

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JULY 7, 2022 – 2 PM

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

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

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

Attendance:

Commissioners Present:

Chair Vero

Commissioner Slotnick

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office

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

Tim Worley, Senior Planner, Community and Planning Services

Steve Niday, Survey Party Chief, Surveyor's Office

Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

Sam Scott, Assistant Recording Director, Clerk and Recorder's Office

Sarah Coefield, Air Quality Specialist, Environmental Health

Lisa Frost, Property Records Specialist, Clerk and Recorder's Office

Caroline Bean, Climate Resilience Coordinator, Community and Planning Services

Brian West, Chief Deputy Civil Attorney, Attorney's Office

Kyla Lehnerz, Administrative Assistant, Commissioners' Office

Dylan Jaicks, Civil Attorney I, Attorney's Office

Kim Myre, Seeley Lake Projects & Operations Coordinator, Public Works

Shyra Scott, Recording Director, Clerk and Recorder's Office

Shane Stack, Director, Public Works

Mel Fisher, Strategic Initiatives Manager, Communications and Projects

Allison Franz, Communications Manager, Communications

Kali Becher, Open Lands Project Manager, Community and Planning Services

Chris Lounsbury, Missoula County Chief Administrative Officer

Chet Crowser, Director, Community and Planning Services

1. CALL TO ORDER [*Time stamp – 00:04*]
2. PLEDGE OF ALLEGIANCE [*Time stamp – 00:24*]

3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:44]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:44]*
 - a. [Proclamation: Wildfire Smoke Ready Week 2022](#)
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 02:43]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 02:43]*
Claims received as of June 22, 2022 to June 28, 2022 by the Commissioners' Office total \$4,527,696.30.
7. **HEARINGS**
 - a. **Missoula Rural Fire District Annexation Petitions** *[Time stamp – 04:31]*
Patrick Swart, Property Records Specialist, Clerk and Recorder's Office

[Resolution 2022-077. B: 1078 P: 307]
 - b. **Road Alteration Petition – Bitter Root Road Right-of-Way** *[Time stamp – 08:50]*
Lisa Frost, Property Records Specialist, Clerk and Recorder's Office

[Continued to July 28, 2022 Public Meeting]
 - c. **The Dairy Major Subdivision** *[Time stamp – 57:40]*
Tim Worley, Senior Planner, Community and Planning Services

[Letter 2022-211. Mailed to: Tai Tam LLC c/o Dave Keck]
 - d. **Clearwater Meadows Ranch Major Subdivision** *[Time stamp – 1:15:00]*
Tim Worley, Senior Planner, Community and Planning Services

[Letter 2022-210. Mailed to: John Richards]
8. **OTHER BUSINESS** *[Time stamp – 2:03:00]*
9. **ADJOURN**
Chair Vero – Called the meeting to adjourn at 4:05 p.m.

BCC Public Meeting July 7, 2022 – Transcription

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

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.

Speaker1: [00:00:00] Oh, there we go. Yeah. Mr. Slotnick, are you on?

Speaker2: [00:00:05] Yes. Sorry. Let's take a second.

Speaker1: [00:00:09] No worries.

Speaker2: [00:00:10] Oh, man. Video doesn't want to. Come on. Well, there we go.

Speaker1: [00:00:20] Okay. Well, here you go.

Speaker2: [00:00:22] Here. Thank you.

Speaker1: [00:00:24] Fantastic. We'll begin with the pledge.

Speaker2: [00:00:36] 2/10 to the flag of the United States of America. Public.

Speaker1: [00:00:44] Com and the dual account acknowledges that this event, the Sophie Mo East Room, takes place in the Aboriginal territories of the Salish and Kalispell people. We have one proclamation. The wildfire smoke already weak. So I will read it. Unless Zlotnick. Do you want to?

Speaker2: [00:01:07] Please do. Yeah. Go for it.

Speaker1: [00:01:12] Whereas wildfire smoke is a serious and growing public health threat and more scientists learn about the dangers of smoke exposure the more we need to act. And. Whereas, wildfire smoke causes worsened asthma attacks and decreased lung function, worsen COPD symptoms, increase susceptibility to infectious disease, increased risk of heart attack and stroke, and increase hospitalizations and deaths. And. Whereas, The National Interagency Fire Center is predicting significant wildfire potential throughout much of the western United States in 2022, including in regions that send smoke to our area. And. Whereas, our adopted Climate Ready Missoula Plan finds that our summers are becoming hotter and drier, wildfire season is getting longer. Wildfire smoke is an increasing risk, and we need to enact strategies to mitigate harm. And. Whereas, wildfire smoke can come indoors, creating unhealthy conditions both outside and inside. And. Whereas, it is possible to decrease the smoke. I'm sorry. Whereas it is possible to decrease the risk of the smoke poses by creating cleaner indoor air spaces and reducing outdoor activities. And. Whereas, public messaging focused on the dangers of wildfire smoke and how individuals can put themselves, can protect themselves, plays an important role in individual preparedness during wildfire season. Therefore, be it resolved, we, Missoula County and the city of Missoula do hereby proclaim July 9th through 16th as wildfire smoke ready week to inform and educate Missoula County and city residents of the hazard that wildfire smoke presents and how to mitigate it.

Speaker1: [00:02:43] That's there. Anyone from climate ready who'd like to say more? Caroline. Syria. Caroline Bean I'm the Climate Action Program Manager for Missoula County, and I just want to thank you for the proclamation. Our Climate Ready Missoula Plan, which was passed in May of 2020, identified preparing for wildfire smoke and conducting education and an outreach campaign such as Wildfire Smoke Ready Week as one of our top priorities. So this is our second annual Wildfire Smoke Ready Week. And Sarah Caufield from the City County Health Department and I with Climate Smart Missoula and the United Way of Missoula County and others have been hard at work. So we're looking forward to it. And thank you for your time. And the next event will be at the farmer's market in Missoula this Saturday and the farmer's market in Seeley Lake on Sunday. And then we have a trivia event at Imagination Brewing on Wednesday at 530. We'll see you all there. Thanks so much. Excuse me, is there any public comment on items? Not on the agenda. I don't see any current claims list as of June 22nd to June 28. 4,527,696. Sorry. \$4,527,696.30. We have one, two, three, four hearings today. We'll begin with the Missoula Fire District annexation petitions.

Speaker3: [00:04:31] Hello. My name is Patrick and I'm a property record specialist with the clerk and Recorder's Office. Three petitions to annex land into the Missoula Rural Fire District have been submitted to the clerk and recorder. The properties are requested to be annexed, are legally described as follows Tract B of Certificate of Survey four or five for two located in section ten. Township 12 North Range 20 west. Commonly known as 5120 Skyway Drive Missoula, Montana. 59804. Tract 12 of Certificate of Survey 4 to 0 eight, located in Section 19 Township 12 North Range 19 West, commonly known as 3470 Trail's End Road Missoula, Montana 59803 and Tract one of Certificate of Survey 6089, located in Section 26, Township 12, North Range 22 West, commonly known as 24348 Highway 12 West Lolo Montana 59847. The petitions have been signed by the property owners and a notice of hearing has been published twice in The Missoulian. And while the three properties are being presented under one agenda item, they are separate petitions and should be considered for annexation independently, but can be approved or denied with a single motion.

Speaker1: [00:05:55] Thanks, Patrick. Is there any? Want to comment on these petitions. Sladek Frozen? Nope. Okay. But you're muted. Sorry. Still muted.

Speaker2: [00:06:20] If.

Speaker1: [00:06:29] It. Ewert is suggesting you can you can write on it. You can sign it. No paper on pen on the farm. Oh, there we go. We can hear you now.

Speaker2: [00:06:58] At a note, Violet said I was they they muted me because of the birds.

Speaker1: [00:07:03] Oh, we can hear you now.

Speaker2: [00:07:07] I'm on my front porch. So did Chris Newman have anything to say about this?

Speaker1: [00:07:16] Patrick.

Speaker3: [00:07:16] Not that I'm aware of.

Speaker1: [00:07:19] Patrick says, not that he's aware of.

Speaker2: [00:07:24] So no comment from anybody.

Speaker1: [00:07:26] No comment from the fire department.

Speaker3: [00:07:28] Okay. Well, the Rural Fire District submitted the petition on behalf of the property owners, but o key.

Speaker2: [00:07:34] Key piece of info. Great. Great. Well. Do we have some motion language?

Speaker1: [00:07:43] Yes. Can. Are you able to put it up or. Or is it untoward if I make the motion?

Speaker2: [00:07:56] What do you want? Well, just. Okay.

Speaker1: [00:07:58] I'm going to make it. Heart says that I can make the motion, so I'll do that. I moved to request the board approve the Missoula Rural Fire Department petitions for annexation as presented.

Speaker2: [00:08:13] I'll second that.

Speaker1: [00:08:15] Okay. Any further discussion? All in favor. I.

Speaker2: [00:08:20] All right.

Speaker1: [00:08:21] Thanks, Patrick.

Speaker3: [00:08:22] Thank you.

Speaker1: [00:08:26] Okay. Next. Lisa Frost. Oh, nope. You get Sam Scott.

Speaker3: [00:08:32] Still this one from Lisa Sam Scott with the clerk and Recorder's Office. So from time to time, county residents submit road or write away petitions to our office. The objectives of these petitions vary widely.

Speaker1: [00:08:44] Sam, can can you get a little closer to the microphone? Yes. Yeah.

Speaker3: [00:08:48] Moving it up.

Speaker1: [00:08:49] There we go. Yeah.

Speaker3: [00:08:50] Okay. So we get Roeder right away petition submitted to our office. The objectives of these petitions vary widely based on the specific circumstances of each case, but they fall into three general categories petitions to us to establish, abandon or alter county road right of ways, rights of way. The petitions all follow the same general process. A property owner initiates drafts, gathers signatures, and then submits that petition to our office. Our office has been tasked with verifying that the petition meets the statutory requirements with the correct number of valid signatories, that sort of thing. Once verified, we publish notice in the paper and send a mailing to landowners adjacent to the request soliciting comment at a public hearing. And at that hearing. The first hearing is where our office presents the petition for the first time to the board. And that hearing is where road viewing to be attended by the county surveyor and one commissioner is scheduled so that an investigation into the merits of each petition can be conducted. A second hearing is also scheduled where a decision on the petition will actually be made. So that's where we are today. A petition has been submitted to our office. It is a petition to alter a county right of way. The road is described as Bitterroot Road from lower Miller Creek, southerly to the Bitterroot River with an approximate length of 7000 feet. The petition was signed by more than ten freeholders of the Road District, and notice of this hearing has been published twice in the Missoulian and the affected landowners have been notified and the petition is now presented to board for initial review and to schedule a road viewing and a second hearing.

Speaker1: [00:10:21] I'm sorry, were there more than ten?

Speaker3: [00:10:23] I thought there were about 15 freeholders that signed.

Speaker1: [00:10:26] Oh, then I saw. I must have seen something else. It was less than done. Okay, thanks. And again, the date the decision before us right now is to find one date for.

Speaker3: [00:10:42] Yeah. So there's, there's no decision today. It is. We need to schedule the road viewing to, for the investigation and to the merits of the petition. And I mean.

Speaker1: [00:10:49] The decision is to schedule a date, I guess.

Speaker3: [00:10:52] I'm sorry, second hearing as well. So Tom, if you click on the link that I sent you in the meeting, invite and.

Speaker1: [00:11:02] Thanks, Violet.

Speaker3: [00:11:06] And so I am not sure if the petitioners are here to speak on behalf of the petition.

Speaker2: [00:11:10] But I know that Steve and John also may have some stuff to add.

Speaker1: [00:11:15] Are there any petitioners that would like to speak on behalf of the petition? Perhaps not. Tom Moore.

Speaker2: [00:11:28] I'm here.

Speaker1: [00:11:30] I'm sorry. Would you like to speak on behalf of the petitioners?

Speaker2: [00:11:35] I believe Joe.

Speaker3: [00:11:36] Danner is going to be doing that for you to tell me how to unmute yourself.

Speaker2: [00:11:45] My mute says that I'm not. Am I good?

Speaker1: [00:11:48] Okay, sir. That I've been told that Tom's here for another agenda item. Thank you. So you can mute him. Pathologist, Tom.

Speaker3: [00:12:02] The right meeting. I'm going to join the other one to make sure you're in there, Tom, and I'll get back on.

Speaker2: [00:12:10] Commissioner. So this is John Hart with the county attorney's office. And just as Sam Scott said, we're not going to make a decision here today. That's not proper under the statute. But you were right on point to ask if there's any petitioners here or anybody who wants to speak on behalf of the petitioners in support of the petition. And I don't know that anybody came up for that. But anybody here who wants to comment today on the petition, there's you know, there's certainly welcome to do that with the caveat that there will be another public meeting at which they can comment before a decision is going to be made. But, you know, a lot of people took time out of their day and came to this meeting and they maybe want to say something and that's perfectly appropriate.

Speaker1: [00:12:59] Great. Let's begin. Bart Morris. Because there are a lot of you in here. Let's try to keep it to 3 minutes. I'll wave my hand at 30 seconds.

Speaker3: [00:13:13] I'm just going to read the letter of opposition for this petition that my wife, Wendy and I put together. So, dear Missoula County commissioners, my wife went in. I first and foremost object to this petition and are in firm opposition of it. We own and run Oxbow Cattle Company. I'll refer to it moving forward as Oxbow, a regenerative operated ranch and grass finished beef business that serves our community of Missoula. Oxbow owns a portion of the private road where the county survey suggested to relocate a wagon road that has been that has not been used for over 150 years and cannot be located if this 150 year old Unknown Road was moved to the road. That goes right through our headquarters. To say it would change our ranch and way of doing business would be an understatement. This road passes directly in front of our blue shop, where we start each and every day. The road, in fact touches the 20 foot cement pad that leads up to our blue shop. At the blue shop, we have our Monday morning meetings, store our equipment, work on our equipment, and on and on. Just this summer, we have held meetings at

this blue shop that have included folks from the Clark Fort Coalition and our conservation district, Missoula County, we district, WC, FWB, neighbors and many more. These folks sat in chairs on the roadway and visited about the current conservation work that is being done on our ranch and made plans to do a whole lot more in addition to changing the way we conduct our daily business.

Speaker3: [00:14:43] A public road here would pose a large safety concern for us, our equipment, and mostly our dogs and our livestock. There are there is no safe way to have vehicles travel by our headquarters unless they are paying very close attention and understand all the happenings at our place. It would only be a matter of time until a dog was ran over or a piece of equipment was ran into. As as the road travels south through our property and through a gate into our what we call the lane pen. This is an area that encompasses the road where we pin young, sick or other livestock. They have access to shade, grass and water in this pen. And it is a critical part of our corral system. In the winter and early spring, you will find hundreds of cattle using this lane to access water in our corral system. If this rail road were made public, it would entirely disrupt our management and would again put our livestock at risk. We we actually have had a cow hit on a two track road like this on one of our leases to the south. The cows leg was broken. We had to put her down and we incurred the emotional stress as well as the economical stress of losing that animal.

Speaker3: [00:15:51] Because this is the center of our ranch. We sometimes have seven gates that cross this road and need to be opened and and close to pass through. And that's at one time. Other concerns we have is one, devaluing our property. We already did this in the name of conservation by placing our place in a conservation easement with Five Valley's land trust in 2017. It's not like this is a public road on a remote part of a montana ranch. This road goes right through the heart of our our place and right in front of our our buildings. And it would continue to go right in front of one place. We did save for a building site where we could potentially build a home someday. Number two, a public road would negatively affect our ability to regenerative, regenerative manage our agricultural land by dividing our place in two. We're currently working with many partners on regenerating Miller Creek and improving the infrastructure of our ranch. We have been awarded funding to carry out the Lower Miller Creek Riparian Health tip from the NCS. A public road through the middle of this changes everything. The 3838 acre tract of land have to be parcel that this would access already has access. It isn't like this is a a chunk of land that has no access. It already has float in access as well as driving access off Highway 93. There are four river accesses already close one at Oral Zumwalt way, which where we live and we get to experience what it's like to have a access in your neighborhood, access off of Highway 93 right across from our place and and the new bike path.

Speaker3: [00:17:31] And then Bunkhouse Bridge three miles down the river. Five Allowing driving access to the MWP parcel would have negative impacts on the resource as it is only a 38 acre tract alone and alone. In the last year we have documented wildlife using these lands, including wolves, Wolverine Elk, Black Bear, Mountain Lion, both whitetail and mule deer, coyotes, wild turkeys, neotropical, migrants, waterfowl and many more. The list animals that use this area tells you how important a wildlife corridor of this area is, and public access would remove wildlife security for this area. The county and FWC currently do not have enough resources. This number six current in the county and MWP currently do not have enough resources to manage the existing accesses to the river. This access would be within two miles of the city of Missoula in Kerr and would incur heavy use. Seven Public access brings the entire public the good, the bad and the ugly. With our ranching up, with our ranching operation, we and our Honor System Store, we feel that opening access to this area will bring more unwanted visitors, increasing our thefts and vandalism, resulting in change in our business model.

Speaker1: [00:18:36] 30 seconds.

Speaker3: [00:18:38] I'm not going to get through all this. Commissioner Navarro, do you want me just to submit it to you and you guys can read it over?

Speaker1: [00:18:45] Absolutely. And do you have a concluding sentence or.

Speaker3: [00:18:48] Yeah, I'll read the. Read the end of this here. And then I have two other letters, one from Chris Mayhew's of Western Sustainability Exchange that he wanted me to hand in. And then also one from Josh Gartner. As you can see, we have a lot of concerns with this petition and view it as having very negative impacts to our livelihood. At Oxford Cattle Company, there are very slim margins in agriculture, in agriculture and in times when you are already hit with things out of your control, such as rising everything prices, whether or not you're hired, help can afford to live in the community they serve climate change, drought and many more. This just seems like a punch in the gut. I understand that public access is important to our community and we are all for it. But the truth is we have no shortage of it. What we are short on is affordable, locally raised food for our community, preservation of important ag soils, wildlife corridors, and tract intact tracts of healthy riparian habitat, ranchers and farmers. This is just another cut in the death by a thousand cuts. We hope that you can understand where where we are coming from and know that that the 1867 Wagon Rate Wagon Road that Mr. Knight Day cannot find for cannot find was for travel from town to town, up and down the Bitterroot Valley. As as Mr. Knight says in his summary, in 1874, this unknown road got little or no use by the general public after the bridge was built. We now have a four lane highway that serves the same purpose that they they were after 150 years ago. Therefore, we do. Therefore, do we really need to condemn Oxbow cattle companies private property in the manner manner of access, especially when the current access provides responsible and sensible access for the public land, wildlife and adjacent landowners and governing bodies. And that's it. Thank you for your time. Really appreciate it.

Speaker1: [00:20:37] Thank you. And you can leave those with Violet. Okay. Thank you so much. Would anyone else like to speak? Hello.

Speaker3: [00:20:54] My name is Reuben Fry. I am a missoula resident, outdoorsman, conservationist and public land user. And I'm firmly against the petition to put this road in as as a public land user, really. As Bartmann was.

Speaker2: [00:21:08] Mentioning, there's.

Speaker3: [00:21:09] Already access to the areas where we're proposing access. You can access it all the places he mentioned, which I would go over again, but he said them I plus a lot of my friends use these places specifically.

Speaker2: [00:21:20] Because there is not a lot of development.

Speaker3: [00:21:22] Or user.

Speaker2: [00:21:23] Traffic between lolo and.

Speaker3: [00:21:25] Missoula on the river or adjacent properties.

Speaker2: [00:21:28] Putting in easy access point this close to Missoula.

Speaker3: [00:21:31] Would create a high use area, as we all probably know, and that would diminish a lot of things about this stretch of river. Primarily, my concern would be conservation of wildlife, as BART mentioned, because there is no development and very little human traffic. There is a plethora of wildlife in this area and it is really cool to view.

Speaker2: [00:21:49] I personally viewed all sorts of waterfowl, ground nesting birds, bears, wolf and even Wolverine.

Speaker3: [00:21:55] And those animals would be displaced if you were to put in a high access, high use access point because of human traffic and also because it would probably need to be developed to address the.

Speaker2: [00:22:05] Traffic resulting in development. Another thing that goes along with this is the.

Speaker3: [00:22:10] Experience.

Speaker2: [00:22:11] You get on the river here as a public land user because of the lack of access between lolo and missoula.

Speaker3: [00:22:17] Not really lack of access. More difficult to access. There are less people using it. And that is why myself plus numerous other friends I know use this.

Speaker2: [00:22:24] Area that would be diminished immediately upon putting an access point at the proposed location. And finally, I am also speaking on behalf of the private landowners that would be affected by this.

Speaker3: [00:22:34] I don't really need to go into too much detail as Bart just went into a lot of that.

Speaker2: [00:22:38] But I just view this currently as a great way for public users to use the area, private landowners to use it, and to conserve the wildlife in the area. And putting in this road based on, in my opinion, a flimsy idea of what should be a public easement and flipping. What is currently working for all these user.

Speaker3: [00:22:56] Groups, I think is a bad idea. Thanks for your.

Speaker1: [00:22:59] Time. Thank you.

Speaker2: [00:23:07] Hey, my name is Jeremiah Peterson, and I'm a resident in the area and I'm firmly opposed to this. I think a lot of the points have already been made as to why we shouldn't have it. A couple of things I would like to hit on. Any time you create an access point that's not a designated recreation area, it creates a lot of issues. The best example I can give you is McClay Bridge, which I think the commissioners are well aware of the issues that we have in a private residence setting where people go to recreate. It creates vandalism, thefts, assaults, parking issues, not to mention all of the the negative impacts that it actually has on the ecosystem. And then the other thing I would like to head on and so with that, I just don't think that we have the enforcement between, you know, law.

Speaker3: [00:23:56] Enforcement, fish, wildlife and Parks.

Speaker2: [00:23:58] To effectively manage something like this. And then the other thing I'd like to head on as a, again, private landowner and somebody who is a neighbor. I just don't think it's the right thing to do to trump somebody's rights. And that would be Barton Wendy, over.

Speaker3: [00:24:14] Somebody else, you.

Speaker2: [00:24:15] Know, wanting that public access. So I appreciate your time. Thank you.

Speaker1: [00:24:18] Thank you, Jeremiah.

Speaker2: [00:24:27] Hi. Excuse me. My name is Jay Permittir, and I'm want to be a signal my and my wife Heidi Davis's firm opposition to this idea we live on aural Zumwalt way we live adjacent to the access to access that is currently there. The previous gentleman talked about all the problems over at Canal Bridge. Ours are the same. The county has done a nice job in the last year or so trying to mitigate some of those, and I'm glad for that. But I see this access, this new plan as only increasing the traffic to the oral Zumwalt neighborhood that has this very small half acre plot that serves mostly as a boat access. But people use it for recreation, they use it as a beach and so forth. The difficulty, I think, will that occur is this will be a shorter route down to another another take out point. So you get more and more floaters because they can't row and etc.. And I think it's just going to increase the problems that we have there, the parking, vandalism, lack of respect for neighbors, properties and so forth. So those are my personal things that where how it would affect me and my family.

Speaker2: [00:25:48] But but in addition to that, I think we need to look at the effect on Oxbow Ranch. This is a. This is a company that has done some very nice things for land excuse me, for land use in Missoula. They've they've taken their time. They've taken their effort. And they are stewards of the land in a very positive way. And that's that's you know, you read The Missoulian and you look at what the other environmental organizations and land use folks talk about with them and how they highlight what they do to do this, to cut into their land and make it much more difficult for them to run their operation, much more difficult to be a steward of the land. Just seems to me completely absurd. And just frankly, as I think, as Barb pointed out, dangerous, dangerous to him, dangerous to his dogs, who are pretty cool dogs, by the way, and dangerous to the cattle. I hope you'll reconsider this. I know you're not making a decision today, but keep it in mind, and I hope you decide against the petition.

Speaker1: [00:26:57] Thank you. Thank you, Jay.

Speaker3: [00:27:05] Good afternoon. My name is Thomas Bergeron. Spelled b0u argue i geno. And I'm here as an authorized representative of a nearby landowner called Big Hill Property LLC, which owns property just adjacent to the MWP tract. And David Mead's tract arguably is an affected landowner, but wasn't listed as an affected landowner on the petition. I first wanted to say that I spoke with one of the affected landowners this morning, R.D. Doris. He was under the weather. He intended to come and speak today in opposition to this, but he told me he's under the weather. So I just wanted to pass on his position. He submitted something in writing. I wanted to speak today to point out that my conclusion is that the petition is deficient on its face in a number of ways. The petition acknowledges that the location of this road is unknown, quote, for most of its route. I don't believe there's sufficient evidence that a county road ever existed here. And I don't think that in the event of litigation, the county would succeed in arguing that a county road, in fact, had been established in the 19th century or since then. Furthermore, the petition incorrectly states without any real evidence that there would be no cost to the county in doing this. And finally, the petition doesn't say anything about the statutory language that a petition to change, alter a road or establish a road needs to show that there is necessity and advantage to doing so. It doesn't say anything about that. I don't think there is necessity or advantage here for the county. None of the affected landowners are consenting to this. My understanding is Fish, Wildlife and Parks is not going to speak up on in support of having a public road lead to its parcel. I think that silence is very noteworthy. And as we've heard today, almost all of the affected lands are subject to conservation easements and the county and five valleys Land Trust have worked together to establish conservation values for important wildlife and plant habitat in this area. And the public access here would adversely affect that. Thank you very much.

Speaker1: [00:29:37] Thank you, Thomas.

Speaker3: [00:29:47] Good afternoon. My name is Ryan Salisbury. I submitted something in writing so I won't go through it all, but a couple of other points. I live at 6405 Hogan Drive and I'm one of the possibly impacted landowners of this and wanted to just point out my grave concerns about a public right of way. We've heard again and again no evidence of this historical road or a crossing of the Bitterroot River. But I was as shocked as anybody. I'm a professional in the land planning and land development business and Jill Roads. I think it's important to note, don't show up on title reports. So I was just as surprised to hear about this as I'm sure my neighbors were. And I think that's important to note that these things are pretty much buried in the records unless you go digging for them and are a professional knowing where to look for them. As And the other point I wanted to make is that Mr. Knight noted that this road is shown in within areas subject to flooding. And even if this road did exist, this road would not have been acceptable for year round use, which sounds like what it's being proposed, if it's access to a Fish, Wildlife and Parks Day use area would be changing the original intent of how and why folks use this road. I don't know. But I also believe that with the construction of Highway 93, this road was essentially abandoned. It was the clear path for North-South traffic west of the river. And there was also commissioner action in 2004.

Speaker2: [00:31:16] With resolution.

Speaker3: [00:31:17] Resolution 200406 in regards to relocating the Bitterroot Road to lower Miller Creek. Thank you.

Speaker1: [00:31:25] Thank you, Ryan. Sorry. Hi, I'm Bonnie Buckingham. I'm the executive director of the Community Food and Agriculture Coalition. And we're here to ask you to deny this petition when it comes up for a vote. Agriculture is an important part of our history and our current culture and economy here in Missoula and in all of our planning and growth plans, the need to enhance and support agriculture is it clearly stated value and it's reflected even in our newly adopted zoning code as well as all of our growth plans. Montana's state constitution requires that we protect, enhance and develop agriculture. And Missoula's Good Neighborhood Good Neighbor Handbook clearly shows a preference for agriculture when there are conflicts between neighbors. Bart has elaborated on the additional security and safety issues that he anticipates should this road be changed? Moving the road, which doesn't seem to be able to ascertain actually that it ever went through this property will have a direct detriment to agriculture for the many reasons that Bart and Wendy have already described the loss of income, increased interactions with people in their pets, vandalism and theft from their store, etc. and those shouldn't be taken lightly. We strongly request that you deny this petition and support Oxbow cattle company and supply high quality food, open space that is already open for public access and conservation projects that really have won this business many awards. This agricultural business truly is a gem in our community, as others have said, and everything possible should be done to help, support, protect and reward them for their many contributions. So thank you for considering this. Thank you, Bonnie.

Speaker2: [00:33:34] King Good afternoon. My name is Thomas All-bran. I am a landowner along the Bitterroot River on Earl Zumwalt way. I'm also a consulting geologist. My specialty is geomorphology. I have submitted a report both in paper form and digitally to the commission, and I appreciate your attention to that. My opposition to this petition is based upon surface land usage concerns about the hundred year flood plain that this proposed road, which is poorly documented, I can find no geomorphology which is surface land usage using land sand or ground truthing of the area. And it's a proposed either 4000 or 7000 foot right away across 200 year flood plain. The Surveyor report could not identify the petition, drove it right away, could not identify any roads across the area. The petition itself says the precise location is unknown for much of this route. I think it's detrimental to an impaired watershed in 100 year flood, plain impaired. And I've done some research on the Miller Creek watershed and the restoration plans. These are all in the report that I've submitted with you. The Miller Creek area under a 2008 ICE and environmental impact statement says it has designated this area where the proposed road and alternate occur is 100 year flood plain zone AA and 100 year flood plain zone A-E. So it's it's a dangerous area. The Bitterroot River has three flooded had flood hazard zones aea0 and XO is the most serious of which and their comments are about the gas for the Miller Creek area, lower Miller Creek specifically, which is the terminus of this tributary that comes into the Bitterroot.

Speaker2: [00:35:54] These lands are considered to have value for wildlife habitat, for filtering pollutants from runoff and for preventing erosion. The city of Missoula and Missoula County have adopted floodplain regulation regulations that restrict land use within these areas. Zone E corresponds to the 100 year flood plain. Within this zone exists a floodway where the water is likely the deepest and fastest. This area should be kept free of obstructions to allow floodwaters to move downstream. Placing structures in a floodway may block the water, the flow of water, and increase heights. The remaining portion of the 100 year flood plain is referred to the floodway fringe. All of this roadway and alternate are in this. There are other reports the Miller Creek Watershed Improvement Plan documents that increasing peak flow and peak velocity. I don't want to get too technical here, but they are geomorphology unstable sites I quote and in the Miller Creek comprehensive plan amendment of 2008 in the 30 seconds. Thomas okay. The Miller Creek Basin has severe limitations where the creek enters the Bitterroot River, where the most sensitive soils, river wash and zero influence are dominant. In other words, it will have a very negative impact on this flood zone, 100 year flood zone. The construction of roads. The construction of fences. The access of people. I am opposed as landowner in the area to this. Proposed right away. Thank you.

Speaker1: [00:37:39] Thank you. My name is Natalie Berkman and I am livestock manager at Oxbow Cattle Company. I've recently been reading this book called Montana High Wide and Handsome, which is a book with a lot of relevant historical perspectives relating to the topic at hand today. The content that

really stood out to me from the book are all the quotes about all the grass in Montana, saying that Montana has quote enough grass to roll in the wind like the sea. You could graze all the cattle of the world upon this plane and that the grass is the most nutritious that livestock have ever fed on. All that to say, it's really wonderful to work for people who are holding on to and trying to preserve a really rich piece of our state's history, both cultural and ecological. The recreation outlets in Missoula County are endless, but the agrarian opportunities are few and far between, and it's something that has felt a bit off for a Montana city. As someone who's lived in Great Falls Roundup and have her some days when I drown out the sign of the highway, I can really picture what Miller Creek looked like before the subdivision was built, when the whole valley was filled with Timothy Green grass, blue bunch and fescue oxbow cattle companies. Really trying hold trying hard to hold on to that. And so I'm not sure where to begin to describe how having a public road built in front of our shop through our corrals and paddocks and place where we are cows and our dogs call home would change the operation.

Speaker1: [00:39:24] I have enough worries, insecurities and lack of skills without having the public having access to the ranch. It would be an absolute nightmare to add another variable to the long list of things that could go wrong. The road's proposed route is our most frequented frequented part of the ranch as our main thoroughfare to get to every paddock I make. I make about ten trips back and forth a day, whether that's in the food truck in the winter, on the four wheeler in the summer, on horseback, moving baby pears or late at night dropping off newly purchased cattle so they have something to eat. We also have multiple gates along this route that we deliberately leave open or close, and sometimes we can't even rely on each other to remember to close the gate, let alone the entirety of Missoula County. Ranchers have enough on their plates, and I really hope other ranchers don't have to deal with the proposed public road that cuts right through their shopping corrals. So that's how this road would affect me personally, and I'm just one person. I fully subscribed to the vision of Oxbow Cattle Company and its community that includes so much more than me, a community that Barton, Wendy have worked really hard to build. Thank you. Thank you, Natalie. Missionaries. My name is Mary Ulmer. And. And I live on rural Zumwalt, way off a South Miller Creek Road. I'm I have to say, I'm really surprised that none of the petitioners came today to give us their ideas about. Mary, can you pull it a little closer? Yes.

Speaker1: [00:41:08] There you go. How's that? Better. I was really interested in hearing why they thought that this particular access was so much more beneficial when there is an access that's just a mile down the road. And I know this because I live in that neighborhood and I know what it does to us in terms of having people traffic. It's it's not so much the fishermen, it's the people that come down there to party and they come at night. They have parties. They get wild. They. I'm not going to go into that. What I want to talk about today is the traffic. It's one thing to talk about this access area. I presented my findings just on doing some research, public records and the access in order to get to the location where they want. This road goes through several subdivisions and predominantly what concerns me the most is that as soon as you take off on Lower Miller Creek Road, which I know you will do when you do your site visit, you immediately start in some neighborhoods. So you go through Lower Miller Creek. As you turn onto there's a right hand turn onto Miller Creek Road at Old Bitterroot Road. There is currently beginning a construction site of 187 homes right there. That is going to have to access the roundabout at Miller Creek and Lower Miller Creek Road. As you continue further, you go into a small development called Maloney Ranch, and this is where it becomes a straight a suburban street where there's children that ride their bikes up and down the road.

Speaker1: [00:42:57] The dogs are out there playing, people are mowing their lawns. And to turn this into a traffic way for. For fishermen with their boats and their trailers and for river rafting outfitters that shuttled boats back and forth to the area. It causes me a lot of concern. I think more so than anything else, and this may sound silly to you, but this road goes the street goes right past the Jeannette Rankin Elementary School. So as you drive down this road, you see these kids and they're out on the playground and they're playing. And I'm very concerned for their well-being and what they are going to experience when they have all this traffic coming through their neighborhood. Further down the road is going to be a larger development that the White Family Partnership has already set aside land that they're going to be building a larger area, another subdivision of Linda Vista on their road. They have a roadway that runs from their subdivision T4 and it runs for six miles along lower middle creek up to where it joins. And this is all going to go pass this particular access road if it's granted. So I sent some information to you. I sent a

map of all the subdivisions that are ultimately planned for that road. And I think we need to look at the traffic situation before 30 seconds, Mary, I think before we ever start to consider doing something off road. And that's all I have to say. Thank you. Thank you so much.

Speaker3: [00:44:55] My name is Dave Mead. My wife Marilyn and I own the property that this road would terminate in if it was altered.

Speaker1: [00:45:05] Sorry, Dave, can you. Oh, that was loud.

Speaker3: [00:45:07] Can you. Better?

Speaker1: [00:45:09] Yes. And your name again?

Speaker3: [00:45:13] Right.

Speaker1: [00:45:14] Your last name? Sorry. Mead. Mead. Thank you.

Speaker3: [00:45:17] Yes. We own the land on the south end where this road would terminate. And there's a couple of points I'd. First, I'm strongly opposed to this for all the reasons that have been previously stated. And I'm not going to beat a dead horse and go through those again. But there is a couple of things I want to bring up. I recently sent an email to Steve Knight and it is this. I said, Steve, in your summary of surveyor's research contained in the petition to relocate old bit of dirt road, you state in the first paragraph quote This road was partitioned. A committee was appointed to locate a wagon road and the report from that committee was adopted, although no explicit action was found in the Commissioners Journal to declare that this is a county road. The evidence indicates a clear intention to create one. My question to him is simple Is there anything in the written record that states that this intentioned road was ever created? In other words, it's obvious that they were considering establishing the road. But what evidence, either written or on the ground is there that this road was actually created? If you can bear with me since they grabbed my petition or I gave it to him and grab it. Well, one of. Apologize for this. Oh, here it is. In his response, there's one sentence that stands out above all others, he said. There is not one concise statement by the commissioners declaring that the petitioned road to exist, period. It's a speculative item whether that road was ever created or not. Yeah, they petitioned it. Yeah. The commissioners at the time evaluated and approved it. Yes, they drew plats. But there's not one speck of evidence that anybody can find that that road was ever in existence.

Speaker3: [00:47:08] So you're trying to move something that may or may not have been there. And the second point I'd like to bring up, I know R.D. Doris was going to bring this up, but he's not here, so I'll bring it up for him. There's resolution number two, 2004 to 0 zero six, where the commissioners abandoned the road to move it to lower Miller Creek Road. The conclusion of that was now therefore, be it resolved, that the Gilo Road surveyed by Baker in 1870 noted as the bitter road and the bitter at high water road and the road shown as a missoula County Road Plat book, one road located in sections. And here's the key point sections 11 and 14, township 12, North Range 20, West County of Missoula, State of Montana, be altered to lower Miller Creek Road right away, as shown in the Maloney Ranch Phase eight subdivision and in the shown attached Exhibit A, they abandoned in Section 14 as of this resolution right here, second 14, if this road ever existed, Section 14 is critical because it takes where it would have passed through the Morris property and the northern part of our property. That road was abandoned. So how can you alter a section of road that's already been abandoned? There is no way to connect to the peace if it existed. The piece that remains cannot be connected because the northern part was already abandoned by this resolution. The only way to get to that road, if it ever existed, would be from the south, through the bison ranks and across the river, which wouldn't serve anybody's purpose here. So this petition, I think, is trying to move something that doesn't exist. And that's a point I wanted to make for already right there.

Speaker1: [00:48:53] Thank you, Dave. Hello. I'm Amy Hoyt. This is my daughter, Jolie. And just a few comments because naptime ended early. I work with Oxbow, I help them with business management. So customer outreach, anyone, our bill, our restaurant customers, our direct customers and everyone here

has made some really good points. The only thing I'd like to add quickly would be the just the advantage that Oxbow has Missoula, that Oxford makes for Missoula is possibly outweighs the advantage of this access to the right away for this river. The amount of food and beef that we supply for the community has greatly increased just in this year alone with inflation and rising food costs. Weekly I see more customers reaching out to us and as you may be aware of, it's not high profit margin to be in ranching. So this would greatly impact us on a business sense and I believe would negatively impact community of Missoula. Thank you. Thank you, Amy. Anyone else in the room. Okay, Violet, I see one hand up, but I can't tell who it is. Jenny Tollefson. Hi. Thank you. Can you hear me? Not very well. Um. Let me get my microphone. Can you hear me better? Yes. Okay. Go ahead. All right. Thank you. My name is Jenny Tollefson. I'm the stewardship director at Five Valleys, Land Trust and Five Valleys Land Trust learned on June 27 of the petition to alter a county road right of way that was recorded on June 20th, 2022.

Speaker1: [00:50:59] The route the petitioners propose crosses two properties protected by conservation easements held and stewarded by five valleys. Land Trust. The first one, as you've heard about, is the Oxbow Cattle Company Conservation Easement that was recorded on May 2nd, 2018. The Oxbow Cattle Company Conservation Easement protects the following conservation values open space lands that contain important agricultural soils and provide opportunities to continue and conduct ranching, farming and other traditional agricultural practices as well as natural habitat for native plants. Fish and Wildlife. The second conservation easement is one that we refer to as the Hunters Ridge Conservation Easement that David Mead spoke of. That was recorded on December 20th, 2000. The Hunter's Ridge Conservation Easement protects the following conservation values. The natural resources of the property, including important habitat for our native wildlife plants and vegetation communities. The open vistas and scenic resources of the property. And opportunities for continued agricultural use of the property. Probably because of its legal interest in these properties and its obligation to steward these conservation values is actively gathering information and evaluating the impacts of the road petition on these two conservation easements. We're letting the commissioners know about the conservation easements at this time, and we will be following and if necessary, engaging in the petition process as it unfolds. Thank you. Thank you, Jenny. Anyone else online or on the phone.

Speaker2: [00:53:05] What?

Speaker1: [00:53:07] Go ahead.

Speaker2: [00:53:08] I've seen whenever it's appropriate, I'd like to go ahead. Okay. So first, I want to apologize for not being there in person. I'm away this week. A way actually just means working on a farm all week here in Missoula County. So I'm beaming in rather than being there in person, though I wish that I could have done both. Next thing I really want to say and I'm going to repeat this a couple of times because it's so important to me, this is not a county project. This is not a county project. This is not a county project. Mr. Meade said what you're trying to do here, we are not trying to do anything other than responding to. This petition and we will set a date because that's what we're obligated to do, that that is not evidence of our sympathy for the petition. That instead is just evidence of us following the statute. That's what I wanted to say.

Speaker1: [00:54:05] Thank you. Steve or John. What's our next step?

Speaker2: [00:54:14] We need to set a time for. Is it your turn?

Speaker1: [00:54:17] Commissioner, it is okay.

Speaker2: [00:54:19] For you and Steve Knight to go down and take a look at the. A petition that's been presented to the county. And others are welcome to join in because there's only one commissioner and in the statute itself prohibits more than one commissioner. Probably I'm probably the only one in this room. Who cares why it's only one commissioner. But I read something some time ago where 100 and so years ago, this was a way for county commissioners to get paid, is to go and view roads. And, you know, I mean, this is back in the day when a lot of roads were being laid out and it was a way to bolster your income and apparently that was abused. And so at some point in time, the legislature said only one

commissioner gets to go on these investigations. So that's why one and only commissioner gets to go on this particular investigation. Okay. I would like to attend that that meeting if I'm available. And like I said, the public is welcome to join, too, if they're available. So we'll let's let's set up let's set a date.

Speaker1: [00:55:35] We're going to set a date in real time. We actually have the dates ready to go this time. So the viewing, I think, is, Steve, am I correct that it's not going to be done in actually at the site?

Speaker2: [00:55:52] No, no. The viewing will be it'll be in the general area of of. Where this road is being.

Speaker3: [00:56:01] Proposed to be altered.

Speaker1: [00:56:03] That's the date.

Speaker2: [00:56:04] Yes. I'm sorry. Just because you have this confused look on your face that originally the plan was not to go on site for the initial viewing. John is counsel that we should, in fact, go on site for the initial viewing. And when I say initial, the reason I'm saying initial is there has been a discussion about a future site visit with all of the commissioners because they do wish to be on site and see see firsthand the area in question.

Speaker1: [00:56:44] That is that's separate from what we're trying to establish today.

Speaker2: [00:56:47] Today is the initial viewing for yourself, myself. And hopefully John can attend.

Speaker1: [00:56:55] And.

Speaker2: [00:56:56] And anyone else. And just for the record, this is required by Montana Code Annotated. 714 2603 This is the investigation that we're going to do. We're going to follow what the legislature has told us to do when we receive a petition like this.

Speaker1: [00:57:14] Sorry for my confusion, but it holds. The viewing is going to be Tuesday, July 26 at 3:00. Starting at three. And then the second hearing is going to be the commissioner's public.

Speaker2: [00:57:28] Meeting on.

Speaker1: [00:57:29] Thursday, July 28th. Thank you so much.

Speaker2: [00:57:36] Good work, Violet.

Speaker1: [00:57:40] Okay. There's nothing else. We'll move to dairy subdivision. Oops. I'm sorry.

Speaker2: [00:57:48] Anyone here that would like to attend that initial viewing? Could you please contact. Me, okay. Or the commissioner's office. And let them know that you'd like to attend. That will give us a better handle on how many people are going to be there. And I'm proposing that we use the existing road, which requires us to cross private property. So we would need permission from those landowners, the Meads and the Morrisons. Hopefully they will give that permission and hopefully they will be available to attend.

Speaker1: [00:58:35] And that email address is to just use the BCC address.

Speaker2: [00:58:39] Yeah, let's use the BCC.

Speaker1: [00:58:41] So that's DCC at Missoula County, US. If you are interested in attending. Thank you. Okay. Tim Worley.

Speaker4: [00:59:32] Okay. For the record, I'm Tim Worley with Missoula County Community and Planning Services. And this is the dairy subdivision, a proposal by a Thai Tam LLC represented by PCI for 14 lots on roughly ten acres and target range. The subdivision is located south of North Avenue and east of the trough. So if you look at an aerial photo of target range in general and you think of target ranges being framed by Clements to the West. South Third Street on the North End. Preserve Street to the east and then South Ave on the southern edge. This ten acres is kind of in the southwestern corner of that box, if you will. And then if you center it a little bit more, you include land such as Macaulay Butte, the Bitter River, Fort Missoula to the East and Big Sky High School, Darcy Seed Orchard, etc.. So the zoning on this property is CRT residential. With a density of up to two homes per acre. This subdivision amounts to about 1.41 dwelling units per acre. Lots range in size from roughly 12000 to 22000 square feet. But there is one lot in the southeastern corner, lot 14 that is proposed to be in excess of 87,000 square feet, and it is intended for potential future development.

Speaker4: [01:01:24] New zoning applies as of July 1st, and that would have a half acre minimum lot size. This would be a residential zone. The subdivision as is, would be subject to the older cr2 zoning, but any division of Lot 14 in that southeastern corner would be subject to the half acre minimum lot size. So growth policy amendments that apply to this project include the 2019 Missoula area land use element and the 2010 Target Range Neighborhood Plan, both of which recommend residential uses at up to two homes per acre. In the target range neighborhood plan this area is designated as. Target range central. All of target range was evaluated for appropriate density back in 2010, and there were certain areas that were recommended for down zoning, essentially, and that includes this area here and closer to the Clark Fork River. But Target Range Central, which includes this ten acre property, was not recommended for any sort of density reduction and thus the half acre minimum lot size that you see in the new zoning. So again, another aerial view of. Target range. And we are right in this area here east of the trough. Here's Target Range School. This was a former dairy operation which included cattle grazing.

Speaker4: [01:03:00] It does have prime farmland soils, but state statute does prohibit farmland soils in consideration of whether or not to condition the development or to deny it. There is an irrigation ditch that proceeds through the property. This is in the Missoula Irrigation District. And there's a box culvert proposed under what's called Betty Jo Lane. There's also irrigation water proposed to be distributed from a lateral on the northern edge of the property. And Ron Ewert from PCI sent me this graphic that shows how irrigation is proposed for essentially lawn and garden purposes on the property. So we have a number of recommended irrigation conditions, including review of the irrigation water distribution system. Review of installation of that box culvert under the plan road one of the planned roads. Also review of plans to line the ditch. The developer would like to line the ditch so as not to cause any issues with homes on the property. And there's a recommendation for a perpetual easement for off site, for the off site portion of the irrigation facility. So that would be right up in here on the northern edge, because this five acre property is not part of the subdivision. So at Planning Board, a recommendation was made from PCI.

Speaker2: [01:04:38] To.

Speaker4: [01:04:39] Actually strike some language and condition number 16 regarding final inspection of the lining of the ditch. And it's something that we felt we could support. And Planning Board also supported it as part.

Speaker2: [01:04:52] Of.

Speaker4: [01:04:53] The main motion to recommend subdivision approval. There are a couple of county standard roads that are proposed as part of the subdivision. These are proposed to be paved roads. And they're also proposed to have county standard sidewalks on both sides of Betty Jo Lane as the westernmost road. Those are five foot sidewalks on both sides of that road. Five foot sidewalks are proposed on both sides of dale court. The shorter cul de sac and then an eight foot wide sidewalk is proposed along that east west portion of Betty Joe Lane. I should note there's also a an asphalt pathway proposed to connect this subdivision to the walkway along Clements Road. And I wanted to illustrate how that might play out. This right here is North Avenue. The subdivision is off to the right hand side of the slide. And here's the Clements Road pathway. This is a slide viewing to the north. So folks from the

subdivision could either proceed north or they could cross this crosswalk here and then proceed south along the Clements Road pathway. And this photo is a little bit old, so. Folks who live in the area recognize that there's actually reflectors that separate the pathway from Clements Road in a much more visually striking way. And eventually about a third of a mile away is Target Range School. And you can also access this paved pathway along South Avenue. So we do have conditions related to review of all construction, whether that's roads or walkways, as well as review of storm drainage in the subdivision. There is an off site community water system proposed. It's on that five acre parcel immediately to the east. It will have a maintenance agreement and it does require an easement for water distribution. And that easement is right here. And we're recommending that a perpetual easement be filed as a separate document since again, this five acres is not part of the subdivision. We're also recommending water metering, since this is what's called a combined appropriation where.

Speaker1: [01:07:24] Tie time owns that five acres.

Speaker4: [01:07:26] Yeah, they own they own that five acres as well. The maximum usage for the subdivision can only be ten acre feet per year. The subdivision has the advantage of again of irrigation water for sprinkling the lawns essentially. So they have an advantage as to just having this well for basically potable water. So we're recommending metering of the well as well as notification of annual usage that comes from this well. And this was another recommendation or request that came from PCI as a simplification of language of the condition related to annual water usage monitoring. And it was a change. We felt actually simplified the condition and it was supported by planning board. So individual wells are excuse me, not individual wells, I should say individual septic systems are proposed for the subdivision, including septic systems that are that are designed to work in a tighter footprint because of the smaller lots. Cash in lieu of Parkland is recommended in this instance, as the Parkland dedication requirement is about 0.64 acres. But there is no actual Parkland being dedicated. Fire protection is in the form of a 10,000 gallon cistern. And this is just an illustration of what a cistern might look like. It will be located between Lot seven and eight in the subdivision, which allows for a fire truck to come in from North Avenue and just pull up and connect to a hydrant and it must be installed before houses are built as a condition of approval. So comments that we heard mainly from folks in the area include concerns over increased traffic, vehicle pedestrian conflicts, displacement of wildlife. We did hear supporting folks to like one individual commends the mid level housing opportunity here with reasonable lot sizes and the opportunity to have in district students just right next to Target Range School, which is just about a third of a mile away. So some comments from Missoula County Voice. Include prime farmland if irrigated should be preserved. And even though state law prohibits consideration of farmland soils in the context of subdivision. The right choice is preservation of these soils.

Speaker2: [01:10:21] If possible.

Speaker4: [01:10:24] And we did receive one comment today. It was an objection to the notion of this being infill target range doesn't have the infrastructure for increased development such as this and that. This type of development was not wanted by the community. I just thought I should plug that in there. Planning Board generally supported the subdivision as being an appropriate illustration of infill. They were concerned that agricultural soils couldn't be considered and they supported the two minor condition amendments that I framed earlier. Staff and Planning Board's recommendation is for approval. And there's your motion when you're ready.

Speaker1: [01:11:13] Thanks, Tim. Ron, would you. I'd like to add anything. Ooh. There's props.

Speaker3: [01:11:30] So.

Speaker1: [01:11:33] Katie. Can you see what you need? Are you okay? Yeah.

Speaker2: [01:11:40] Good afternoon, everyone. My name is Ron Ewart, the PCI. First of all, I'd like to thank Tim and Bailey for all their hard work and time on this. On the review of this project, we are in agreement with the recommended motion and conditions of approval as as came out of the planning board unanimously. And so Tim went over the specifics and I just like to quickly go over some of the the

general highlights. Our first consideration here's a little mockup of of the subdivision, which you've already seen, but this one is colored. So our very first consideration was, well, we don't want to cross. The ditch within a lot. Mean we don't just want to have the ditch and the easement crossing a lot so there's not a lot of ways you can do this. But the way that this is drawn, it does accomplish that. It makes it a very livable development. And and this way we kept the lots, you know, reasonably sized. So the average lot size is almost 17,000 square feet, which is a pretty, pretty good sized lot. I think this will be a nice subdivision. It'll be a desirable place to live. There's a need for housing at all levels. And I believe that this. Particular subdivision will help to maintain or perhaps help to elevate property values in the neighborhood. There will be a strong homeowner association that will have strict covenants to go by. There'll be landscaping requirements and architectural review of all the new homes. As Tim mentioned, it does need all of the Missoula County zoning and subdivision regulations. Even with the new regulations, something like this could be could be done because the lots could can possibly be less than half an acre. But we haven't designed the rest of this as of yet. I'd be glad to answer any questions you might have. Thanks.

Speaker1: [01:13:45] I don't have any. But maybe before. Before we start. Josh? Is there anyone? There's no one else in Sophie Moyes. But is there anyone online who'd like to comment on this or on the phone? Okay. Can we close public comment then and commission discuss. Yes, we'll do that. Okay. Josh muted. No, he's not. Turn the volume up. Oh, we just need the volume. You're okay, Josh?

Speaker2: [01:14:23] Great. Thanks. So I don't. I don't have any questions. It's. We do need mid level housing. It's sad to see this kind of iconic piece of open ground in target range go away. It's sad to see these soils filled with concrete and that's just how it goes. So. It's all I got on this.

Speaker1: [01:14:48] I just add that you know this area intimately. This is.

Speaker2: [01:14:51] Really. Well, yeah.

Speaker1: [01:14:53] Your neighborhood.

Speaker2: [01:14:54] I'm farming around the corner, so.

Speaker1: [01:14:59] Okay. Any further discussions or questions?

Speaker2: [01:15:03] We could just bring up that motion language.

Speaker1: [01:15:07] Violet is on it. Thanks, Violet. Oh, no, Tim is on it. Sorry.

Speaker2: [01:15:11] Well done, Tim. All right. I would move approval of the dairy subdivision based on the findings of fact and the staff report and subject to the recommendation conditions of approval as amended.

Speaker1: [01:15:28] Second, any further discussion? This is sad and. Also pretty cut and dry. So appreciate that, Ron. Okay. All in favor. All right, I. Our next one. Tim, you have Clearwater Meadow Subdivision. Thanks, Ron.

Speaker4: [01:16:36] All right. Clearwater Meadows Ranch is a proposal by John Richards, represented by IMG. The proposal is tow lots on about 200 acres, about one mile west of Clearwater Junction. This property is roughly 50 miles south of Seeley Lake, 38 miles east of Missoula. Zooming in a little bit. There is the 200, roughly 200 acre property. You can see it's proximity to the Clearwater River and Clearwater Junction. This is an uncertain property. The proposal, again, is for 20 homes on about 200 acres or slightly more dense than one home per ten acres. The Seeley Lake Regional Plan designates this location as very low density residential. Recommending about that same density at one home per ten acres. So this is actually a land, a portion of the land use map from the Seeley Lake Regional Plan. And the property in question is right here. This brownish color here is more of that very low density, residential recommended overlay. But as you can see within the neighborhood, there's much less dense areas like this area here is recommended, I think, for densities closer to one home per 80 acres. These are truly

wild lands and these areas to the north and west are recommended for densities of closer to one home per 160 acres.

Speaker4: [01:18:26] And the emphasis there is resource protection. So the designation in question is intended to retain rural character and function as transitional area between increased development and resource protection lands. Nevertheless, these lands, this one pretend recommended density have development limitations beyond the availability of community services, streams, rivers, wetlands and associated groundwater, place constraints on development typically, and resource values and steep slopes similarly limit development. So zooming in a little bit further, here's our 200 acre property with Highway 200. Clearwater River is here. This is Blanchard Creek here, which we'll talk about in just a minute. Camp up most way. Serves a camp, a summer camp, camp up most, which is on a 40 acre parcel right here. There's a gravel pit to the east. And here again is that Clearwater River. There is a private road on the property known as Van Lane, and there are a handful of homes and structures in this portion of the property. This is a bird's eye view looking from east to west of the subdivision, as proposed, the subdivision property, I should say, which is fairly open grassland. It was traditionally grazed camp utmost as here. And this is Blanchard Creek Road here and Highway 200 here.

Speaker4: [01:20:09] This property does have a fairly extensive grazing history with limited residential uses and again gravel extraction uses across Blanchard Creek Road. It does have a flood irrigation history as well. However, water rights are intended to be retained by the applicant and not distributed throughout the subdivision. I should note that there is no requirement for irrigation easements on the property. Per our regulations. The roads that provide access to the property include Blanchard Creek Road along the northeastern edge. Again, Camp Utmost Way is another proposed access point and then Highway 200 is the primary access. But two new roads are proposed, road A and Road B. These are proposed to be county standard gravel roads within the subdivision. Walkways are required for the subdivision since it is a major subdivision. However, the applicant requests a variance from the walkway standard and Staff and Planning Board both support the variance because of the impacts. To the property, considering this is a fairly topographically diverse area where the roads are being proposed and because of the limited utility of roadways in this area or excuse me, walkways in this area. Individual wells and septic systems are proposed as part of this project. And as was mentioned with the dairy state.

Speaker2: [01:21:49] Law.

Speaker4: [01:21:50] States that flows must remain below a certain a certain threshold for the wells to remain exempt from water rights permitting. And that magic number is ten acre feet per year. The applicant has agreed to limit lawn and garden irrigation to limit well output. And what that amounts to is limiting irrigation to 3485 square feet per lot. And the really the only way that you can keep track of that is to meet your wells. So that's one of our recommendations. And we're also recommending that a reporting occur annually both to DRC and to the Planning Office to make sure. But that ten acre feet is adhered to. As a maximum. As most folks know, this is in a very wildlife rich landscape. It is near the Blackfoot Clearwater Wildlife Management area, where you see a combination of both large carnivores and game species, your carnivores being grizzly bears, gray wolf, mountain lion. And of course, you're near the game range with all kinds of elk and deer. Human attractants can cause trouble for both predator and prey and subdivisions can be a problematic mix when you bring all those things together. Clearwater Junction already has had a number of incidents requiring both relocation of species.

Speaker2: [01:23:23] And.

Speaker4: [01:23:25] The need to destroy certain individual animals. So there's been multiple attempts at development on this property. But one consistent theme that we've heard is that tow lots and this comes from Fish Wildlife and Parks 20 lots is really the maximum number of lots that would be manageable considering there will be attractants. So there will be distractions, if you will, that bring animals onto this property. So we feel and hearing from agencies and departments that other mitigations will be necessary even to sustain the tow lots in a way that makes sense for wildlife. So one of our recommendations is bear resistant garbage, and bear resistant garbage cans are automatic, or they need to be the automatic

variety that essentially stay closed until they're dumped. And our own Republic Services, one of our providers locally, does allow for these kind of cans to be distributed.

Speaker1: [01:24:34] And so regardless of who the provider is.

Speaker4: [01:24:37] Well, my understanding is that Republic is the one provider. I think there's maybe some discussion about that. But the condition does specify republic because I've confirmed that they're the one provider that does absolutely provide bear resistant cans. I think there's maybe some conversations as to whether the other provider. Does allow for those types of cans too. But I've heard that disputed. So.

Speaker1: [01:25:07] So going forward, I guess I'll wait until you're done. Sorry. Go ahead. Sure.

Speaker4: [01:25:13] So one of the major areas that's been discussed is the sensitivity of the Blanchard Creek riparian area on the northeastern portion of the parcel. As proposed, the Blanchard Creek riparian area is contained within an 8.64 acre common area. Past grazing has degraded this resource and de watered this reach of Blanchard Creek. Blanchard Creek runs in the spring, and it's considered one of the better fisheries in the Blackfoot. Five allies. Autobahn hasn't been on the property recently, but in past inspections they've noted a diversity of bird species on the property and their recommendation, not just theirs, but our recommendation after hearing from them from Fish, Wildlife and Parks from Clearwater Resource Council, is a restoration plan for Blanchett Creek. Initially Fish, Wildlife and Parks and Clear Water Resource Council did recommend expansion of the common area. This is in their comments that are contained within the record and part of what that would entail. As we understand it would be expansion of the common area to encompass all of lot 20, which is this lot right here. Which encircles the 8.64 acre common area. Five Valley's Audubon also chimed in to this effect, recommending the elimination of Lot 20 based on the scale of the creek and the value of the riparian resource. And also the county's parks, trails and Open Lands Department felt that expansion of this common area would provide sufficient space for Blanchard Creek's Shifting Creek Channel. So the condition in the staff report is actual expansion of the common area to encompass lot 20. And as part of that recommendation.

Speaker4: [01:27:41] We had some permissive language that would allow recuperation of the lost lot. 20. So that it could be contained within the lot immediately to the west, which is Lot 19. Now the developer has expressed his preference for mitigation, which would be the retention of Lot 20 as a residential lot and not to have the common area encompassed Lot 20. So his preference is that any riparian area mitigation should consider the fact that Lot 20 should be a buildable residential lot. So, Commissioners, we are. Here to present a compromise approach which would involve the westward expansion of the common area for a distance of about 25 feet. And that's represented by this green band here along the western edge of Blanchard Creek. So what that means is the common area would expand from about 8.64 acres to roughly ten. Maybe even up to ten and a third acres. These are just estimates at this point. And this graphic isn't intended to be joined to the condition that we're recommending, but it just illustrates what this might look like. So some considerations that were part of this were the fact that there are traditional home sites and structures along that western terrace of up above Blanchard Creek. There's also Van Lane, a private road. So it's not a pristine landscape. It would allow Lot 20 to remain buildable for the sake of the developer. But it would allow for a little more gain on some riparian area buffer as well. So condition number two does.

Speaker4: [01:29:58] Have to change if we expand that common area 25 feet to the west. And this is the language on the screen that would address that issue. And again, the elimination of Lot 20 would not be part of this equation in this case. So Commissioners, we would ask that you would consider this as an alternative condition. Number two. So I should probably speak to procedure with regard to this because. This could be seen as amending this application, which our regulations do state. It gives us the the opportunity to stop the clock on this process moving forward. And we would have the discretion upon stubbing that clock to send this back to planning board or even to Pre-application. We think, however, we think the regs. Permit this, that you can keep moving forward and make a decision today based on this information. We don't think there's anything new that would be gained by sending this proposal back to the agencies who reviewed it multiple times. We think we know what they would recommend. So we

would recommend whichever direction you go, commissioners, that you proceed. Just one more major issue. Floodplain. Blanchard Creek, which you see there in blue, has been mapped its flood plain, its hundred year flood plain. It's been mapped by professionals excuse me. And there's a condition that floodplain be shown on the final plat. Which is required by both buyer regs and by state law. Now the applicant does have a request based on the fact that the graphic that you see here represents a much more robust floodplain than is probably the case on the ground.

Speaker4: [01:32:11] This is probably almost double what the true 100 year flood plain is. So the developer would like the option to conduct an updated study that might actually shrink the floodplain. We think this is a supportable approach. Because even the smaller floodplain requires certain hydraulic and hydrologic data to confirm what the appropriate 100 year flood elevation is. So there's one clause that we would recommend adding to Condition 21. That just gives the developer the option of using either the more robust 2000 cubic foot per second flow or something considerably less than that as determined by a study. There is one more condition to mention, and that is we're recommending that 25% slope areas be made, no build zones to allow for life movement through the property. So from Missoula County Voice, we did hear a couple of comments. That Blanchard Creek riparian protections and enhancements should be supported. And housing here doesn't change the challenge faced by paws up and other entities in the area that need housing because this is housing for probably a different set of folks. A planning board when they heard this subdivision asked questions about diversions of Blanchard Creek. They inquired into fencing limitations for wildlife. An appropriate buffer width. There's a lot of discussion about that. And then they asked also about a condition. Related to a grant of easement for camp. But most way, since it's a private road and there's an intervening landowner, there will be a requirement.

Speaker2: [01:34:18] For.

Speaker4: [01:34:20] A specific grant of easement to use. Camp up most way for this subdivision. And there was some discussion also about general affordability and the overall housing situation and how this subdivision fits into that reality. Staff and Planning Board's recommendation is for approval. And there are your motions. I should note that when planning board made the motion, they sandwiched these two motions into a single motion. But I would, I guess, recommend keeping them distinct.

Speaker1: [01:35:00] Thanks, Tim. Is there anyone from IMG?

Speaker3: [01:35:06] Hey. Yeah? Can you all hear me?

Speaker1: [01:35:08] Just a second. We're going to turn up the volume.

Speaker3: [01:35:12] Okay. I can always yell into my mic.

Speaker1: [01:35:16] Okay. I think that sounds good.

Speaker3: [01:35:18] Okay. And then I might need the option. I don't know if Violet can grant it to me, but the ability to share would be great. Although I don't have a big poster board. Like Ron, you'll have to suffer through another PowerPoint.

Speaker1: [01:35:34] Okay. Thanks, Joe.

Speaker3: [01:35:36] Yeah. Looks like I have the option to share. I'll try to select my screen. Can you confirm that you can see the actual PowerPoint screen and not the minimized note screen.

Speaker1: [01:35:49] Looks good to me. Oops. Okay. Yep. Yep. We're good.

Speaker3: [01:35:53] Okay. Great. Well, my name is Joe Dennett, and I work for the IMG Office in Missoula, and we are representing the landowner and applicant, Mr. John Richards. Tim, thank you so much for your work on this project and also for the thorough presentation. I think you've laid the necessary groundwork to have a good discussion today and one that hopefully results in approval by the

commissioners. Really, the point of my presentation is to highlight growth, policy, compliance, the need for housing and agency collaboration, as those are the main factors driving this proposal. I've outlined the timeline for the tow lap proposal above, but you'll notice two dates in there to older dates for different subdivisions. I understand the scope here is for the tow lot, but they provide some valuable contexts and I'll be referencing them later on in the presentation as well. The 119 lot from 2007 wasn't approved based on density concerns. The county allowed Mr. Richards at that time to revise his proposal without resubmitting a new subdivision application. He modified the proposal and called for a 59 lot subdivision. Ultimately, the 59 lot subdivision was also denied over density concerns, and Mr. Richards went back through the subdivision application process and submitted a new 59 lot subdivision with building envelopes, which left a significant amount of open space, which was then again denied over density concerns, and the Missoula County Rural Initiative. Staff and Fish Wildlife and Parks.

Speaker3: [01:37:38] They raised concerns over density and then wildlife conflicts, and they did state in that Five9 proposal during agency comment that a proposed proposal for 20 lots would result in a 1% density and would align with the conservation goals out there. So Mr. Richards is now proposing the 20 lot major subdivision that aligns with both the Seeley Lake Regional Plan and the Missoula County Land Use Element. Before diving in to the those three tenets of my presentation today, I do just want to highlight again the variance request caps has recommended approval for it and this variance is from the requirement to have that non-motorized facilities along subdivision roads. I've tried to outline them there in the green, but that green line would extend along the the road there. The proposed lot sizes are in alignment with a rural character for this development and the fact that there's no existing non-motorized facilities makes us believe that this is warranted on top of the hardship for putting extra non-motorized infrastructure along some of those slopes that Tim mentioned. So obviously one of the main components of this proposal is land use designation and growth policy compliance. The property is on zoned and it does substantially comply with the regional plan land use designation and also complies with the Growth Policy Amendment goals number one. And number eight, by providing ample protections along Blanchard Creek and proposing houses near a commercial use corridor.

Speaker3: [01:39:11] Now there are over 1000 acres of land, not including the 200 acres in Jon's proposal. And that's what I've highlighted on this slide or attempted to highlight on this slide with this 1156 acres of very low density rural residential land. Now the majority of that land is public land and actually, you know, incapable of being developed. So with a 1% designation on over a thousand acres, with that designation, really, the area is technically slotted to include about 115 homes. Now, typically, that density would be dispersed throughout a designated area, but as I just mentioned, it's mostly comprised of public land or undeveloped, undeveloped land. So he's proposing the 20 lots which do align with the one per ten just for his property. And it's really worth mentioning here, too, that this development isn't in the middle of nowhere. Typically, when there is a commercial corridor slotted for one dwelling unit for one acre, which are the red areas, on this screenshot of the City Lake Regional Plan, there's places for people to live who work nearby instead. In this case, we have one dwelling unit per 160 acres north of Highway 201, dwelling unit per ten acres on mostly public land with one dwelling unit per 80 acres south of Highway 200. As growth policy goal number eight states. I think in this case, we do have the chance to proactively plan and provide for logical growth while also preserving the rural character.

Speaker3: [01:40:43] The reality out here is that this is really one of the only available properties within this land use designation that allows for development. So the landowner has experienced time and time again concerns over density being the deciding factor in denying his proposals, which results in the tow lot being proposed here, which does substantially comply with all applicable regional plans. Regarding the need for housing, I think probably one of the clearest indicators for lack of housing out here in this area is the fact that Paws Up has purchased the hotel at Clearwater Junction and two motels in Seeley Lake just to house their employees. Like I mentioned in the growth policy slide, the land surrounding Mr. Richard's property is mostly public, with private land dispersed throughout. I know that everyone definitely understands the challenges that come with developing in the rural landscape, but I also think everyone agrees that there's a need for housing in this area. Housing out here is limited and requires a commute from either Missoula or Seeley Lake for employment. And in this case, Mr. Richards is in a unique position to reduce infrastructure costs due to the nature of his business, which is a significant factor in determining housing prices. I reference this in the timeline slide at the beginning of the presentation

outlined above. Here on the left is the 59 law proposal that came about after the 119 lot was denied due to density concerns.

Speaker3: [01:42:10] As I mentioned, the Five9 lawsuit was subsequently denied due to density concerns and wildlife concerns, which led to the proposal that you see here on the right. One of the primary concerns voiced by Fish, Wildlife and Parks was that the property served as a wildlife corridor for the area and the only way to really accomplish their conservation needs without having substantial concerns over human wildlife interactions was for a lower density tow lot subdivision to be proposed and Tim referenced that in his proposal as well. In this case, not only is Mr. Richards aligning with that proposed density, but the proposal also includes those no build zones, which are important because they could allow for filtering of wildlife through the proposed subdivision, even if it's not a corridor on top of the covenant language that alerts future residents of the potential for any interactions. This slide highlights really the evolution of our proposal. And we're going to start honing in here on Blanchard Creek, which Tim mentioned is one of the things we focused on a lot on this proposal. The landowners has complied with the comments from the last two proposals, but they've also worked collaboratively with Capps and tried to incorporate design changes based on comments from Clearwater Resources Council and other agencies. And this slide highlights that example for proposed Lot 20 because our original design here on the left actually didn't include the proposed common area.

Speaker3: [01:43:33] It was a completely developable parcel with a buffer around the area of repair and resource that we went out and surveyed to get the accurate extent of for this proposal. After our submittal to CAPS, we altered our design to include the over eight acres of common area that you can see on the image to the right for the proposed development to include that highly conservative floodplain area that was validated by professionals last year. Additionally, based on some of the concerns by various agencies regarding the health and the preservation of Blanchard Creek, we did extend the western edge of that riparian area all the way to the common area boundary, which increased the buffer significantly, and that will be seen later on in another slide. But before getting there, I do want to note, and I think it's important for everyone to understand that there's a clear designation here between the stream banks of Blanchard Creek and the surrounding landscape. This slide sort of highlights that this isn't marshland as indicated by a lot of aquatic plants or or yearly floodplain inundation. Blanchard Creek's an ephemeral stream in its natural state, and the proposed subdivision includes substantial riparian buffer, in addition to a common area that will ensure natural resources are protected. Here are some more slides from a different perspective here.

Speaker3: [01:44:46] Originally, when Mr. Richards purchased this property, Blanchard Creek had street banks that were lined with hulking, pretty intense erosion and minimal natural shade due to consistent access to livestock for grazing and watering. Since purchasing the property, however, Mr. Richards has let the creek return to its natural state. And there have been existing residences along the western edge of Blanchard Creek since he purchased the property and there hasn't ever been any record of flood hazards associated with the creek in the existing structures. Nor have the existing structures contributed to the degradation of the stream banks. I think it's pretty obvious from these two slides here that the creek is pretty well defined and you know, it doesn't need that 25 acres of land for a buffer to protect the natural resource. The picture on the right here shows Knapp Wheat in the foreground, which typically you don't see in a boggy wetland. And you can also see in the center of that photo is one of the existing roads on the property. The repairing error you see there on the image on the left is included in an already expansive common area, which we believe is more than enough to accommodate the stream in its natural state, as it has been managed this way for the past six years by Mr. Richards. This is just one last slide. Really showcasing the topography of the area because it's kind of hard to tell from contour lines sometimes.

Speaker3: [01:46:04] In both of these photos, you can see the defined difference between the stream bank and the adjacent land, and that land is in a much healthier state due to just leaving it in. It's letting it do its thing. Over the last six years and the next three slides I'm going to dive more into the common area and how the recommended conditions of approval have evolved due to the collaboration with Capps. The common area that you're going to see encapsulates that 200,000 or excuse me, 2000 CFS flood event, and that was modeled by professionals late last year. And in that modeling, they said that it would actually

be closer to about 600 CFS. And that was further validated by the Montana Department of Transportation, who calculated the 100 year event to be around 540. But the 2000 CFS estimate was originally used in one of the older proposals, and even with that proposal, there was no encroachment on the existing structures or the proposed lots for that subdivision at the time. So here, as Tim showed in his slide, this was the proposal with the old condition of approval. Number two, after we originally reviewed the staff report provided by Capps, we requested that it be removed from the recommended conditions of approval. But during the planning board meeting, the board members recommended approval of the subdivision with that condition and encouraged the developer to collaborate with the county to find a middle ground that would both allow for the development and also preserve the natural resource of Blanchard Creek.

Speaker3: [01:47:31] And even though we felt like the originally proposed eight acre common area offered substantial protection, we did take Planning Board's recommendation to heart and met with the county to try to come to a middle ground. This represents the original layout for Lot 20, which we proposed without the middle ground option and shows the extension of that riparian buffer that I mentioned earlier in the presentation. And it's indicated by these numbers that are kind of hard to read, but you can see it even without the expansion of the common area. You know, it ranged from 40 to 5 feet at the smallest to over or close to 100 feet at some of the widest areas. But the expansion of the riparian area is included with the newly proposed condition of approval. Number two, which you saw on Tim's presentation, and I've included it here, this is that middle ground that came to fruition after we met with John Hart and Tim Worley and it highlights really the flexibility of the developer. I think that's a theme throughout here that they're willing to increase the common area by another one and a half to two acres, expanding the extent of the riparian area for protection.

Speaker3: [01:48:42] Because, you know, that option and the current recommended condition of approval, number two, we believe, aligns with the developer's preference and the concerns voiced by the various agencies without impeding development. In this specific case. I hadn't gone through this process before, but I think it's a great example of collaboration between landowners, planning staff and the county because, you know, the expansion of already a robust common area offers ample protection without it being necessary to impede all development on the lot. I do think it is worth noting that, you know, the old condition of approval, the expansion of that. Common area was largely arbitrary. The only reason it really encapsulated the 25 acres is because that's what we proposed for our Lot 20. We believe that this middle ground option, the expansion on the western edge of the common area, is more than enough to protect the natural resource. And we took those recommendations. And, you know, ultimately came to an option that works for everyone. So in closing, we do believe that developers shown flexibility with design and incorporated comments from agencies over the past decade, really while collaboratively working with caps resulting in an approvable subdivision. And we are seeking approval for both the variance request and of the subdivision with Tim's updated condition of approval. And with that I will stop sharing and pass it off.

Speaker1: [01:50:14] Thanks, Joe. There's no one in the room. Is there any public comment on this? Online or on the phone. Okay. I don't see anything. We'll close public comment. Oops. Nope. We're. We're not going to close it. I see a bill. I don't know who Bill is, but. Bill. Your hand is raised. So this is Jennifer Geddie commenting. My husband, Bill and I own property across from the proposed subdivision. And you have I did submit a letter expressing my thoughts on on the subdivision. I my understanding is, is that the planning board did recommend a larger riparian area on Blanchard Creek. And I just want to say that I think that we need to hold tight with that. I think that that's important. I think that out here, it's rural. We have birds, we have wildlife, we have all kinds of of public that enjoys that kind of ability to recreate and enjoy those natural resources that make us what we are. Make Montana what we are. So I would the only way that I can be in support of this is if we do take that into consideration and ensure that the riparian area is as as big as it possibly can be. That's all. Thank you. Thank you, Jennifer. You're welcome. Any more comment on this? We don't have anyone on the phone. Don't see any more hands. Oh, no. Randy Arnold.

Speaker3: [01:52:26] The Commissioners high. Randy Arnold, regional supervisor for Fish, Wildlife and Parks. Just want to take a second to appreciate the work that the planning staff and Tim Morley and his crew put in to really spending a lot of time on this. We did comment extensively on this proposal.

Speaker2: [01:52:40] And we.

Speaker3: [01:52:41] Did provide a lot of recommendations for mitigations and just want to appreciate the the landowner in the county staff's work and addressing as many of those as they could. I think remaining for the commissioners are these concerns about that Lot 20 and the potential impact to that riparian area. I'm going to kind of stay clear of that if I can. You guys have decision space there. I think the county staff has worked hard to find that middle ground and it does represent some some mitigation there. It was a compromise. And with any compromise, there's those who feel that it's going to adequately protect that and those who won't. So not weighing into that space, but just want to recommend or recognize Tim and his staff and the county's work and the landowners patience and working through all these many processes to try to find something that might work. Thank you.

Speaker1: [01:53:26] Thanks, Randy. Okay. Any more comment before we close public comment? Okay. I think we're going to. Yes. We're closing public comment. Okay. Slotnick Do you have some questions.

Speaker2: [01:53:50] And more comments than questions of? I appreciate the flexibility of all involved and I'm really, really great of Randy to take the time to call in. I think that this additional 25 feet of buffer is a compromise. It's not ideal, but it is a compromise. I also really appreciate the great reduction in density. Third time's a charm, it looks like. And. I think I think I'm okay with it as it is right now.

Speaker1: [01:54:22] Thanks. I have a couple a few questions.

Speaker2: [01:54:25] Sure.

Speaker1: [01:54:26] Just say more about the garbage situation. So. Yeah. In the future if. Providers change or what have you. How do we ensure that bear resistant? Receptacles are are there?

Speaker4: [01:54:47] There is a specific condition. And I did originally. Highlight. You've got to find it here. I did highlight Republic Services, but I have a potential. It's condition number 11. A potential word change that could make it a little more generic, but would allow the other provider, if they do get into the bear resistant can business, that they could be in play. And I think what we could do, instead of having a reference to Republic Services, we could just say garbage service provider.

Speaker1: [01:55:25] Okay. There's just. That makes sense. It's just this is there's a lot of bear conflicts already in this area. And so whatever we could do to address that. Yeah.

Speaker4: [01:55:41] And public does work in communities like Whitefish and all over the place. And here in town, actually, even in my neighborhood, I've heard that there are some folks that use the bear resistant garbage cans, but if the other provider in town has that capability, my understanding is that right now there's some question as to whether the cans they use.

Speaker2: [01:56:03] Right.

Speaker4: [01:56:04] Fit the bill. But if eventually that can be confirmed, we'll just go with a generic reference.

Speaker1: [01:56:10] And so my understanding is this kind of the the management of or the enforcement of this is just up to the homeowners association, is that correct? Or how.

Speaker4: [01:56:20] Does. Well, it's something that doesn't need to go in the covenants. And that section of the covenants can't be amended or deleted without governing body approval. So there is there is a certain amount of self-policing that is part of it. But I think when folks on the front end and you're

going to get out-of-staters that you're presumably when they start with bear resistant cans, they'll get used to it as opposed to starting with something else and then having to move to the bear resistant cans. I was familiarized with these down in Big Sky a couple of weeks ago and as long as you don't have your garbage just mounting high, they're not that difficult to use. They're pretty.

Speaker2: [01:57:00] Reliable.

Speaker1: [01:57:02] Great. I just want to make sure that they're used from the from the beginning, whoever the provider is. And then I had a question about fire, because the previous iterations of this proposal, like there had been a number of comments about fire ignition zone or impact of a fire in this. Yeah. To our services. Is there any comment on this time or how.

Speaker4: [01:57:32] We get a lot of comment on it this time?

Speaker1: [01:57:34] I just remember Steve Wallace with DRC standing.

Speaker4: [01:57:37] Up, really concerned about the. A fire that causes issues in the subdivision would likely come from the subdivision and I don't know, he's not present obviously now as far as speaking to this. But we didn't hear anything from Adrian back as far as a particular I mean, this is certainly in the wildland urban interface and we would encourage. Class-a roofs and hardened structures, if at all possible.

Speaker1: [01:58:07] Okay. And then the floodplain updates. I'm sorry. When was the last one done?

Speaker4: [01:58:16] There have been a number of studies on Blanchard Creek going back to the 1970s and the state has interacted in evaluating those studies and felt that the blue that you see on the maps is the more robust study that probably is over and above what they would ever see for a 100 year flood event. And so the condition language change that we're recommending would give John the option of actually doing an updated study to shrink the floodplain. And it will still be the it'll be a legitimate floodplain that needs to be shown on the on the final plat but he could either use that more robust one and. Actually show that on the final plat or he could shrink it. In either case, it doesn't really matter as far as structures because nobody's going to be building structures in that common area.

Speaker1: [01:59:18] Got it. Okay.

Speaker4: [01:59:19] Well, just one more point to. We do have one condition. We don't have a general like hardening of structures condition. But we do have a recommendation for essentially it's a requirement for Class A roofs on the front.

Speaker1: [01:59:36] And then there was a, I don't know, half a dozen bullets or so the planning board had questions about or that were planning board questions and those were answered or how are those answered?

Speaker4: [01:59:49] Let's see. Let me go back to those real quick. Just for my own edification. Yeah. There were some questions about the diversion of Blanchard Creek, which happens above the subdivision as the stream flows from north to south. Traditionally, the previous landowner would flood, irrigate, and John still has water rights. And there were I think there were basically questions that got at. Could we keep. The diverted water in the stream instead, as opposed to diverting it elsewhere. And we don't really have any regulatory oomph to get that accomplished with this.

Speaker1: [02:00:36] Okay.

Speaker4: [02:00:37] As far as we can tell. There were some questions as to whether perimeter fencing could be eliminated within the subdivision. But my understanding of state law is even though you can encourage wildlife friendly fencing, you can't prohibit a landowner from fencing their perimeter. That's

been my understanding for four years. And then there was there were questions about camp up most way, why an easement might be required. And that's because there's actually.

Speaker2: [02:01:09] A.

Speaker4: [02:01:09] Landowner between Highway 200 and this subdivision. And the original easement didn't anticipate this level of development. So they will have to get a grant of easement. Or the subdivision. And there is a lot of discussion too about lot affordability and how this subdivision plays into the current housing situation. Could it really? Make a difference as far as employees for something like paws up or is this going to be mainly out of staters? So it was more these were more just general discussion items.

Speaker1: [02:01:48] With with.

Speaker4: [02:01:49] Planning board.

Speaker1: [02:01:53] Thanks. I don't. I don't have any other questions. Josh?

Speaker2: [02:02:03] No, we could bring up that motion language. All right. So should we do these one at a time?

Speaker4: [02:02:29] That's what I would recommend.

Speaker2: [02:02:31] Okay, so first motion I move. Approval of the request to vary from Missoula County Subdivision Regulations Sections 3.4.9. 2bb point one. Acquiring Non-motorized facilities along subdivision roads.

Speaker1: [02:02:48] Second. Any further discussion? All in favor. I. I.

Speaker2: [02:02:56] Okay. I move approval of Clear Water Meadows Ranch subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval.

Speaker1: [02:03:06] Second. Any further discussion. All in favor. I. Thank you. And yes, Tim and Joe, really appreciate you guys working towards this middle ground. Thank you for that.

Speaker2: [02:03:27] And this is evidence of lots of collaboration.

Speaker3: [02:03:32] Yeah. Thank you very much for your time. And Tim, thank you so much for all your help with this project.

Speaker1: [02:03:40] Okay. Is there any other business? Rajan. Thanks, everyone.

Speaker2: [02:03:45] Thanks, Juan.

Speaker1: [02:03:47] Good luck on the farm.

Speaker2: [02:03:49] Yeah. Move some pipe.