

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 30, 2022 – 2 PM

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

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

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

1. ATTENDANCE

Commissioners Present:

Chair Vero

Commissioner Slotnick

Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office

John Hart, Civil Deputy County Attorney, Attorney's Office

Emily Brock, Director of Economic and Land Development, Commissioners' Office

Karen Hughes, Assistant Director, Community and Planning Services

Juniper Davis, Parks, Trails & Open Lands Program Manager, Community and Planning
Services

Chris Lounsbury, Missoula County Chief Administrative Officer

Kyla Lehnerz, Administrative Assistant, Commissioners' Office

Mel Fisher, Strategic Initiatives Manager, Communications and Projects

Shane Stack, Director, Public Works

JD Sessions, Public Safety Communications Officer and Reserve Deputy, Sheriff's
Office

Tim Worley, Senior Planner, Community and Planning Services

Erica Grinde, Director, Risk and Benefits

Glenn Ingram, Temp, Community and Planning Services

Chet Crowser, Director, Community and Planning Services

Laurie Hire, Office Manager, Community and Planning Services

Andrew Czorny, Missoula County Chief Financial Officer

Nick Zanetos, Planner, Community and Planning Services

Caroline Bean, Climate Resilience Coordinator, Community and Planning Services

Lindsey Romaniello, Planner, Community and Planning Services

1. CALL TO ORDER *[Time stamp – 00:04]*

2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:07]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:27]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:38]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
6. **CURRENT CLAIMS LIST** *[Time stamp – 01:12]*
Claims received as of June 15, 2022 to June 21, 2022 by the Commissioners' Office total \$1,506,691.42.
7. **HEARINGS**
 - a. **Removal of 1' No-Access Strip – Water's Edge Subdivision** *[Time stamp – 02:08]*
Tim Worley, Senior Planner, Community and Planning Services

[Signed RCA form returned to Tim Worley; Continued to August 30, 2022 Administrative Public Meeting]
8. **OTHER BUSINESS** *[Time stamp – 1:22:00]*
9. **ADJOURN**
Chair Vero – Called the meeting to adjourn at 2:23 p.m.

BCC Public Meeting June 30, 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.

0:02

We need to wait for anything.

0:04

OK, we'll call to order.

0:07

And let's begin with the pledge.

0:08

Pledge allegiance to the flag of the United States of America, to the Republic for which it stands our nation under God, indivisible, with liberty and justice for all.

0:27

Missoula County acknowledges that this event in the Sofi Moise Room takes place on the Aboriginal territories of the Salish and Kalispell people.

0:38

Any public announcements?

0:41

Happy 4th of July and be careful with fireworks.

0:45

Thank you.

1:03

OK, how's this?

1:07

No public comments or public announcements or items not on the agenda.

1:12

Our current claims list of as of June 15th to June 21st, 2022 by the Commissioner's Office total \$1,506,691.42.

1:26

We have one special hearing today, the removal of the 1 foot no access strip.

1:32

So we'll start out with a staff report and then attorney's report.

1:38

Then we'll open it up for a public comment and then we'll close public comment and then the Commission will discuss anything else.

1:50

OK.

1:50

Well, let's begin with the staff report.

1:54

Good afternoon.

1:55

I'm Karen Hughes with Missoula County Community and Planning Services and I'm going to do a brief overview of how we got to this point and then and where we're at.

2:08

So essentially how we got here is that the commissioners held a public meeting on May 12th and again on June 2nd to consider the removal of a no access strip and unauthorized no no access strip that was placed on the phase three final plat of Water Waters Edge subdivision along the southern boundary of Waterside.

2:24

Dr.

2:25

staff's memo that's in your packet provides analysis of the situation and recommends that that unauthorized no access trip be lifted.

2:34

Between May 12th and June 2nd.

2:36

There was a meeting that included the developers, members of the community, some folks from Water's Edge subdivision and county staff.

2:44

A lot of the conversation was around traffic impact and the need for updated traffic impact study that, but the results of that didn't arrive until it was too late for the June 2nd meeting.

2:59

The Commissioners at the June 2nd meeting requested the county staff, representatives of Water's Edge, representatives of the community and the development team meet to determine if there are circumstances that could be agreed to that would make the lifting of the no access strip more acceptable or just acceptable.

3:17

Since that time we've held 3/2 hour meetings on June 9th, 15th and 24th.

3:22

We tried to keep all the relevant information about the meetings posted on the Missoula County Voice page for this project, including agendas, meeting notes, recordings, documents.

3:32

We had participation from Water's Edge, couple residents near Canyon View Park, some members from East Missoula community developers and many attorneys as well as county staff.

3:49

At those meetings, key issues that were discussed both were specific to the one foot, no access strip and more broad community issues.

3:57

I guess a lot was focused on traffic impacts and there was an updated traffic impact study that was added to your Your packet for this project.

4:10

It's also on the Missoula County Voice page that better assess the information about the Canyon River subdivision, the impacts of the Canyon River Subdivision on the transportation system in this area.

4:22

There was a lot of conversations around Waterside Dr.

4:24

Summer St.

4:25

Robinson St.

4:26

impacts on Summers Hwy.

4:28

200 intersection, Deer Creek Speedway intersection, Waterside Deer Creek intersection, as well as the general Hwy.

4:35

200 corridor improvements.

4:39

We talked about the non motorized transportation system, including its existing deficits.

4:44

We've talked about funding options for transportation and non motorized transportation improvements.

4:48

We've talked about parks, river access, density of the proposed subdivision, local influence and control, whether they should be a city or county project, change to the neighborhood in the community, and potential broader impacts such as, you know, the potential to open the local school and support for other community commercial development and services.

5:12

The result of the meetings was no specific agreements or recommendations out of the group.

5:17

We know that additional meetings have occurred with a subset of this group attended intended to get closer to some sort of agreement and new information.

5:27

Since the last meeting includes a letter from the city regarding annexation.

5:32

That's in your packet.

5:34

The city's assessments really related to the proposal from the developer, which was for annexation, and some follow up conversations with the city about what happens if a property gets sewer through annexation versus under, you know, staying in the county.

5:53

It seems to be a possibility to have city sewer either way.

5:57

I understood from my conversation that very likely the approval would be for less density, but there may be other conditions of agreement as well, and ultimately it would depend on very specific proposal being provided to the city.

6:11

They can't generally tell us what they would require of the developer for contract sewer.

6:19

The traffic impact study as I mentioned was updated in June and you have that.

6:24

And then there's a letter from Ross Keogh representing Waters Edge stating their position and he can say more about that staff's recommendation At this time.

6:33

We continue to recommend removal of the no access strip based on our original analysis and we certainly acknowledge that the community seen a lot of change and have very real concerns relate to the challenges of new development in their community.

6:49

And as imperfect as it may be really that assessment of impacts and identification and mitigation of impacts is that's really intended in Montana to be dealt with during that subdivision process regardless of which jurisdiction carries it out.

7:05

So if it's a county subdivision, certainly that would be in front of you.

7:09

If it's a city subdivision, the city will request and are known to seriously consider comments from both the city and the county, both the jurisdiction, the government as well as area residents.

7:21

So at this time, I don't have much to add, but you have questions and when you have questions, I'm happy to try and answer them.

7:28

And Tim is on the line as well who wrote the original staff report.

7:33

Thank you, Karen.

7:34

Tim, do you have anything to add?

7:38

I have nothing to add at this time, but will be available if you have any questions.

7:43

OK, now we'll open up to attorneys reports.

8:09

Good afternoon, members of the Commission.

8:11

My name is Ross Keogh Keogh and I'm counsel for the Water's Edge Homeowners Association.

8:20

Jesse Kinetic for the developer.

8:28

So we have a exciting update.

8:31

The homeowners association and the developer have reached an agreement as to the removal of the 1 foot no access strip.

8:40

As part of that agreement, we would like to propose some particular conditions for the removal of that strip.

8:48

And we have been coordinating that with legal counsel John Hart.

8:52

And I know John, it looks like he's been working on some things over there.

8:55

So he may have some to add.

8:57

I can give you an outline of what that is, what those conditions would be and I can give you a little bit of an outline as to why we got to where we did and what do we think it means for the broader community, if that is helpful at this time.

9:11

So in our conversations and I think the the the cooperative planning effort that the Karen and our team and and thank

you very much for organizing that those conversations helped identify is it there really are a series of separate independent conversations that all have to happen for the community.

9:27

And you know one of those was the 1 foot that the that the starting one and and the immediate one was the 1 foot no access strip.

9:32

There's also a very, very important conversation around annexation.

9:37

There's a very important conversation around the Canyon View park and there's obviously a conversation around subdivision where a variety of of minute important details will be taken care of and addressed and reviewed through a variety of a very sophisticated processes and plans.

9:52

And so to help those processes move together and sink, the solution that we identified was in exchange for these for the removal of the 1 foot in a S subject to these conditions that the developer would grant the water's edge HOA some covenants against their property.

10:11

And that those covenants would give us some sideboards around.

10:13

The way that the design would be would go through those other various processes to give us some certainty upfront as to what the outcome would be and give the developer certainty also upfront that they can move past this hurdle and start to have those other conversations with the community.

10:29

That's the fundamental agreement.

10:31

The, the conditions that we're asking are as follows.

10:34

We're asking that the 1 foot no access strip be lifted for a period of five years.

10:39

That gives the developer the time to hopefully move through a preliminary plat that would sync up with the conditions and covenants in the broader needs of the community.

10:50

After that time, if they do have a preliminary plat, the 1 foot no access trip will remain lifted in perpetuity.

10:56

The second condition is simply that the county agrees to facilitate or entertain a petition to abandon any excess portion of of right of way associated with Waterside Drive.

11:08

This is currently a street that doesn't use the entire 50 feet and the Waterside Dr.

11:12

community.

11:13

If an abandonment petition is successful, I would like the certainty that there wouldn't be an expansion of that right away or a change of their St.

11:20
in the future.

11:23
I think there's some flexibility maybe for routing utilities in that right away if there's other immediate need for reservation, but otherwise we we recognize the status of that street going forward.

11:33
Jesse, I don't know if you have anything to add to that background.

11:38
I do not have anything to add at this time.

11:44
Any questions from the Commission, go ahead Dave, any more specificity at this point in terms of how much less than 50 feet or what would be considered excess right of way.

12:01
Can I address this from the, you know, we've talked about the County Road process a lot and as somebody who does a lot with county roads and when I went to law school, I didn't even know County Road.

12:11
Sorry, Jesse, can you is that is your mic on?

12:13
Yeah, sorry I'm just not close enough.

12:15
My understanding of the County Road process is that in order to abandon a County Road, there's a very specific statutory process which involves A petition from property owners or residents of the immediately affected area and then a series of criteria that the county has to look at.

12:33
So the there has been no real specific discussion of what that would look like other than to the extent that the developer essentially agrees with the Waters Edge community that the development can be done in such a way that the Waters, the currently existing portion of Waterside Dr.

12:53
should and can essentially remain unchanged.

12:57
Great.

12:57
Thank you.

12:58

You had, I was just gonna ask John some questions in our decision space around lifting or not lifting the no access strip, can we condition that decision?

13:17

I think you can.

13:19

Thanks.

13:20

Obviously there's some, you know, things that have to be worked out and I would in in answering the the question you just asked Jesse, obviously the petition that would, a petition that would come from freeholders in the county would probably, you know, specify some lesser width than 50 feet.

13:43

And then that would be you know, part of the evaluation investigation.

13:47

We could use the expertise of our public works department and you know others within the county and outside the county to determine you know what if any excess.

14:02

Sorry, I've never been accused of talking to talking too softly.

14:07

But what I was saying is that the specificity that we don't have here today in terms of a lesser width on on on the road would come through the petition that comes from freeholders in the county and presented to the to the county for consideration.

14:26

And and and Jesse and and Ross are exactly right there to be an independent public process for working through that.

14:34

Can I do so for either of you guys and and 1st, I commend you on going through this and coming up with an agreement, well done and and I pre really appreciate your patience and I know it's hard money's being spent every minute that goes by.

14:47

So first thank you.

14:50

I understand you guys are right is what you're after that we go through this right of way abandonment first and make sure that that's successful.

14:58

And then I just had to ask, I'm sorry, that's why I asked.

15:02

It's OK you know the the 1st the first condition is that the county agrees to keep to not attempt to reimpose the no access strip for at least five years so the developer can go through the subdivision.

15:18

The preliminary subdivision.

15:19

OK.

15:19

That's guy process and contemporaneously with that the developer agrees with the water's edge that we're not going to oppose a petition that would adjust the County Road right of way as long as the road stays in the similar configuration as it is now.

15:39

So it's not dependent on the that the.

15:42

I'm sure Ross will correct me if he disagrees but my understanding is that the County Road abandonment part is not you don't have to make a decision it's just an that we'll entertain that when that happens.

15:54

No problem.

15:54

I'm sorry for misunderstanding.

15:55

It sounded to me like we had to make sure that right away it was abandoned before it did this.

16:00

But thank you for clarifying and Dave to your question in particular, I, we think it'll be about 10 to 12 feet, maybe 15 feet that we'd ask to be abandoned.

16:08

That abandonment petition would have detailed engineering diagrams.

16:12

It would show the existing as builds in relation to the county right away and and be very particular and and you know we would work with county staff to understand is there any other anticipated needs that that would require or need modification before we came forward that petition And I would like to also point out that this is in addition to the Water's Edge homeowners in particular.

16:36

This is designed to take into account concerns from other people who live in the area of Deer Creek Rd.

16:44

Because everybody recognizes that that is not an optimally designed situation.

16:50

And that is the point of this that we're recognizing that you know there's concerns beyond just the Water's Edge community.

16:57

But at the same time, it's the developer's not able to, you know, come to an agreement with every single resident of East Missoula right now.

17:06

So we're starting from, you know, the people who are most immediately affected.

17:10

And and then as Ross said, the rest of the process will play out as it should during the subdivision review process.

17:18

Great.

17:19

Thank you.

17:21

So I think it was you, Ross.

17:24

Maybe Jesse, but I think it was you Ross, you mentioned covenants.

17:28

So are you contemplating that that some aspect of this agreement would be more memorializing the covenants of the proposed subdivision or both that proposed subdivision and water's edge?

17:43

The there's a proposal that the parties will enter into covenants as between themselves right now that involve limitations on the primarily on the density.

17:56

So the the recognizing the traffic concerns, the developer has voluntarily agreed to reduce the maximum proposed density below what either the county or the city would potentially allow as the maximum.

18:11

So I guess that brings up a good point.

18:13

Are there other other aspects of the covenants that that you'd like to highlight since, yeah, beyond the beyond the five year.

18:28

That you mentioned in .1 and the abandonment of excess right of way.

18:32

It sounds like there's some other elements here.

18:33

Yeah.

18:34

There'll be a publicly recorded document assuming that this is move forward.

18:37

But but you know, in general, what the covenants do is they talk about the sort of they memorialize the promises that Brian and his team have made at this podium largely.

18:48

And those would be between the private entities.

18:52

Yeah.

18:52

OK.

18:53

Thank you.

18:58

This is going quicker than we anticipated.

19:01

Do you guys have anything to add before we open it up for public comment?

19:07

OK.

19:08

I just want to say again, well done.

19:11

Yeah.

19:11

Thank you.

19:12

Is there any public comment.

19:15

We want to try to keep it to 3 minutes.

19:21

We'll start with folks.

19:31

Actually, maybe we should start with folks in.

19:33

Oh yeah, we'll start with folks in the room and then we'll go to online.

19:36

Does anyone in the room have comment on this?

19:39

Does not look like it's worth the reason.

19:45

Hi.

19:45

Slotnik says that that doesn't look like 3 minutes worth of reading.

19:48

Lee, it's.

19:49

Oh, it is.

19:52

Sorry.

19:52

It's a joke.

19:53

Yeah, I know.

19:54

But I was gonna prove that it really.

19:57

Hi, I'm Lee Bridges here to represent the community of East Missoula.

20:01

Thank you commissioners for recognizing the East Missoula community in this discussion.

20:06

As we all know, the narrowing focus decision at hand and its ramifications has a vast impact on our community at large.

20:14

We appreciate your consideration to our needs as you have always done throughout the years that we've been working with you.

20:21

I specifically thank Dave Strohmeier.

20:24

For the lead in and action task assigned of discovering whether or not annexation into the city is required, as the developer claimed, that was accomplished and I have a City memo.

20:35

You all have a City memo in your packets, I understand, showing you that it is not required at this time.

20:46

I met one-on-one with Dave Sanson, specifically about the annexation issue once the memo came out and spent an hour and a half helping him to understand the importance to the residents in our community of staying in the county.

20:59

We have cultivated our relationship with the county government for years.

21:03

In fact, tomorrow the unzoned areas of East Missoula will be zoned for the first time and with no disagreement over what for decades was a very contentious topic.

21:13

Why?

21:14

Because we worked proactively with the county for years to achieve this and find common ground this the county listened to us.

21:21

We formulated our growth plan to preserve the unique and independent character of our community, and it is important to us to protect that from having major portions of our community now be annexed into the city under the city's growth plan that is different from ours and impacting the safety and well-being of our community as well as our character in the county.

21:42

We have a public process in the city.

21:45

We are left out of that process.

21:48

Our county Commissioners are aware of our desire to create, to create long term residents who have who are vested in our community, residents who have an interest and commitment who will participate in the processes concerning our community.

22:04

Thus our desire for single family homes rather than transient apartment dwellers who are temporary and not committed to the safety and well-being of our community.

22:12

According to the updated TIS that we just got in the past week, this project is planning to have only 42 single family units and 88 condominium units with 256 multi apartment units at full development.

22:29

I've helped Dave Sanson understand our community values and to the end and at the end of our discussion last Friday he told me his deciding factor on wanting to annex the city was based on the cost of the city sewer hookup being an upfront one time expense with the city versus a phased, possibly changing cost scale by the county.

22:50

There are 65 new units expected to be built at Ollie's, but aside from that, most of our land area is now saturated with what can be built.

22:59

I've left the message for the city planner, Mary McCrae, and I'm still waiting to hear that's not true.

23:08

She called me back just as I was walking out the door today.

23:10

So I do have an appointment with her tomorrow morning at 10:30 to find out what and if can be worked out between the city and county for the developer to be locked in at a cost on the sewerage.

23:24

Since whatever is going to be needed in the future to handle the proposed amount of units planned on that property, the system will need will be needing the upgrade whether it's in the city or the county.

23:36

So we would just want to know in advance and have that laid out for a cost.

23:41

Please don't forego your commitment to this community.

23:43

We have actively worked to help you resolve.

23:45

We will actively help you work to resolve issues with the developer if he remains in the county and we will, we will be active in all the processes.

23:55

I urge you to either oppose the removal of the 1 foot no access strip, I see where that's going or to propose postpone your decision until E Missoula can meet with the developer with community council meetings and come to a workable solution for him to remain in the county if we can.

24:11

If we can't do that within 60 days, we'll accept the decision you make when you vote at that time.

24:16

Thank you.

24:17

Do you have any questions to ask?

24:20

Thanks, Lee.

24:20

I think we'll get through comments and then we'll we'll come back.

24:23

Thanks.

24:38

My name is Bruce Baxter.

24:40

I'm a homeowner near Waterside Dr.

24:43

I've got 1 short typewritten page I'd like to enter into the public record here.

24:47

First, I'd like to thank all three commissioners for willing being willing to be public servants and put up with all this mayhem if the no access strip is removed.

24:56

The first, the question was never answered.

24:58

What legal rights does this give to the developers?

25:01

Second, if the no access strip is removed, the people of the 800 and 900 blocks of Montana Ave.

25:08

will need a closed vehicle gate across the current driveway.

25:11

Access to the one 885 Speedway house is then there.

25:15

There will then be a new road to the house.

25:17

The current occupants of the house have not abused the access.

25:21

They've been good neighbors.

25:22

We cannot expect that from the newly planned 3500 vehicle trips per day and the construction equipment.

25:29

Third, if the no access strip is removed, we will leave open the pedestrian path from Montana Ave.

25:36

E down the hill to the river trail.

25:39

Although additional safety accommodations from the newly for the pedestrian path will be needed to cross the water side.

25:47
Dr.

25:47
Thoroughfare 4th the 800 block of Montana Ave.

25:52
has view lots.

25:53
We have elevated views of the river, river Canyon and the open space of the golf course.

25:59
I asked that any development east of the 800 block Montana Ave.

26:03
be limited to 15 foot building heights to not completely block out our views.

26:09
There will be other negative impacts that will need some mitigation.

26:13
During the month of May, my wife and I spoke face to face with over a dozen E Missoula residents about the summer subdivision.

26:21
The overwhelming consensus was that the 11 residential units per acre, 385 new homes is way too much traffic for the area in the East Missoula St.

26:32
grid.

26:33
This is a neighborhood with approximately 750 current residents South of Hwy.

26:38
200, many more north of the highway.

26:41
Not counting the three to four story developments on the I-90 on ramp and the 65 unit development plan for Ollie's country store parking lot, all of the impacts from De Nova development on East Missoula are negative impacts.

26:55
We're asking for at least one positive impact from the 11 units per acre to be reduced.

27:04
E Missoula from summer St.

27:05
E is zoned for quarter acre residences.

27:08

We ask that any new development in the area also be 4 or less residential lots per acre to match the neighborhood and reduce the crash of the new traffic.

27:19

The city's recommendation to annex the area is based on faulty data.

27:24

Annexation would not create any contiguous municipal boundaries.

27:28

There is no city north, West or South of the summer subdivision.

27:32

There's a natural boundary and border to the east.

27:34

The Clark Fork River Canyon River neighborhood was never considered part of East Missoula.

27:40

It's a separate neighborhood, just like Marshall Canyon, W Riverside, Milltown and Bonner.

27:45

We asked the commissioners, who are the only voices that represent the people of East Missoula, recommend against and vote against annexation of the summer subdivision and keep this area under county zoning standards.

27:58

Thank you.

28:00

Thanks Bruce.

28:00

Any questions?

28:03

OK, go ahead.

28:10

Yeah, just a a point of clarification for folks testifying.

28:14

So I think what you heard from Karen Hughes earlier and then this may not affect the the comments you want to deliver, but hearing from staff earlier, indeed it is a possibility for a development in this area to move forward without annexation and contract sewer to connect to the city sanitary sewer service.

28:37

Secondly, when it comes to annexation, Missoula County does not have a vote in the matter.

28:43

We can certainly comment to the city but if a property owner is petitioning for annexation, we as Missoula County government do not have a veto in the matter.

28:58

Karen Yes.

29:01

I was wondering if if you would mind if these folks haven't heard it of summarizing the city's note that's in our around annexation.

29:10

This isn't all you have with me.

29:17

SEC pulled up.

29:36

I got it.

29:38

Violet, are you able to display it on the screen for folks to see?

29:46

I could try.

29:46

It might take me just a moment, but yes.

29:50

So we can stalling tactic while while Karen's looking for it so the city is not requiring annexation of the property, it had been proposed for annexation and the city staff Matt met with the development team about that proposal and they did.

30:14

So I want to say like a year ago, yeah, it was discussed by a design team, design review team in June of 2021 and they in in essentially they this property is eligible for annexation.

30:35

And the things that trigger that make it eligible is that it's located within in the utility service area boundary.

30:40

It's located within annexation area A, the areas that largely meet the guidelines for annexation of the city.

30:48

It's in an area that contributes to the logical growth of the city, in part because Canyon River is located West of the property on the other side of the Clark Fork, and that's within the city limits.

31:00

It's also in an area that fills gaps left by previous annexations, so that Canyon River is is part of that as well.

31:08

And it's also within the East Missoula Delayed Annexation Area Interlocal Agreement, which outlines the city's provision to accept annexations by petition method.

31:20

Furthermore, they consider the growth policy, and their growth policy for this area recommends a land use designation of residential medium density, which is similar to the county's land use designation of residential.

31:34

Both land use designations, both the city and the county's land use designations, support a residential density of three to 11 dwelling units per acre with varying part, and in their case it's with varying parcel size.

31:48

So that's the only difference between land use policy is essentially the county is implemented our policy through zoning and we have a base zoning of 612 units per acre for that property.

32:00

The property is zoned as of tomorrow 612 units per acre.

32:05

But as you know, there's a variety of development incentives and options that allow that's the base density and if they do a variety of things such as energy conservation measures or including of renewable energy or inclusion of affordable housing, there's a variety of options that could allow a higher threshold of density.

32:24

So I think that's about it.

32:26

Thanks.

32:26

And and to be clear, for that area to be annexed, the developer, the owner of the property would have to petition the city.

32:32

The city doesn't just go reach out and grab.

32:35

That's correct.

32:38

Thanks.

32:38

Thanks.

32:41

Any further comments in the in the room Jack Ballas and I'm representing the East Missoula community and I'm also Chairman of the East Missoula County Sewer District Board and has it has been stated that the annexation for hooking up to the sewer is not required in this particular area.

33:13

And I would like to ask the developer to maybe hold off on his plans on the annexation for at least we're looking at five years maybe 10 years.

33:25

Down the road is most of the people in East Missoula and as the new residents would take up residence in the summers property.

33:36

The county has given us excellent service as far as snow removal and the winter time.

33:44

They they're a little slow on keeping up with the streets but they have been doing it and also some of the other services.

33:52

We do have a good response from the Sheriff's Department and and and the fire department if it's annexed into the city.

34:02

I think a lot of the homeowners in that area then are going to be surprised.

34:07

You know that some of the services that the basic E Missoula people are getting, they won't get.

34:14

And I think there's going to be a lot of unfriendly discussion going down there.

34:19

So I kind of begged the developer to maybe hold off on any annexation because years ago when we got started with the project we did have another subdivision that was put in just north of the Interstate or Hwy.

34:37

200 which was called a hidden trail subdivision and annexation was not required in there.

34:43

And they've hooked up to the sewer and the sewer is available in the area.

34:48

So that is depend upon the city of Missoula for sewer and water and the developer no need for annexation.

34:58

The other thing I'd like to bring up is that I understand that there is some talk with some of the Canyon View residents, especially on Robinson St.

35:09

There is the ongoing discussion that part of the Canyon View Park might be used for any other access.

35:17

A week and a half ago I met with the lead on there and we looked at some of the the proposed access to right and I'm a little bit sorry and amazed that there would be 5 large pine trees that would have to be removed for this access.

35:38

And I don't know if the Parks Department would be really enjoyable, but removing those 5 pine trees from the park because those particular trees do add the aesthetics and the enjoyment of the Canyon View Park.

36:00

I would like to see more of the residents because there is an SIRD which I understand is probably in the neighborhood of 65 to 70 individuals that would be paying for it.

36:13

And if the developer wants to take away some of that park, then I think the those particular people up there should

be relieved of that Sid and the county then taken over the maintenance of the park until the subdivision is more developed and then the subdivision could take over some of the park down there.

36:50

That's all I have to say.

36:51

Thank you.

36:52

Thank you.

36:58

I would like to address the my name is Linda Ensign, I live at 801 Montana Ave.

37:02

So this is affecting me considerably.

37:06

I would like to address first that the the removal of the strip and I would like to know how you're going to prevent that from becoming a public vehicle access to the river.

37:17

We've seen many public vehicle accesses to the river and what they do, all you have to do is drive a little bit further down Hwy.

37:24

200 to the La La Sharon, I believe it is river access to see the cars that are parked all along the river down there anytime during the summer time.

37:35

And I'd like to know how your traffic study, how your traffic study addressed that.

37:44

If you create an access down there by the river, there will be cars parking all along there.

37:49

And you can figure people, it's very close to Missoula, people will be putting their tubes into the river there.

37:55

And I'd like to know how they're going to keep First off the riverbanks and all of the damage that it does to the river and what they're going to do in order to prevent that from becoming a huge problem down at the end of that road.

38:10

So that's one of the things I wanted to address.

38:13

The second thing is I live pretty close to Robinson Ave.

38:16

and as far as I know that is not a done deal.

38:20

And I'll tell you right up front that I will fight it from beginning to end.

38:24

There is no reason why that should necessarily be an access down there.

38:28

And I don't see what the citizens of East Missoula get out of having their park destroyed by putting an access through and putting, what, 5 to 700 cars along a road that is 50 feet wide.

38:55

So thank you.

39:01

Good afternoon, Madam Chair, fellow commissioners, staff, my name is Dave Sampson with the New Northwest.

39:07

Our office is at 132 E Broadway in Phillipsburg, Montana and I've been participating in all these meetings and you just haven't seen me yet.

39:17

Brian has been our main spokesperson, but I thought it would be appropriate for me today to thank you for the opportunity to review this matter with you so we can start the program with providing that much needed housing for Missoula and also to thank the staff for their incredible efforts and getting us to this point.

39:37

Today we've had quite a few meetings which have also moved on to other specific meetings as you've heard today with Water's Edge and I've met with Lee on a couple occasions and discussed a lot of the issues.

39:51

And it's been great for me personally as the as the owner of the property of the Summers and the former Amesworth property and representing Mr.

40:00

Randash on his property to understand more of the issues and things that are involved in a mature community like this.

40:07

This is not uncommon.

40:09

I I have to admit, I've been involved in reviewing 1000 / 1000 residential developments.

40:15

I've developed and built several 100 myself.

40:19

This is the first time I've ever encountered this and and gotten to this point, I've dealt with spite strips that we referred to them in the development community two other times in my career.

40:29

The first one was a bank foreclosure back in the 80s and and the second one we resolved with the governmental agency like yourself because it wasn't properly put on the on the the right away.

40:44

And so we got it resolved and then we continued on working through the process like we're committed to doing here.

40:51

And but this is been a very unique situation for us, certainly not what I expected when I got involved in looking at the property, we just felt like it was a nice piece of land that could help provide the workforce housing that the community desperately needs.

41:08

And little did I know we were going to get into this kind of a process before we could even start the process.

41:13

So anyways, I'm glad the report where are where we are today.

41:17

The attorneys reported out to you that we have listened to your instructions at last month's meeting and met with the Water's Edge folks and come to a compromise that we think that will help to address a lot of the issues that you've heard today from the other E Missoula community members as well as it relates to traffic mitigation and and density mitigation.

41:39

And then just taking into account any of the other issues in the community to help take care of our proportionate share and help resolve some of these issues by facilitating the mechanisms that might be necessary in order to do some of the off site things that you've heard with river access and trails and what not.

41:58

The only item that I think you may have had some question on that that we have no disagreement on was with the water's edge with their petition to the County Down the road to limit the right away.

42:15

They have a 50 foot right away, 24 foot Rd.

42:17

and a 50 foot right away.

42:18

So all they really want to do is reduce the right away so that later on down the road a wider Rd.

42:25

can't be conditioned.

42:27

And we've agreed to limit our development intensity that won't require that anyways.

42:32

So it would just give them the extra assurance that their landscape and all their amenities and improvements within their neighborhood can't be torn out later by somebody either ourselves or somebody subsequent to us, which I think is a very realistic approach.

42:47

It is apud development, it's Apuda modified roadway and I think that their request is appropriate for the county to consider.

42:55

So we have certainly no concern over that because we intend to follow through with what we agreed to and we can work with what's existing there.

43:03

So with all that, again I'm just really pleased that we could get to this point as rapidly as we did.

43:09

I was even amazed myself and it was great to be able to hear all the issues with the community and we're looking forward to working forward on addressing these items with them all and hopefully you as well.

43:25

So if you have any questions, I'm here to answer them.

43:27

If not, we would respectfully request that you take action today on removing the no foot, 1 foot access strip and and then letting us move forward with the process.

43:38

Thanks so much, Dave.

43:40

Appreciate it.

43:40

You bet.

43:41

Absolutely.

43:42

There's not anything else.

43:43

Feel free to call on me.

43:46

Anyone else in Sophie Moise room.

43:51

OK.

43:51

Oops.

44:02

Good afternoon commissioners.

44:04

My name is Bill Jonkermar, future member of the Waters Edge.

44:09

HOA.

44:10

Just wanted to add my 2 bits worth to this process.

44:14

But you know, as the process got started, there were four disparate groups involved in trying to come together.

44:21

The developer Water's Edge, E Missoula and the County.

44:26

You know as and as we've seen from the results today, the developer and Water's Edge have gotten together and put together a great framework, a good start and just beginning of reaching a fully, fully baked opportunity to move forward the needs of East Missoula.

44:46

In this process, E Missoula has said from the very start the citizens that they wanted this development to stay in the county, their concerns were having a voice in that process.

45:01

They also are very concerned about the safety, the infrastructure, their school and also the parking in the in the community.

45:10

The other party in this group is obviously the county.

45:14

And you know, we haven't really heard from the county of whether they'd like this development to stay within the county or be annexed into the city.

45:23

You know, the good news is 2 of the parties have made great progress.

45:29

E Missoula has been here all along throughout this process and there will.

45:35

And as they've said, they're willing to participate in future discussions as far as the impact of this development on their community.

45:44

We've all known that traffic was a primary issue with adding a development with this many units in this much traffic to that part of East Missoula.

45:53

You know potentially a 50% increase in the number of units, dwelling units within E Missoula and the impact of the traffic because of that would be very great.

46:06

The mitigation efforts to minimize the traffic flow into the Deer Creek water Waterside Dr.

46:15

discussions have occurred and that's good because that intersection as we all know, would be a very problematic intersection with a large amount of traffic.

46:23

But if the mitigation efforts are successful on Waterside Drive and Deer Creek, then where does the rest of the traffic go?

46:32

And right now that's targeted to occur on Summer St.

46:38

Again, we all know the infrastructure of East Missoula and there's a huge need there that needs to be addressed.

46:45

And that's you know at the end of the day whether this goes city or county development, that infrastructure needs going to still going to need to be addressed and it would be left to the county to to address it if this became a city subdivision.

47:02

You know, So my point on this is that, you know these are these are areas that we can't ignore and they need to be a part of the consideration made as far as lifting the no access strip.

47:14

The no access strip is kind of what brought us to this table today.

47:18

So whether it was an accident of the no access strip or intentional, it got us to the point of having these discussions which has been proven to be very beneficial to the groups involved.

47:29

But I was asked the county, one final point on this, that they consider the needs of East Missoula, their needs of safety infrastructure, the public safety, etcetera, in removing the no access strip.

47:56

The citizens of East Missoula do need to stay at the table on this because the impact on their community will also be very great.

48:06

Thank you, Bill.

48:09

Good afternoon.

48:10

I'm Lisa Thomas, and I live in East Missoula.

48:13

I'm also a member of the East Missoula Community Council, but I'm not here in that capacity right now.

48:17

I'm speaking as a resident of East Missoula and I think the previous gentleman.

48:23

I'd like to thank him for his sharing the concerns of East Missoula and noticing in this meeting today.

48:30

None of the comments from residents of East Missoula have been positive towards this change.

48:37

It also states that all this removal is doing is switching the problem over to Robbins and Summers.

48:45

It's not getting rid of the problem that this development does not fit and I think that's the can of worms that we're opening and I'm not sure how you can deal with that that problems not going to change.

49:00

So I would be in be very reserved and opening that today with removing this and then what are you going to do next.

49:13

So that would be my brief comment.

49:16

I am still a resident who is not in favor of this.

49:21

Going forward, I don't think all the ducks are in a row.

49:23

Thank you.

49:25

Thank you, Lisa.

49:32

Bill Van Kanigan here for the Waterside Dr.

49:36

Folks, my comments are going to be very brief.

49:40

I've been involved in the discussions throughout the process and I just wanted to give you a few observations from what's occurred from my perspective over the last few weeks.

49:54

I think sometimes it takes courage to take pause to think out-of-the-box to try to arrive at a creative solution to fix the problem.

50:09

I also think that one of the things that's been re emphasized in my mind over the last few weeks is that process.

50:19

Process is a fun, a fundamental foundational block of our democracy.

50:30

And I believe that going forward, although depending on your solution, depending on your decision today, perhaps we solved one piece of this problem.

50:43

I think that this process continues and it has to continue with meaningful continued dialogue between the developer and the citizens of East Missoula.

50:57

I've sat in these meetings for the last number of weeks and the participation from the folks in East Missoula has been present.

51:07

It's been passionate and it's been compelling.

51:15

We've listened to the stories of people who've raised their families in that community.

51:19

We've listened to people who have fought for their way of life and their culture for 40 years or more.

51:28

And so I just like to echo the comments of Mr.

51:34

Juncker Meyer by encouraging the participants in this process to keep talking.

51:41

And not just to keep talking, but keep talking productively to see if we can solve their concerns and some of the problems that have yet to be addressed.

51:51

So I want to thank you for creating this process and providing us all with this opportunity to come together and to and to solve a problem.

52:04

Thank you.

52:06

Thank you, Bill.

52:21

Good afternoon.

52:22

My name is Pat McDonald.

52:23

I'm here representing myself.

52:25

I live out in Canyon River and I was.

52:28

I'm very saddened to hear the conclusion that our staff, our planning staff has come up with.

52:35

I think you're creating a gigantic traffic problem for anyone who has lived out there or has driven with that Deer Creek Rd.

52:45

In the summer months when the temperature gets above 90 degrees, you have a horrible amount of traffic.

52:51

I mean, it's difficult to get through and it's dangerous And now we're we're seeing Canyon River develop a lot more units out there.

53:01

So there's going to be additional traffic coming in.

53:05

Then you add in this development here and you're creating, I think I just gigantic traffic problem and it's not easily solved.

53:17

That one, you know you've got one bridge and you got one Speedway and you got 1200 highway.

53:22

So you're pretty limited on what you can do.

53:26

And then as far as the comment whether the 1 foot strip was accidental, I must tell you that as I have said before, I was with **** Ainsworth who was the developer out there.

53:38

I was with him a couple of months before he died and on that date he took me on a little tour and we went down to water's edge and he was showing me the for the 1 foot strip is and how he was so proud.

53:52

He had done that because he felt he was protecting the lots that he had developed.

53:57

So that was not accidental in any way, at least in **** Ainsworth's mind.

54:02

And **** Ainsworth is the one that put that of record.

54:06

So anyway, thank you very much.

54:09

Thank you, Pat.

54:21

It's working.

54:24

So my name is Jeremy Goldaddy and I live at the end of Summer St.

54:29

and I've also lived on Speedway Ave.

54:32

which is a snarl of traffic.

54:35

There's more traffic on Speedway than there is on 200 almost.

54:40

So you're you want to put approximately 600 cars up Speedway and Summers and Deer Creek, I believe that's going to be a huge problem as most of us think also.

54:57

And I would look at all of you up there and say do you want, would you want all those cars, all that traffic going by your house at 40 miles an hour every day And it will also put a star on traffic going into Missoula.

55:13

I mean, I also come from Missoula to East Missoula every day from work and it's continually and continuing more dangerous to turn left off the freeway to get into E Missoula.

55:24

There's probably numerous almost collisions there every day.

55:29

Also, getting out of East Missoula on Hwy.

55:31

200 is becoming increasingly difficult.

55:35

So I would just think long and hard about as much traffic as there's going to be, if that's what you guys would want going by your house every single day.

55:45

Thanks.

55:53

Thank you, Jeremy.

55:56

Having problems with the microphones here?

56:00

Anyone else in Sophie Maurice like to speak?

56:06

OK.

56:06

Anyone online?

56:14

I don't see any hands, Violet.

56:21

No.

56:21

If you're calling in on the phone, you'll have to hit Star 62 unmute and let us know that you'd like to comment.

56:30

I don't see any hands and doesn't sound like anyone's unmuting.

56:38

OK.

56:38

I think we're going to close the public hearing public comments and discuss.

56:59

I can go for one, Dave Sampson.

57:06

Dave, Dave Sampson, could would you mind answering a question or two?

57:11

Yes, Sir.

57:12

Yeah.

57:12

Thanks a lot.

57:13

So there's obviously a real interest on the part of the folks from East Missoula around annexation.

57:19

Do you guys have a position on this at this point?

57:21

Are we too early to talk about that?

57:23

Yeah, we have discussed that at some length and we didn't recently receive the letter from the city, but it is too early for us to make a final determination on that.

57:33

I did tell the community that as long as we continue to address all their comments and then also obtain what we need from the city as well, which probably would end up having to come in the form of a development agreement because of the time frame and the magnitude of the project that the primary concern is just future sewer and water allocation.

57:58

Right now that there is potentially adequate allocation, but if we don't annex to the city, they could either utilize that for another project that would come in somewhere else or with us making more extensive improvements that we wouldn't otherwise anticipate.

58:16

We're currently throwing all of our mitigation dollars right now to try to address the traffic and pedestrian issues primarily along with parking and other items to help improve the local community.

58:29

So, but we fully intend on embarking through that process with both the county and the city and hopefully we can strike a good compromise to keep everybody in tow.

58:39

But I think you know with that said, I fully believe regardless of what direction we go with the application, everybody's voices are going to be heard.

58:50

I mean we know what the issues are.

58:52

They're very tangible.

58:53

They're very quantifiable and identifiable.

58:56

And I'm sure with your input, whether it be with the city or the city with you, depending on where the obligation goes, the outcome is going to be a good public process.

59:08

Thank you.

59:10

Sure.

59:10

Yeah.

59:11

Thanks for that.

59:12

And thanks for all of your work, for all the parties sitting down and taking a little extra time to to think through next steps.

59:20

So my I guess my admonition would be exactly I think what you're suggesting and what I've heard other folks articulate and that is the need for continuing dialogue as all of this moves forward.

59:31

If it moves forward, I think you've heard and have a good feel for the sense of the community sentiment on on what values are are cherished and and hopefully what's going to be created at the end of the day is not just something that's tolerable, but something that is actually a benefit and an asset to the community.

59:56

One question I have for you, it relates to the the no access strip itself.

1:00:01

We heard a comment earlier about or at least a concern that this would open up public access to the river as as I see it that's that would not be a result of this.

1:00:14

Could you elaborate on that?

1:00:17

Yeah, sure.

1:00:18

The again that I think that would be the final outcome of the public process.

1:00:23

I don't, I don't want to dictate as the current property owner applicant what does or doesn't happen.

1:00:29

But if that is an issue or concern, certainly we have the tools available to us that we can work through with the, the, the staff here to either limit it through a private association so that if the new development needs to go and do some kind of a homeowners association somewhere to water's edge that would prohibit public access and public parking that we certainly can explore that method.

1:00:55

You know, we've also heard several people that are excited about the ability to have public access at least through walking trails in the connectivity that we showed with the additional park and such.

1:01:05

So we're open, we we're not predisposed to any particular outcome at this time because we do want it to be a collaboration of what the community, what's in the best interest of the community.

1:01:15

So I I will leave that to the decision makers along the way and I will respond accordingly.

1:01:22

Thank you.

1:01:23

You bet.

1:01:23

I'll just try and go for it here.

1:01:30

So the decision before us originally, it's still the same thing about this about the no access strip and you can sit down if you want.

1:01:39

Thanks.

1:01:39

I'm just gonna riff here, but I appreciate your your answering our questions.

1:01:45

The decision before us was around lifting this no access strip, but it's not just lifting the no access strip, that's just a little piece of earth.

1:01:53

What the all the concerns were what what becomes next?

1:01:56

What happens next.

1:01:57

We lift the no access strip and that that's a necessary step for this next develop this next stage in the development which leads to the building of all kinds of houses and real radical change to a neighborhood in ways that people don't like.

1:02:10

So y'all were able to take a step back and talk about what some of those concerns are with the developer's representative and all those attorneys.

1:02:18

And I'm really impressed that for some of you, you came up with a compromise.

1:02:24

Admittedly, that compromise doesn't touch on all the concerns.

1:02:28

And we're hearing today there's a whole lot more concerns around annexation.

1:02:33

And what I want to throw out is that if there's no access strips lifted, the the agreements that you all came up with today can continue, and the unanswered questions will get answered in the subdivision process, whether that's happening in the city or the county.

1:02:53

What happens here today doesn't mean those things are going to be just like the developer says they're going to be or just like the neighbors are afraid they're going to be.

1:03:02

All those things actually have to go through a ton of process, years worth of process, so much process that the developer doesn't like it.

1:03:12

It's onerous and expensive.

1:03:14

This isn't the the end.

1:03:16

This would be the beginning of the next step.

1:03:19

And I know that's cold comfort when you're really, really have deep concerns and concerns that are well founded.

1:03:24

Just want to say this is not, this is not the end.

1:03:28

This doesn't mean those concerns aren't going to be met.

1:03:30

It means we begin another process that's much more robust and much more intense and actually much better designed to address the issues that you're actually concerned about.

1:03:47

So we are coming to the conclusion tomorrow when you've heard a few times zoning will go into effect for the first time in this area of East Missoula.

1:03:58

This is a multi year process planning process.

1:04:02

First it was updating the growth policy, the land use element, the land use designations for East Missoula and that includes the Summer's property that land use designation allows for residential development.

1:04:18

The zoning that will go into effect on July 1st, 2022 allows for residential development.

1:04:25

So it's not a question of will there be any development or not.

1:04:29

No, it it.

1:04:30

As staff pointed out earlier, development is allowable and there are certain parameters in terms of density and some exceptions for that, but development can and will occur.

1:04:43

The question is how do we mitigate impacts in a way that actually improves and doesn't degrade E Missoula and and take away values that folks care about.

1:04:59

This is all a matter of balancing competing interests and what we embarked on 3 weeks ago was trying to get to the point of not making the perfect the enemy of the good.

1:05:11

And can the opposing parties come together and come to a meeting of the minds that that might not be exactly what everyone wants, but tries to take the edge off of each other's concerns.

1:05:24

And and if we think back three weeks ago, a month ago to that lively meeting in this, this very room, it was teetering on the edge whether we would be able to get to the point where we are today with folks sitting down taking a breather re engaging and I think we accomplished much of that.

1:05:46

And again, my my admonition to the developer would be to continue at it and this is hard work and a lot of this is is looking in the rear view mirror here.

1:06:00

But I I think as we move forward both in East Missoula and throughout this community, we ought to be thinking what lessons can be learned for from this.

1:06:09

Because I I would hope that there are a few and namely, what could we have done and what can we do differently to avoid coming to loggerheads like this and and having to have multiple meetings between attorneys at the 11th hour.

1:06:28

Maybe the process is what it is at times and that is part of our democratic process in this country for reviewing projects like this.

1:06:37

But my hope is that we could learn from this, move forward and and make this a great community.

1:06:47

Yeah.

1:06:47

I just really want to thank Ross and Jesse for coming together on this and reaching that compromise.

1:06:53

And like Junk Meyer and Ben Kannigan said the how important it is to to engage in the process And then for Dave thank you for your patience and your courage to engage with the community.

1:07:11

This is like Dave Stromer was saying it's a wonderful lesson in development and community and we really hope we can move forward in a in a positive way that that serves the community.

1:07:24

Go ahead.

1:07:26

No.

1:07:27

I'm so looking back at where we were.

1:07:30

Stade was pointed out no matter what decision we would have made a month ago, there would have been a lawsuit immediately.

1:07:37

It would cost a whole bunch of money for people and tie this thing up for another year at least if if if not more.

1:07:45

And I have the sense right now that there's a compromise reached among the attorneys that there won't be a lawsuit right away.

1:07:53

And then instead what we will have is a whole bunch more process around subdivision where these other other questions will actually be answered.

1:08:02

So there's a bit, a bit of a small victory here though it's it's it's not ideal, I totally get that.

1:08:08

But the fact that we're not going to end this in a lawsuit today is a good thing.

1:08:15

And we've heard loud and clear from folks about traffic and and roadway issues in East Missoula, particularly along Hwy.

1:08:22
200.

1:08:23
And the challenges and the problems are not lost on any of us up here.

1:08:28
Which is why a few years ago we embarked on a Hwy.

1:08:32
200 corridor study, which was completed with a whole number of recommendations coming out of that.

1:08:40
The Missoula MPO Metropolitan Planning Organization is currently embarking on looking for funding to design and also implement a project that would make those improvements called for in the study of reality.

1:09:00
So it's it's a long process and believe me, it's taking way longer than I would ever like it to.

1:09:07
But again, we're we're completely aware of the problems and are doing our best to seek the resources to address them.

1:09:19
Thanks for Karen.

1:09:22
So thanks.

1:09:24
So I'm going to try and paraphrase a little bit of what Lee was saying.

1:09:30
And Lee, I can't see you, but if I get this wrong, you can correct me that you really don't want to see any annexation happening in in East Missoula.

1:09:39
That's you don't you don't want that happening.

1:09:41
And I just wanted to get clear with something with from Karen.

1:09:44
If indeed the area that the developers are talking about this one chunk of land, if indeed that gets annexed, does that

mean other parts of East Missoula that are not in Annexation Zone A are now more likely to be annexed or less likely to be annexed?

1:10:00
How?

1:10:00
How would that annexation affect the areas that Lee's talking about?

1:10:07
I'm not sure that I know the answer to that question.

1:10:09
I believe that almost all of East Missoula is in annexation area A.

1:10:13
So all of it you explain what that is.

1:10:15
So these that's the area where the count where the city's determined that annex the conditions are ripe for annexation.

1:10:22
However, the community of East Missoula has, through the sewer district, has an agreement with the city that has delayed the potential for annexation out to 2034.

1:10:33
I believe so, but that won't be revisited till 2034.

1:10:37
That's my understanding and and do you believe that if this chunk of land was petitioned to be annexed and was accepted to be annexed, would that agreement around 2334 be undone or revisited?

1:10:50
Well, we'll be revisited in 2034 because I got, I got it, I got it.

1:10:54
I mean of course it would be.

1:10:55
I'm talking about addressing Lee's fears that it would be revisited next week and then they would immediately be.

1:11:02
It wouldn't happen until 2034, as I understand it, and even then, my impression of the city's approach to annexation is to go gingerly and slowly.

1:11:12
They're not.

1:11:12
They've realized through their historic patterns of annexing out large swaths of land and very expensive to provide the services that they that communities want.

1:11:22

So if this, if this little chunk, if this chunk of land is petitioned to be annexed and is accepted to be annexed, the effect on the area you're talking about, Lee, really won't.

1:11:34
It won't be.

1:11:34
It won't become annexed.

1:11:35
It won't.

1:11:35
Nothing will change until 2034, when this thing is actually officially revisited.

1:11:41
We understand that.

1:11:42
Can you hear me?

1:11:44
Yeah.

1:11:44
Yeah.

1:11:44
Do you need clarification, Lee?

1:11:45
Sorry.

1:11:46
Pardon.

1:11:47
What Go ahead.

1:11:49
We do understand that part.

1:11:51
Our concern is that we've spent all these years working on the county growth policy.

1:11:57
That is what covers our unique community as well as others You covered all of.

1:12:05
But we're kind of special to ourselves of course and our and our independent unique character that we have, Our

concern is that we have it's not a small piece of property, it's 35 acres and it's it's a probably close to 25% of our southern, you know South of Hwy.

1:12:24

200 E Missoula territory.

1:12:27

So that's a substantial amount and we're concerned about the city's growth policy coming in rather than our growth policy that we've worked so hard to conform to our needs.

1:12:37

Instead, we have a city policy coming in that we don't have a voice, a voice in at all.

1:12:43

I guess you'd you would still be in the county, so you would still be under the county growth policy.

1:12:48

We would, yes.

1:12:49

But that portion of property that is within our community and uses our infrastructure and all of our resources is not they will be in the city if they're annexed and we won't have a say.

1:13:07

And we we haven't crossed that bridge.

1:13:09

We don't know about dealing with the city.

1:13:11

What we did last year was something that was worked out with our sewer contract and our sewer board, but it had nothing to do with their growth plan and our growth plan and zoning and who makes The Who, whose coffers get lined and whose votes count and who's working for who and who listens to who.

1:13:35

We've cultivated a relationship with our county governance, as you guys have seen.

1:13:40

We've worked with caps on our zoning and you're right, the growth plan that preceded Heavy.

1:13:45

We had to do the growth plan 1st to get to the zoning and you guys have been remarkable and we've really cultivated a great relationship.

1:13:51

We don't have any relationship established with the city to to work on this.

1:13:55

So that is our concern.

1:13:58

Go ahead Dave.

1:13:59

Yeah, thanks Lee.

1:14:01

And and I guess again back back to the developers, what I'm hearing from Lee and others in East Missoula is that and certainly I feel this myself, we've gone through a an intensive multi year process of developing the land use element zoning that again will go in effect tomorrow.

1:14:22

And I think what folks are looking for is regardless of whether it's in the city or outside the city limits being regulated by the county, folks are looking for something if a development occurs that it be aligned basically with the spirit of what and went on in multiple years of planning to get us to where we are today.

1:14:47

So again, I'm not going to presuppose what the developer wants to do, whether to petition for annexation or not.

1:14:54

If you do, my suggestion was align your plans with the spirit of what has taken so many years to get us to where we are today.

1:15:12

Come on up again.

1:15:18

I am Bruce Baxter.

1:15:19

I'm hearing that there have been some discussions between the developer and Water's Edge neighborhood.

1:15:24

There have been a few communications between the developer and E Missoula Community Council, but when my

wife and I talked to several neighbors around the the neighborhood, over half of them had no idea there was a summer subdivision coming at them.

1:15:38

There has been no communication from the developer to the people of East Missoula.

1:15:42

We need some improvement on that.

1:15:44

Thank you.

1:15:45

Duly noted.

1:15:46

Thank you.

1:15:46

Bruce.

1:15:49

Karen, can I just clarify that there isn't a proposed subdivision at all yet that we are talking about the concept of a proposed subdivision, but there is no application there hasn't.

1:16:00

I don't even think there's been a pre application conference, certainly not with the county.

1:16:04

So just so that folks are clear that there isn't yet a proposal on the table for a subdivision that doesn't sound even like there's clarity whether this yet to be proposed subdivision would be in the city or the county.

1:16:18

This is, it's just it's not a, it's not a real thing yet make a motion do you want to say more before motioning?

1:16:28

Well, yeah, I guess I I would just want some clarity from either John or or Karen in terms of if what a motion might look like today that would align with the agreement that the opposing parties reached.

1:16:44

So.

1:16:44

So I'd mentioned at one of the one of the previous meetings that ultimately I would like to reduce whatever decision you make to a resolution.

1:16:57

I I, you know, this meeting will be transcribed verbatim.

1:17:03

The other meetings will be two that will be part of the Commissioner's journals.

1:17:07

That'll be part of the record forever, however, because if you vote to remove the no access strip, I want to put this into a resolution and I've talked with Tyler Gurnanth, the clerk and recorder about this.

1:17:22

He will then record that resolution in such a way that anybody who pulls up phase three of the water's edge subdivision will immediately see that the decision or you know, the decision that you made to remove that one one foot, no access strip.

1:17:42

So I just want to make it clear that I I'd like you to make a decision today and Karen has a a motion that she's drafted that's up on the screen.

1:17:52

But after this meeting I will make, I will draft a resolution and we will take it to an one of your administrative public meetings in the near future that will be noticed.

1:18:04

People who have signed in for this meeting and other meetings will get actual notice that that meeting is happening.

1:18:10

They'll get a copy of the resolution.

1:18:13

We'll do this in a very transparent way and the resolution is basically I I just want to lay out how we got here.

1:18:21

And then the the now therefore be it resolved will be substantially similar if not identical to to the motion that's on the screen.

1:18:33

Is it?

1:18:33

Does that make sense?

1:18:34

Yes, I think we should probably describe the 1 foot no access strip with particularity as there are several 1 foot no access strips on the phase three plat on the with direction like with the southeast or whatever maybe even just as an an image of the plat.

1:19:03

And then highlight that portion it's it's or you could say it's the it's the portion of the 1 foot no access strip at the termination of the county right away.

1:19:20

Yeah.

1:19:21

Yeah with within within the Waterside Drive right of way.

1:19:30

I, I, I'm sorry, John, I was maybe a little confused.

1:19:33

Are are you suggesting that the commissioners are not actually going to lift to the no access strip today?

1:19:38

Because no, they're they're they're two separate pieces.

1:19:41

They are today one they will take action today and and their decision will be affected today.

1:19:51

I want to memorialize it in a resolution and and because I didn't know what would happen before right now I haven't had an opportunity to draft that resolution and have it be available for everybody today.

1:20:06

How's this look to you, Jesse?

1:20:07

And then with respect to the Meadow Creek property?

1:20:17

I can give you the tax IDs for that property if you want to reference it with more particularity or I can do that in the resolution.

1:20:29

Yeah.

1:20:30

So it would be both the property that's currently owned by Meadow Creek and it's also owned by Randish, OK.

1:20:36

And in fact, we could give you an exhibit of the property too, if that makes it easier when you do the resolution.

1:20:55

Thanks.

1:20:58

Are you good with the I want to hear from Jesse and Ross.

1:21:04

Take your time to check this out.

1:21:42

I I think we're both good with it.

1:21:43

Thank you.

1:21:44

I'm ready to make a motion.

1:21:47

OK.

1:21:49

I move that the 1 foot no access strip along the southern boundary of phase three water's edge subdivision final plat within the waterside drive right of way be lifted for a period of five years.

1:22:01

And that in the event that the randish property and the Meadow Creek property have an approved preliminary plat within five years, the no access strip shall remain lifted in perpetuity with the following condition.

1:22:13

The county agrees to facilitate and or entertain a petition to abandon the excess right of way of waterside.

1:22:20

Dr.

1:22:21

Second, any further discussion, all in favor, Aye.

1:22:30

Thank you, everyone.

1:22:33

Thanks everybody for taking the time today.

1:22:34

Thank you everyone.