare.

Speaker1: [02:58:11] So I also would like to see that this be held for a public process so further discussion can be made and. More questions answered. Thank you. Thank you, Sue. Told on only before you come up for a second time is there anyone else who'd like to. Speak in the room. Oh, there's a strumming sore hand in the very back. Okay. Is there anyone who hasn't spoken yet who would like to comment? There. Okay. There's no one. Let's get through the folks that are online and then we'll come back for seconds. And this is not me. This is somebody who's trying to get online. And if she's able to, I won't need to. Oh, sorry, Lee. Go ahead, Lee. This is from Deanna, who is the administrator of At Home Assisted Living. What's Deanna's last name? Deanna Clute, I believe. Seal duty. And this is her written comment. She wanted to be here to speak out and and tell it to you. Can I just give this to you? Go ahead and give it to Violet. Unless you think it would under 3 minutes. I'm writing in regards to the developer requesting the removal of the designated one foot no access strip on the southern end of the water's edge neighborhood in East Missoula to allow entry and exit routes for the housing development. This can concerns me as I am the administrator of the assisted living facility directly on Speedway Ave. We house many residents who go for walks with.

Speaker2: [03:00:02] Assistant.

Speaker1: [03:00:03] Assistant devices such as wheelchairs, canes, walkers and even scooters. There is also there are also a few who have dogs to go with for walks and down to the river. The impact of the traffic that that this will create on Speedway Avenue is not safe for our residents there at the intersection of Speedway and Deer Creek. As there is already no sidewalks or trails for pedestrians to walk or ride, especially as the weather gets nicer at assisted living. At at home assisted living facility provides a safe environment for our residents to live out their golden years with the ability to come and go as they like and with the removal of the one inch, one foot, no access strip, I am severely concerned with the safety for them with the amount of traffic driving by on Speedway. We have a roundabout circular driveway and it can be hard to get onto Speedway as it is right now with the traffic the way it is. We have a lot of case managers, life coaches, family vendors and emergency vehicles in and out of our property at all times of the day and night. It worries me that this will increase the safety risk to not only our residents, but also vehicles entering and leaving the premises. Thank you for your time on this matter. I sincerely hope that the County Commissioners will please reconsider the removal of the no access strip. Do and say no for the safety of the residents at. Of at home assisted living in the community of East Missoula neighborhood. Again, the amount of traffic that this would.

Speaker2: [03:01:36] Create is.

Speaker1: [03:01:37] Just not feasible to the community, the residents and the children in the neighborhood surrounding this no access trip. Sincerely, Deanna. Thank you.

Speaker2: [03:01:53] My name is Dan Worrall. I live in Canyon River. And just listening to this entire meeting, it's it occurs to me that East Missoula is not ready for primetime. And you have going to have 250 homes there. It's going to create that situation. You have some interesting geographical issues out in East Missoula to be able to

handle traffic issues. There's hills, there's ditches, there's roads that are belong to the state, belong to the city, belong to the county. And consequently, I agree with this gentleman. There needs to be a lot more collaboration between all of you so that you can design a plan for the future as to how you're going to relieve all of the congestion that's going to be incurred by future subdivisions. And so I don't know if that's in your plan or where it is in your plan, but I suggest that that become part of your plan. And that way, hopefully, we can treat this as a great public safety issue and make sure that we aren't having bicycle ers run over, walkers run over, you know, what happens in the summer out there. You've been out there, I assume, and you see what it's like with all that traffic out there. And there's a lot of irresponsibility going on there. And I know they're not supposed to be there. Good luck finding them. Another place they're going to go and they deserve a right to the river. So big decision ahead of you here. So I think removing the one foot no access strip is going to create a quagmire. I hope that you have solutions for the quagmire. Thank you.

Speaker1: [03:03:45] Thank you, Dan. Anyone else in the room who'd like to comment. Violet. Is there anyone on teams who'd like to comment? I see hands going up.

Speaker4: [03:03:58] Just a reminder for virtual folks. Please raise your hand if you're using Microsoft teams and please unmute yourself using Star six on your keypad. If you're calling in on the phone to let us know that you'd like to comment.

Speaker1: [03:04:15] I see a Derek Powdery.

Speaker5: [03:04:20] Hi. Yes, my name is Derek Mari. And this area I grew up, I actually right where we're talking about, I've probably played in this little area where there's no access and.

Speaker6: [03:04:33] Road is more than anyone else.

Speaker5: [03:04:36] I grew up a stone's throw from there. If you look on the map, that that dirt road that goes right down to that access point is where I grew up. And not only is have I seen such a change in development in this area, I mean, when I was a kid I could play out on in that area and that field freely, no worries or anything like that. And over time, we've seen it become more and more developed. And, you know, we've seen plenty of traffic come in. It's already become such a congested area. And my biggest concern is.

Speaker6: [03:05:14] That private drive, which actually.

Speaker5: [03:05:16] Goes directly through Bruce Baxter.

Speaker6: [03:05:19] Who's here.

Speaker5: [03:05:19] Today through his property, and it's going to connect right to where that road is, what's going.

Speaker6: [03:05:24] To stop everyone from turning.

Speaker5: [03:05:26] On that road and using this private road right next to their to zip out of the Deer Creek area, especially in the summertime, when you have all the.

Speaker6: [03:05:34] Floaters and and the kids out running around.

Speaker5: [03:05:36] And their vehicles and everything like that. This road is going through an area that has been a.

Speaker6: [03:05:43] Private residence, very easy.

Speaker5: [03:05:45] And free for such a long time. I'd hate to see something tragic happen in a community that's been so tight knit and it's very difficult. In the wintertime we're talking about it's this is a road that.

Speaker6: [03:05:59] You know, the garbage truck won't.

Speaker5: [03:06:00] Come down in the wintertime because the roads are too bad. And it's going to be there's going to be a freeway access, basically for people to come down this road and take this is a quick exit for them because it may be too congested at the Deer Creek Road where the access is. And so I want you guys to consider that like it's cutting across a currently private road that's going to become a through road.

Speaker6: [03:06:27] For all.

Speaker5: [03:06:28] Of these houses that are coming in. And that's seriously a big danger. You know, my I myself, I did have a sibling that died from being hit by a car on a road. So this is a major concern to have for everybody. You know, we don't want to see any other kids get hit and killed on these roads. People are a speed.

Speaker6: [03:06:48] Down.

Speaker5: [03:06:48] Speedway where that hill is on speedway that that was my backyard. And.

Speaker6: [03:06:53] You know, you watch those cars go 45, 55, up 65 miles an hour screaming down that road. What's going to stop them from doing.

Speaker5: [03:07:00] That on this new road? That is also going to be a quick access road to get to Deer Creek and get to the river access and everything like that. You know, I want you guys to consider that it's it's quite a dangerous area. We it's going.

Speaker6: [03:07:13] To be butting right up against a current horse.

Speaker5: [03:07:15] Pasture that has horses that are not attended. The owner of those horses does not live on property.

Speaker1: [03:07:22] So he's 30 seconds, Derek.

Speaker5: [03:07:25] Right. He's not able to keep an eye on what's happening with his horses that this thoroughfare road is going to be butting up against. So that's that's a major issue. We're talking about it connecting to this.

Speaker6: [03:07:38] Little tiny private dirt.

Speaker5: [03:07:39] Road that people are going to be used as a side access. Thank you.

Speaker1: [03:07:44] Thank you. Violet. I'm going to have to let you. I can't see. So. You're going to have to call on folks.

Speaker4: [03:07:55] Yeah. I'm not seeing any other hands up. Oh. One flashed up for a second. Do we have any other folks on the team's call or on the phone that would like to give public comment?

Speaker1: [03:08:19] Okay. Anyone on the phone? Star six.

Speaker4: [03:08:25] Hi. Are you able to hear me on the phone?

Speaker1: [03:08:28] We are. Just go ahead and state your. State. Your name. You are about to do that. Sorry.

Speaker4: [03:08:35] My name is Kate Baker. I was actually at the meeting earlier. I had the baby squawking in the back and we had to leave because it was naptime. But my parents recently purchased a home in Waters Edge, and my parents watch my son almost every day of the week so that I can work running my physical therapy practice in East Missoula. And our home is I run it out of my home and we're on Summer Street. So we would also be hugely impacted if on both ends, on the water's edge, drive end and summer street if this.

Speaker1: [03:09:14] Development goes through.

Speaker4: [03:09:17] But my primary concern is the safety of my son when he goes to stay with his grandparents in water's edge and they purchased that home, we we we as a family decided that that was a great spot for them because it's safe and it's a it's a small community and it's a place where grandchildren can run around safely. And not only that, but. Uh, we as on the summer street side of things are very concerned for our children's safety as well. 2500 extra cars a day on water's edge. And I also would like to know what the impact on Summer Street is going to be, where my home is, how it's going to affect my business, how it's going to affect our home life, the noise, what they're going to do to mitigate all of that. So we would really like the chance to work this out as a community and figure out a way to do this right and do this that works for everyone. We would just really like that chance. Thank you very.

Speaker1: [03:10:24] Much. Thank you, Kate.

Speaker3: [03:10:28] Mm.

Speaker1: [03:10:37] There's a four or five, seven, six. Is that the one that's unmuted? If you want to comment, go ahead.

Speaker4: [03:10:54] Hi, this is Kelly. I live on one, two, five two Year Creek Road, also across the street from water's edge on Deer Creek.

Speaker1: [03:11:01] All right, Kelly, what was your last name? McDonald. Thank you.

Speaker4: [03:11:09] And again just wanting to second the this be more of a community effort as it is to your creek is very dangerous walking. From Speedway to the to the bridge and up towards Canyon River. As the warm months come, there's more foot traffic, there's floaters. There's kids who jump off the bridge into the river. There's litter and garbage and no sidewalks adding. Adding more traffic. T Boning into Deer Creek, I think is an irresponsible plan and I would like to see a traffic study before anything is voted on. Use of that access. Thank you.

Speaker1: [03:11:57] Thank you, Kelly. Star six if you're on the phone and you'd like to speak. Set it. Did anyone want to have follow up comments in the room?

Speaker2: [03:12:28] My name is Andrew Hirsch. Again, Waterside Drive. Water's edge. So my sense what I heard early on is that there's a there's a sense that it may have been an administrative error or something may have gotten slipped in under the wire in terms of how did this wind up on there? And it's like there definitely was intention. And I'm less concerned, as I originally stated about the no access trip than I am the character and the class of the road that's currently Waterside Drive and what it would be expected to be treated as and reclassified as should that no access strip go away and currently it can't sustain it. And I don't see any way how that could possibly be reconfigured to become a corridor if that no access strip is removed. So I'm just sort of reiterating. Thank you.

Speaker1: [03:13:08] Thanks, Andrew. My name is Holly Broad. I live in phase three of water's edge. I've listened as you have all afternoon. And change is inevitable. But progress needs a plan. And things that go into effect without enough information.

Speaker4: [03:13:42] Or planning only has to be met with down the road with revision, recalculation and.

Speaker1: [03:13:50] More trouble. I would appreciate and I know you will consider all the. People's sharing legal.

Speaker4: [03:14:03] Financial, personal, emotional reasons to not remove the no.

Speaker1: [03:14:10] Access strip. I love Missoula.

Speaker4: [03:14:16] I love sitting and watching the river. And it never.

Speaker1: [03:14:20] Stops. It just goes and goes and goes. I hope you all consider the impact from day one of the removal of the no access strip.

Speaker4: [03:14:34] Because it will be opening a Pandora's box of issues down the road, most of which are not positive for the existing.

Speaker1: [03:14:45] Homeowners, the.

Speaker4: [03:14:46] Existing community and the community around East.

Speaker1: [03:14:51] Missoula. Thanks. Thank you. And Holly, what was your last name? Brody. Brody. Okay. And in the back and again reminder of let's not be repetitive so. Come.

Speaker6: [03:15:18] I think one thing to talk with everybody about is the removal of the one foot no access strip starts our process because without it it's hundreds of thousands of dollars to put together a large subdivision submittal. So without it you don't even get the process started. So that starts the process. And then there are multiple public processes where regardless of the city or county, everybody here can show up and talk about whether, you know, the streets, the sizing, there'll be traffic studies that are done. That whole process gets started with this, but without the removal of it, the property is pretty much undeveloped. So there's no sense in spending hundreds of thousands of dollars to not know that you can even get the process started. So this is this is kind of step one and we haven't worked in a silo, I think Lee can attest. I mean, we've over a year ago sat in on a meeting, kind of shared some of our thoughts. We were trying to get multiple accesses and trying to just let everybody know what we were doing. We're not trying to hide anything. I think I've sent Lee, you know, our thoughts for if we needed to do something to Summer Street, what that would look like. So we are by no way we've engaged the community council and are trying to work on it. I mean, the process is a two year. It'll take two years for us to go through a city subdivision with like I said, it's not like overnight this happens and the whole process, the legal process will be followed to a tee. So this just gets that started as all but without it, there's there's no sense in doing everything else.

Speaker1: [03:16:54] Thanks, Brian Ross.

Speaker5: [03:16:58] Yeah. Again, Ross Keough, I just want to go back to that phrase. We've been using decision space. Today you have, as John's told you, you have carte blanche decision space. That's not the case when this is before the city. The city's decision space is limited the same way your decision space was limited. Previously on The Matters that you heard. So now is the time when you can really create a development that is emblematic of this community. Once you remove this, there is a process, there's due process, and it's out of your hands. And yeah, there may be conversations, but you won't. And the city won't have the same level of discretion and conditioning what this looks like. I also don't want you to operate that we don't. We disagree. That you have absolute legal ability to remove this. We think that our view and this is not a matter to be decided today is that 7-52504 would require consent of the owners of the plat to remove the one foot no access strip. So the only way we we can probably get to a solution that doesn't involve litigation is if we can have some sort of meeting of the minds as to how this development is going to proceed and mitigate impacts. I don't think that's undoable, but it requires a conversation. And that conversation and a planning process hasn't happened yet.

Speaker1: [03:18:23] Thank you. Yes.

Speaker2: [03:18:26] Ross. Ross, would you mind coming back up just for a second? So could you describe a little bit more in terms of what you see that community engagement process being? Because this would be outside of outside of a specific proposal necessarily. I mean, yeah, it's kind of being triggered by and precipitated by what's before us at hand, but it's not something that would be, from a regulatory standpoint, required of 406 engineering. I don't dispute it. That community engagement at the front end and indeed right now and prior to today is way desirable than simply following the the letter of the law throughout a subdivision review process. But I've heard a couple of things today from folks. One sentiments to just vote this down today and others such as yourself were asking for some additional process, although I'm not sure that that is the result of process per se or simply fearing that we might approve this today. So taking more time. So could you talk to what you envision for engagement? Yeah.

Speaker5: [03:19:37] So I think there are a couple pieces of process that we probably need some more information on right now. The first is this this question of when we're going to annex East Missoula. Right. I mean, it would seem to me that you would you would bring development through East Missoula from west to the river. Right. And so I guess the first question would be and the natural growth plan, when does this parcel get developed and are we there? And I, I haven't done that planning analysis. I'm sure your staff can do that analysis. But is this is this a parcel that we would see get developed in 2025, or is it a 2035? You know, where is the sewer? Where would the connectivity be coming from and what would that connectivity look like? So that would be, I think, one question. The next adjacent question to that is what has happened with the larger street grid? When might we see improvements on Highway 200? When might we see improvements on Deer Creek? And how would that stack into the timing of when this parcel should happen? Now, assuming that you get to an answer that is that's 2025, so we need to get going then I think the process that you need is what is the street grid look like that connects to that area and how does the parks and the open space and all the other pieces fit? And the process that I'm most familiar with that answers that question is what we saw happen at Scott Street.

Speaker5: [03:20:54] And that was a collaborative design process that was funded. There was a variety of funds that were used, but there was there was an open planning meeting. You know, there was surveys that were conducted and people got together in a room and they tried to draw a vision for that area in their neighborhood. And then the developer took that, had broad community support and is now working to execute that vision. It wasn't \$200,000. It was it was a number much less than that. And we know how to do it. We can probably do it more efficiently. So if you sort of answered those preliminary questions, which I which I would encourage you to really answer, right. Is this the time and place for this where we are? We too early? And I don't know if we have that information in front of us today, then that next question would be what would be the process to determine a vision for the site? And I would suggest you have the same degree of control that the city had over Scott Street because of the one foot no access strip. You can actually you can you can condition that outcome. You may even be able to you know, as John told you, you have ultimate decision space. You may.

Speaker6: [03:21:54] Be able to create affordable.

Speaker2: [03:21:56] Housing requirements. All of that may be on the on the planning board.

Speaker5: [03:22:00] And I would encourage you to use that power.

Speaker2: [03:22:05] Thank you. It's a question for John and this decision be conditioned. The way Mr. Kehoe is describing the move, it sounds to me like like and what you're saying is compelling. Sure will remove this no access strip, but only if these other things happen.

Speaker6: [03:22:30] That's a discussion that you're going to have. I mean, I don't disagree with anything that anybody said today, but the city of Missoula is the one that would need to be engaged in order to see what is possible in terms of conditioning. This is it within the realm of possibility. Probably. But here today, given the.

Speaker2: [03:22:57] The the.

Speaker6: [03:22:58] The narrow request that is before you, I wouldn't try I don't think we can craft conditions on the removal today.

Speaker2: [03:23:09] I would think. Can I do some just riff in here?

Speaker1: [03:23:15] Well, thank you. Sorry. Good. Good point. Sorry. Go ahead. Do you have new information?

Speaker6: [03:23:23] I'd like to reiterate one of my questions. I'm Bruce Baxter. I didn't hear it answered quite today, but if this access strip is removed, what additional legal rights does this give to the property owner south of water's strip water drive? That's an open question I didn't hear answered today.

Speaker1: [03:23:40] John or Tim.

Speaker6: [03:23:46] But I mean, you know, the plot butts up against the Jason property that's owned by the address is like 885 Speedway. It's a large piece of property. And if the no access strip goes away, then. That property. Because it's adjacent to the right of way could connect to that right of way if if if developed in some sort of transportation. I mean, I don't know if that answers this gentleman's question or not, but. But there would be additional legal and physical access to the property adjacent.

Speaker1: [03:24:36] Are we going to close public comment? It's comfortable.

Speaker2: [03:24:40] You've heard it.

Speaker1: [03:24:41] Okay, we're going to. And turn my microphone on. We're going to close public comment and discuss amongst ourselves and with staff. Slotnick.

Speaker2: [03:24:52] Thanks. So a couple of things are just really getting stuck with me. The first one is the nature of how this no access strip got there. And I get for everybody out here like, well, who may not care why, how it got there. Right now it's there and that's the big thing. But I just have to bring this up because it's nothing else. It's bothering me. I'm the folks who sat in our chairs in 2006 said yes to this in part, small part, but in part because of an act of planning in that there was a plan for this road could go through to the next piece of property. And I'm not

saying that in 2006, the people who sat in our chairs envisioned 240 houses, 7000 people, seven car trips a day cramming through these tiny streets. I'm not saying that, but they did imagine that this road was going to go through to other houses nearby. And then. Dick Ainsworth put this no access strip in there. He did? Asked him. It was intentional. It was not a CAD error. That was very generous of those folks. This was an intentional act. I don't know why he lived there. It definitely increases the quality of life for the folks that are there. Sir, in the blue shirt. Sorry, I forgot your name. Said, dude, you did your due diligence and looked at the plat and bought a piece of property because now you knew it was going to be quiet. Dead end by the river. A sweet spot. Of course somebody would want to buy it.

Speaker2: [03:26:16] Of course. And good job on you doing your due diligence. Meanwhile, the county is over here thinking, well, this road's going to go through someday. Dick signed off on it. A lie was told, and we each acted on that lie. And it puts us in a really crummy position. It puts all of us in a really crummy position. So I just had to say that out loud because it's kind of stuck in, say, over one shoulder, the other side. I really find what you said, Mr. Kehoe, compelling around Scott Street. And what I personally would like to do at this moment and I have not conferred with my colleagues here, is rather than say yes or no on this thing, Mr. Throckmorton could get with Mr. Keogh and spend a couple of months talking and maybe there's a way where you all could figure out how some development could happen here. It might not look like 240 houses in this specific configuration, but you might be able to come up with something where neighbors can live with it if a certain set of things are done and houses are built. I'm going to quote the great patron saint of development, Paul Faustin. Everybody says we need housing. Nobody wants it next to them. And sometime, folks, we're going to have to suck it up. Now, that doesn't mean your neighborhood and your character has to be ruined, but we're all going to have to give a little in this. And I'm going to hope that if Mr. Throckmorton and Mr.

Speaker2: [03:27:35] Keough sit down and engage neighbors and have a real process, meetings, design, shoots, the whole deal, it's not going to cost \$200,000, but it's going to cost them money. You all can come up with a plan where you come back here or to the city and say, This is what we want to do and we all want to do it. We're all going to give a little bit. Then the decision won't feel so horrible to somebody. So I would want to punt right now and set you guys off to see if you can work something out. Because looking at the high priced lawyers in this room, no matter what we decide, this thing is going right to court before, you know, before we're out, before we're home tonight. So I'm going to I'm going to say punt, put the litigation aside and hopefully you guys can work on something and come up with something. And if you can't, well, then off to court, we go. Yeah, I think that was well said. Josh and I would invite forensics engineering up here and just, just a moment. But I would first say and you witnessed it earlier today, where we have not infrequently, as of late, seeing proposal, project development after development come before us and folks are rolling the dice. They're there rather than doing the hard work up front to engage with one another, to think creatively. They're rolling the dice that we're going to give them at a lower cost what they're seeking, rather than doing some of the sweat equity and even spending some of the dollars up front.

Speaker2: [03:29:05] And I would to agree that there's ways in which there can be community engagement short of the \$200,000 figure. Also, the challenge I would put to everyone who's participated here in the room today and on the line if if you're an attorney, if you're a builder, if you're a developer, if you're a realtor. Believe me, we've been taking it in the shorts as of late for some of the decisions we've made in response to other community members, just like you who have articulated concerns of impacts on their communities. We've listened and we've said this

development does not fit at this point in time, at this location. And we've heard from some of your colleagues out there that, by God, we need to be developing every single square inch in this community because affordable housing is lacking. So my ask to you today would be to extend the same grace, if you can call it that, that we are, I think, on the verge of extending to all of you, to others in this community who are not necessarily just NIMBYs, but they are also looking out for the very real impacts to them and their community members. So I would. Juanita, with your permission, I would love to hear from 406 if if you have any thoughts today because. We can vote things up and down on the spot here. But if a little bit more time and conversation would be warranted and acceptable to you, I think we're poised to do so.

Speaker1: [03:30:44] Bring us the rainbows and butterflies and unicorns, Brian.

Speaker2: [03:30:47] Bring it on, Brian.

Speaker6: [03:30:49] So, you know, just to start, because we can we've definitely engaged, like I said, I mean, I shared with Leigh a year ago where we're at. I mean, we're a year and a half to get to here. I mean, you guys are saying we have a housing crisis now. We're literally a year and a half to even to have this meeting because we've been back and forth so much. So it's hard to keep kicking this down the road when it's like we have talked about. We did talk about coming through a third entrance to try and alleviate even more traffic through a small section of the Robinson Park and trade 7500 feet of that for an acre and a half of additional parkland above and beyond the requirements. I mean, we've we've we've done this. So it is a little frustrating to say we haven't done anything because we've gone through a lot of this process. And then, you know, we were trying to say that that Dick, it was an error. But I mean, if you're going to say that it was a lie and a fraud, now you're saying that you're putting more burden on us because the guy got away with fraud and a lie. That also doesn't seem fair. I mean, that's right.

Speaker6: [03:31:48] If we're going to say that I was trying to say it's an accident. But if you're saying that it wasn't an accident, which. Then it is. So then, then we're taking extra a bunch of extra burden on us to kick this down, you know, another three months after we've been a year and a half. I do struggle with that. It doesn't mean that we don't want to work with people because we have I mean, I honestly, I've sent to Lee, we looked at what we had to do to Summer Street. We've met with Shane Stack, we've talked with the city and how we're going to how that's going to impact the city and the county streets. We've come up with solutions. Our developer has said that he will pay for major upgrades to Summer Street as part of the whole thing. I mean, again, this is this is a year and a half into the process. That we have now hit the wall. There's no sense in going further until this decision is made. I mean, we can but but we've we've we've done a lot of this. And so I'm not, you know, I guess I'm frustrated with the kicking the can because it's just been so long so far. Yeah.

Speaker2: [03:32:54] So let's go.

Speaker6: [03:32:55] I appreciate. Commissioner Slotnick, what.

Speaker5: [03:32:59] You said about collaboration and sitting down and working with people. And I believe that that that process has.

Speaker6: [03:33:07] Plenty of time to play out in the many, many months and years it will take to get any subdivision approved.

Speaker5: [03:33:13] But by punting.

Speaker6: [03:33:15] This today and not making a decision today, assuming you believe and trust your.

Speaker5: [03:33:20] Own staff about.

Speaker6: [03:33:21] What they say, then punting this decision.

Speaker5: [03:33:24] Is rewarding fraudulent behavior on the behalf of the previous.

Speaker6: [03:33:27] Developer.

Speaker1: [03:33:30] Okay. Pull it together, you guys. We're so close. You're so close. Sorry. Keep going, Jesse.

Speaker6: [03:33:37] That's all I have to say. Punting rewards. Dick Ainsworth's apparent fraudulent behavior that was communicated to.

Speaker5: [03:33:45] A.

Speaker6: [03:33:46] Employee of.

Speaker5: [03:33:47] Missoula County.

Speaker6: [03:33:49] And I hope that he does.

Speaker5: [03:33:50] Not get away with that.

Speaker6: [03:33:51] And I, I sympathize with anyone who relied on that. But if that is the case, then their claims do not lie against Missoula County.

Speaker1: [03:34:02] So what does. Tell me. Tell Cheri. Share your vision.

Speaker2: [03:34:09] I mean, if I could have whatever I wanted.

Speaker6: [03:34:13] Can I say one more thing? The Scott Street property, if I recall correctly, was owned by the city. So that is a a very large difference in process than a privately owned parcel that. As you recognize, was.

Speaker5: [03:34:26] Designed by the people.

Speaker6: [03:34:28] Who are sitting in your seats 15 years ago to be connected to this county road.

Speaker1: [03:34:37] Yeah. Go ahead.

Speaker2: [03:34:39] Jesse. Can I ask you a question? Certainly. And Brian, do you guys do you think that you've taken this so far? You're done. Do you do you feel like you could work with Mr. Keogh and come up with a plan? I get you guys have done a ton of work in here and with Shane and with our staff. I don't know if you've met with Mr. Keogh and could you guys look at maps and work on this and see if you could come up with something or do you feel like you're done?

Speaker6: [03:35:02] I mean, I'm not going to speak, I'm going to let Brian speak to that specific question. But again, I think that that is not a proper condition for the commissioners to put on what should be.

Speaker5: [03:35:15] An error correction process, essentially.

Speaker1: [03:35:19] Dave.

Speaker2: [03:35:20] Well.

Speaker6: [03:35:21] I guess I think a lot of people are concerned about I've heard 2500 trips a day. You guys realize that that's 350 homes using going solely that way. So so 25, I don't know where somebody came with 2500 trips, but. Okay. So so that that's that's 100% not true because that would be 350 homes, 100% using that road. So so that's that's like not not even close to happening, you know, it's just it is to the point where we could work something out. But I guarantee that he's representing people that want zero traffic. So even if it's 500 trips a day, it's, you know, what is going to be like acceptable. And then how do you how do you say somebody can't use a county road? Whatever we put down there, you're developing 35 acres where you guys need not million dollar homes. You need 350,000 homes, which and then encompasses a lot more density. So you can't it's hard to put a condition on. I mean, we could have a toll that says ten, ten, ten traffic trips a day go north. But I don't know how you do that and then also meet like we all have to meet the growth policy that the county put together for that same development, even if it does go to the city. So it's really difficult to say move forward. I don't know how we would you know, what we'd agree on are what would come out of it.

Speaker2: [03:36:49] So you're saying do you think? You know, I.

Speaker6: [03:36:51] Think we've we've done we've done a lot. Yeah. We've been through this process. We've met with the county. We've understood, you know, the water sewer that's there. I mean, we've gone through the scoping meetings. We've had meetings with everybody in the county public works, the city public works presented to the community council. So yeah.

Speaker2: [03:37:11] Okay. Thanks. And also people should not be queuing up. Public comment is done. So to 406 engineer. Yep.

Speaker1: [03:37:22] Okay.

Speaker2: [03:37:23] Question four. Yeah. Please can four or six. Well on the front, I mean. No, my question is about that topic. So to the traffic piece. Yes. And we've we've heard some input from folks today as far as what they've heard. Have you done knowing that the removal or the proposed removal of the one foot strip is I mean, it's predicated on you wanting access to the development to the south. So have you done any preliminary traffic impact analyses or trip generation analyses of what based on what you would like to see with that subdivision, how many folks would be traveling through here per day?

Speaker6: [03:38:14] Yeah, we have looked a little bit and you're probably in that like 500 because because going north, the majority of the traffic is going to go down summer street. So that's why working with Shane and you guys, you know, it's, that's where the upgrades would happen and and the pain would come from the development and that's could be a condition of approval. So it's not like you're putting the burden on the county to pay for all this stuff. But, you know, I guess I just didn't want to get down that crazy road of this being a meeting when we were going to have a ton of meetings on what the development of the subdivision is. But we have looked at it because we wanted to see what offsite improvements we needed to do, you know, that kind of stuff. So we did go through that really preliminary. I mean, we haven't gone through it and been crazy about it and we haven't, you know, designed the roads. And but we did want to meet with the county to understand what offsite improvements would be to no cost. I mean, it's about the development's about is it feasible? And so, you know, what we went through is it seems feasible if we upgrade Summer Street, the traffic that we looked at we needed would have to have some improvements to Summer Street for sure.

Speaker2: [03:39:27] Yeah. Thank you. And I would say that maybe you need to go a little bit more crazy on it just to give us some context, because it's not well, it's a narrow decision or may seem to be a narrow decision. The impacts and results and consequences of the removal of this strip is is much more than just the removal of the strip. So the question to Shane Stack, if you're still out there and awake. Shane, are you out there? I am. Good job. Okay. So water's edge. Water's edge drive. Could you speak to. To your. Sorry. There's some waterside. Excuse me. What's your opinion as far as the condition of that road, the design of that road for a certain level of of service?

Speaker5: [03:40:30] Oh, gosh, when you when you look at the level of service, Dave. So the road, as I understand it, is probably in that range of probably like 25 to 26 feet wide, plus or minus face a curve facing curve. So you don't have parking. So but when you ask me about level of service, two lane roadway, it'll handle 2000 vehicles all day. Not a problem. I don't know what that level of service would look like, but I think Brian brought up a good point. It's it's not going to generate that much. I don't know what the number is. And I think you asked him if there has been a traffic impact study done, and I would put the question back on. Brian, what is that number? What do we expect to see that probably helps us make a decision? Because I think the assumption right now is, especially from the residents, that it's going to be 2000 or 2500 vehicles a day. But I highly doubt that. Hopefully, I don't know if that answers your question either, Dave, because I can't it's hard for me to tell you what the level of service is going to be on the roadway. Without really knowing what those volumes are, and that will come out of a tizz.

Speaker6: [03:41:52] Our initial, preliminary, preliminary. This is about 500 going north.

Speaker5: [03:42:02] And so, Brian, the other question then is what are the levels of service, the projected level of service at the intersection of Deer Creek and Speedway and Waterside and Deer Creek? I think those are the intersections of concern. And then also Speedway and Highway 200.

Speaker6: [03:42:23] Yeah. I mean, you know, we've looked at at those as well. I mean, again, there's a lot more that needs to be done on that. But initial impacts are they were going to be pretty minimal when you spread 500 out throughout the day, you know, the peak hourly flows were looked at. So you know, it's one of those things that Summer Street will have that's where the majority and that's another reason why we were trying to see if we could go through the the Robinson Street extension was to lessen that load as well, to try and spread everything out a little more evenly. It takes it, you know, adding this development and talking to the the schools would probably have the ability to open the Mount School back up. So that's something, you know, by doing this, we could add enough kids to that. So having a direct route to the school was what was nice about Robinson Street. So, so, you know, you're trying to do three, but we do need two for the subdivision.

Speaker2: [03:43:24] Thank you. Ask Mr. Keogh a question. So thank you. So if I understand it right, Brian, you were saying you thought Mr. Keogh would be representing folks who were saying the only amount of car trips we're okay with is no car trips. Is that. Is that are you guys open to. More than none, I guess. Are you open to a realistic amount knowing there's going to be houses or is it and it's just. It is a deal. No way. We have a certain quality of life here and that's what we want. We don't want anymore any more houses? Any more cars.

Speaker5: [03:44:04] I really I mean, I would like some maybe some time to talk with with folks and kind of get a sense of what we're meant for before before.

Speaker2: [03:44:10] I was just seeing if there was actual room for compromise in.

Speaker5: [03:44:13] Hey, I am I'm primarily a deal attorney. I like to find a deal. I will say this. We have a lot of unknowns. I would love to see the preliminary traffic results. We we have some traffic folks we're working with. We'd love to run them by. We'd love to start to understand. But we have a lot of unknowns today, and that creates anxiety. And sometimes when you have when you can start to put new ones down, that lets people become comfortable with results and that that is a process of engagement and communication. And, you know, I don't I don't think they've met with any I mean, they've met with the community council. I'm not sure they knocked on doors or directly sat down people's coffee table. I mean, that's that's the real development work. It's development work that I used to do when I was developing wind projects to get people comfortable with it. And it's it's the standard that this community expects.

Speaker1: [03:45:04] I think. Bill, you wanted to say something.

Speaker5: [03:45:11] Yeah. Thank you. Just a couple of brief comments, and I think that's the problem here today. We just don't.

Speaker2: [03:45:17] Have adequate information. How can we.

Speaker5: [03:45:18] Make a decision? How can these folks make a decision? There is no traffic impact study. There hasn't been any.

Speaker2: [03:45:25] Information.

Speaker5: [03:45:26] Provided as to what the developer intends to do. With this property. This no access strip has been on the record for years and hasn't been removed. So what's the big hurry here? Why do we have to remove it today? It just seems to me that some basic reasonable information to allow these folks to make a decision would be appropriate. And I think you're absolutely right. Getting out in front of this and getting a better understanding of how this is all going to work is really in everybody's best interest. Now, if these developers want to move ahead with their development, one of the things that they're going to have to do is they're going to have to address this traffic impact issue. They're going to have to have a study, maybe even more than one study. So why not do it now? Why not foster some communication here?

Speaker1: [03:46:18] Thank you. Thanks. So, John, what is a. A path forward. What could it look like?

Speaker6: [03:46:30] You're asking.

Speaker2: [03:46:30] Me?

Speaker1: [03:46:34] 555.

Speaker6: [03:46:37] I mean, there's a lot of ideas out there and. I haven't landed on anyone, you know, unlike the last agenda item that you covered that had a 60 day decision timeline on it. You're not under any obligation to make a decision today. You know, the request has been out there for a while. And you heard the developer would or the applicant would really like a decision today. But you don't have to make a decision today. But I don't I don't know what the path forward is. That's that's you know, I mean, I.

Speaker1: [03:47:22] Understood.

Speaker6: [03:47:22] It's not in here, so don't ask.

Speaker1: [03:47:24] Brian, are you saying that because you don't have a black and white decision on this, no access, the one foot, no access. It is too frustrating and uncomfortable to. Consider meeting with Ross. What? Help. Help me understand or us understand.

Speaker6: [03:47:48] I mean, the frustrating part, I guess, is we've we've we've engaged. I mean, this is this has been a long process.

Speaker1: [03:47:56] So and I understand you've engaged, but the community doesn't necessarily feel like they engaged. I totally get it.

Speaker6: [03:48:03] But there's that process for the development is down the down the road. I mean, I guess to to put what can and can't go out there based on what shouldn't have been there that was put there illegally on a plat is now being used to control development.

Speaker1: [03:48:20] Well, let Bryant continue.

Speaker6: [03:48:22] It's hard to say. Okay. So now we're controlling what can or can't go out there based on something that should have never been there, is it?

Speaker1: [03:48:30] Let's let's reframe it a little bit, because we're kind of we can't work on our word choice here. So we're not disparaging Dick Ainsworth and we're trying really hard here to find a way that we can land in a place that maybe we're not all comfortable with, but we can live with it. I mean.

Speaker6: [03:48:49] You know, I'd have to talk to the developers about it. You know, again, it's just the timing on it, the way that. Yeah. Trying to put conditions on something like this. I don't even know how that would move forward with the city. So I can't, I can't commit to anything until I talk to.

Speaker1: [03:49:10] Understood, understood.

Speaker6: [03:49:11] I mean, it's one of those things that that's a that's a pretty big decision for me on something like that.

Speaker2: [03:49:15] Can I toss it out there? Yeah. So. We are in a housing crisis. We need more housing. We need affordable, attainable housing. We even need higher end housing so we can make space for other houses. There's this thing called churn in the real estate market. We need a whole breadth and diversity of housing. It shouldn't come at the cost of character of neighborhoods, safety and traffic, school systems, any of that. And I really want to believe that you all can get close to something you can live with that'll still make it pay for the developer. If we just have to say yes or no, now it. That is all going to end up in court anyway. Right. Rather than do that, can you guys just take a little time, see if you can work with your developer and to tell you folks here there's going to be some change and it's not going to be great, but it could also not be terrible. And maybe you can work together to find something you don't like but you can live with. It's not a gazillion cars a day. It's not four stories. It's something you can you can work with because it's.

Speaker2: [03:50:24] This amount of empty land in Missoula County in 2022. And it's not some pristine resource that has to be protected. It's going to be housing. It's just going to have to be some housing you can live with. So I know that's a bitter pill to swallow, and I'm sorry for that. It would be great if we could say our primary value here is making sure the character of your neighborhood remains unchanged in perpetuity. But that's not that's not our job. We have to think about everything. And in case in this sort of everything means we need to provide space for some more housing, but it doesn't have to be terrible housing. So I would like it if you guys would give it one. Try and see if you could get the this info. Work with neighbors. Find out what other info they want bring up. See if you can come up with something. And if you can't come up with anything, come back here. We'll make a decision. You all can sue each other and sue us, but maybe we can avoid that.

Speaker1: [03:51:19] Dave.

Speaker2: [03:51:20] Yeah, I will take it a step farther. I am not willing to make a decision today and if if you guys take the next week or so and, and fail to get together and have conversations, then we will be back here and we will make a decision. But I am of the mind. You guys need to do some more heavy lifting, all of you. That means everybody. Everybody in this room but you. All the neighbors need to think. What could we live with? What would it work? What would. What would work?

Speaker5: [03:51:54] If we are going to have that conversation, I think would be helpful maybe today to talk about who all should be at that table. And who the relevant parties are. And I don't know if the county, you know, has staff. I mean, just just to make sure that we have the ingredients for success because, you know, to your point, if this is litigation, right, it's going to be several different parties that are sitting here. So we're almost kind of trying to get ahead of can we find a resolution and who need to be a party to that sort of document or Tim or John has any thoughts to that or the developer.

Speaker6: [03:52:27] What do you think, John? Well, I mean, I'm happy to be part of some kind of process or discussion. Although it's it seems like primarily the parties that need to be talking to each other are community of East Missoula, specifically the residents of this subdivision and others that live on, you know, Deer Creek Road and and.

Speaker2: [03:52:56] Speedway and the developers and the developers.

Speaker6: [03:52:59] That that seems to be the conversation that needs to happen. But, you know, if directed, I would engage.

Speaker2: [03:53:08] To I would say invite Shane to that because he's a road engineer and super thoughtful. And when when you guys say, oh, it's 2000 trips. No, it's 500 trips. Shane's an impartial body who actually has real subject matter expertise and is not pro developer, pro neighborhood. He's just going to tell you the truth, and I think he'd be a good person to have. So they talk about units supportive. Right. Well, that's what I would say. Have Shane there and he can talk about road widths and parking and all that stuff. And and I'd say, you know, cast a wide net even if you end up having people there that turns out you don't need to. It's better to better to have more than to have less and miss something.

Speaker6: [03:53:49] You know, I'll talk to our guys about it. Can we set a timeline, though, because.

Speaker2: [03:53:54] Sure. Sure. Sure. I hear you. I absolutely.

Speaker1: [03:53:57] Hear you. I think that's what Ross is.

Speaker2: [03:53:58] We want to be respectful of the folks you represent and understand that they're burning money. So I get that if.

Speaker6: [03:54:04] It's, you know, two weeks from now, we're at the next meeting or, you know, something like that, we start pushing this thing out once again. And I guess the part that I can't see. Maybe John can help. What? What what do you do to ensure, okay, we come in and we say we're going to put 50 homes, ten homes, 400 homes. Well, what teeth? What do you how do you ensure that or how do you I mean, is it just based on me as a good person? And then if it gets sold three times and then it's gone, you can't put restrictions on the deeds for the property.

Speaker1: [03:54:42] We can go back to the timeline. Violet Do we have. So yeah. Just to try to we can land on something tangible here. Is there, is there two weeks that. Sure, we'll be back. So yeah.

Speaker2: [03:54:57] Go ahead before we pick that up. Sorry.

Speaker1: [03:54:58] Yeah, go ahead.

Speaker2: [03:54:59] So to Mr. Keogh, how much time do you guys think you need? And you guys, can you go back and forth a moment? I don't know what's necessarily too long or I don't also know what's too short. So, I mean, we can work with Violet and find a scheduling time where we can talk, but I think it's more important that you all have enough time, but not so much time that we're wasting time.

Speaker1: [03:55:18] So. And you probably can't even answer that tonight.

Speaker2: [03:55:20] It doesn't you don't want to figure it out today. That's okay if you want to go for it.

Speaker6: [03:55:25] I mean, to me it's like two weeks now because I like I said, we've been a year and a half on this one thing. We can have one of those pretty quick in a week.

Speaker1: [03:55:45] Ros, what are you thinking?

Speaker5: [03:55:47] Yeah. I mean.

Speaker2: [03:55:49] You got engaged.

Speaker5: [03:55:49] You need as much information as we can get. And the traffic study is clearly the biggest impact. As we look upstream.

Speaker6: [03:55:56] I mean, what about just having Shane there even on that?

Speaker2: [03:56:00] Yeah, yeah.

Speaker5: [03:56:02] Yeah. I think we need to see some, some documentation about here. The units here's some that this looked at all all the intersections. Here's what the impacts are. And the road classifications because because one of the things that we may.

Speaker1: [03:56:17] Actually get Ross Keegan on the microphone.

Speaker5: [03:56:19] Yeah. I think, I think having a formal I mean I'm not sure the level of formality and Wayne may have have an observation here too, but that to me that's the biggest piece. And then once we can attach that to density, because then where I think this conversation goes, just speculating is, is three entrances enough to this subdivision or two? And and what happens if we can find other ways for ingress and egress? Does that increase the burden on waterside drive or does it decrease it in a meaningful way? And I think we've we've talked about both options here. You can actually any connectivity is going to start routing stuff off speed when on waterside. So I think that's going to be really important to understand. And then I think the next part of that conversation is. What can we do with density to make sure the developers made whole? Right, exactly. And that is a that is a monetary conversation that needs to be done in the context of relevant traffic information. Correct. And, you know, just speculating here. Right. We have some very valuable resonances. Maybe there's a way to buy down density and create public amenities that satisfy parkland. And we can have a variety of community stakeholders that are part of that conversation. But for us to have to make I haven't talked with we haven't had this conversation, so I may not have clients tomorrow, but for now speculating that would be that would be where I see I would see this going. And so having really reliable traffic information that can iterate as we move forward on development would be very helpful.

Speaker1: [03:57:48] Joshua Scrawling.

Speaker2: [03:57:49] Strong here. So Woody analysis isn't ideal for you guys, but hearing hearing what Mr. Keough is saying, get to talk to the neighborhood. Maybe there's some alternative solutions here we can get around density. Could you guys live with a month?

Speaker6: [03:58:00] This is all going to happen again in subdivision review process.

Speaker2: [03:58:04] I don't I don't know that I'd have to go.

Speaker6: [03:58:06] Through this is forcing a developer to go through two separate subdivision review processes. The first one, which is untethered to any written.

Speaker5: [03:58:16] Standard, apparently. And again, it's rewarding what your own staff says was a.

Speaker6: [03:58:22] Absolute.

Speaker5: [03:58:24] Mistake.

Speaker6: [03:58:25] And this process could take place during the subdivision review process like it always does. Every question that Mr. Keough raised will be addressed during that process, and whichever body is in charge of the decision at that time is going to hear these exact same comments.

Speaker1: [03:58:43] At that time. There's some we're trying to get at is laying some foundation so that it's not so contentious. When we get through that subdivision process.

Speaker2: [03:58:52] We can if we can come up, if we can reach something, you guys can reach something. I feel confident that if we can convey the three of us can convey that information to the planning board, to city council, that you won't be forced to do the exact same thing all over again.

Speaker6: [03:59:10] I guess. Let me ask you guys this. What if we don't come to an agreement? What if what if what we say out there nobody likes and then it's on? Would you guys deny it?

Speaker2: [03:59:21] Then we got it. We got it. Perhaps then we got to do with I don't know, we got to do a thumbs up.

Speaker6: [03:59:25] Thumbs down. You would let it all snake lie. Because these guys wouldn't be happy with what would be going through.

Speaker2: [03:59:33] I just want you all to give it a shot.

Speaker6: [03:59:34] No, I'm not saying it. I'm saying I'll go back and talk to our guys. I'm not like. But I just that's I just. I struggle with the idea.

Speaker2: [03:59:42] You guys try this and come back in a month and say, we can't agree. Nobody likes anything we got to do. We've got to make a decision. We'll make a decision, and then we'll we'll get sued either way. And then a judge will figure it out. I mean, that is exactly right. We we are prepared. Be it today or at some future date to make a decision. But rolling the dice may not go your way and simply saying, I'd also no God go the neighbor's way either. Well, yeah, it's undetermined yet. And having a month added to your process and I get it. It is a month that you had not anticipated, but it might strike a chord or a balance that is not achievable today. If you guys came back for Miracle, if you come back here in a month with something that everybody doesn't like but you can kind of live with and it be so easy. There's no lawsuits. We just move on and we get some housing that we need.

Speaker1: [04:00:37] Conversely, if you come back and everyone hates everything and doesn't want to go forward, you can sue each other and sue us like Josh said.

Speaker2: [04:00:44] So it'll be quick and you all don't have to all talk for 3 minutes. We can just do. Thumbs up, thumbs down and go to court.

Speaker1: [04:00:50] But we need to feel like the community ourselves. Our staff have really tried to do something thoughtful here. And give each other that grace and opportunity.

Speaker6: [04:01:02] I'll talk to our developer. Thank you. Frost, you got a card?

Speaker2: [04:01:06] There you go.

Speaker4: [04:01:10] Commissioners, that would be. We have time reserved for this item to continue just in case on June 2nd. So that's actually three weeks from from today. And then the next available meeting to put this on would be July 7th. So pretty much a another.

Speaker1: [04:01:26] Let's do June 2nd then. Okay. Thank you, everyone. Have a good evening. Drive safely.

Speaker2: [04:01:38] Good job you did.