

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, OCTOBER 06, 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
Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Sam Scott, Assistant Recording Director, Clerk and Recorder's Office
John Hart, Civil Deputy County Attorney, Attorney's Office
Rozlyn Haley, Justice, Equity, Diversity and Inclusion Fellow, Commissioners' Office
Shannon Theriault, Director, Environmental Health
Allison Franz, Communications Manager, Communications
Emmie Bristow, Community Engagement Coordinator, Communications
Carey Powers, Communications Coordinator, Communications
Jennie Dixon, Planner, Community and Planning Services
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Shane Stack, Director, Public Works
Tim Worley, Senior Planner, Community and Planning Services
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Carol Wolfe, Administrative Assistant, Community Justice Department
Vincent Pavlish, Civil Deputy Attorney, Attorney's Office
Erik Dickson, Transportation Engineer, Public Works
Erica Grinde, Director, Risk and Benefits
Chris Lounsbury, Missoula County Chief Administrative Officer
Lauren Ryan, Planner, Community and Planning Services

1. CALL TO ORDER *[Time stamp – 0:32]*

2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:00]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:00]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS**
 - a. **Proclamation: Hispanic/LatinX Heritage Month** *[Time stamp – 7:15]*
 - b. **Proclamation: Pet Commissioner** *[Time stamp – 0:43]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 10:11]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 10:19]*
Claims received as of September 20, 2022 to September 27, 2022 by the Commissioners' Office total \$2,132,845.81.
7. **HEARINGS**
 - a. **Request to Rename a Portion of "Running W Road" to "Meadowlands Drive"** *[Time stamp – 10:50]*
Sam Scott, Assistant Recording Director, Clerk and Recorder's Office

[Resolution 2022-107 Book: 1082 Page: 750]
 - b. **No Parking Resolution for North Ave. just east of 29th Ave.** *[Time stamp – 12:41]*
Shane Stack, Director, Public Works

[Resolution 2022-101 Book: 1082 Page: 755]
 - c. **First Hearing – Readopt Health Code by Reference** *[Time stamp – 22:55]*
Shannon Therriault, Director, Environmental Health

[Resolution 2022-102/Ordinance 2022-003 Book: 1082 Page: 747]
 - d. **Creighton Major Subdivision** *[Time stamp – 26:57]*
Tim Worley, Senior Planner, Community and Planning Services

[Continued to December 8, 2022 Public Meeting]
 - e. **Roller Coaster Subdivision** *[Time stamp – 27:58]*
Jennie Dixon, Planner, Community and Planning Services

[Letter 2022-254. Mailed to: Roller Coaster Road LLC]
8. **OTHER BUSINESS** *[Time stamp – 1:15:00]*
9. **ADJOURN**
Chair Vero – Called the meeting to adjourn at 3:18 p.m.

BCC Public Meeting October 06, 2022 – Transcription

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

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

0:32

So sorry, we're going to switch this up real quick so Commissioner Gage doesn't have to stay up here awkwardly.

0:43

We would like to read a proclamation.

0:47

Would you like to read it?

0:49

I'll.

0:49

I'll read it.

0:49

Doesn't matter either way.

0:50

OK.

0:51

I'll.

0:51

I'm excited to read it.

0:52

Such an arm.

0:54

Can we see Gage?

0:56

Here we go.

0:56

Over here.

0:58

We're not doing this very well.

0:59

For the photos, for the cameras over here.

1:03

I can always share photos from this thing.

1:05

OK.

1:07

Yeah.

1:08

OK.

1:08

Oops.

1:09

Got to go.

1:09

Microphone.

1:10

Maybe.

1:10

I'm going to go around in front and then he can.

1:20
Yeah.

1:20
Good boy, Here you go.

1:27
Whereas Missoula County held a contest in August 2022 at Missoula County Voice to elect its first ever pet commissioner to provide a fun way for residents with and learn about local government.

1:43
Whereas competition in the contest was fierce with more than 59 candidates that included cats, dogs, a frog, a cow, a chicken and chinchilla.

1:53
And whereas these candidates ran on diverse platforms and a myriad of campaign promises which included advocating for the county's parks, trails and open lands, providing pet pantries around the county stocked with food, treats, water leashes and bringing awareness to endangered and extinct animals and promising cross species collaboration.

2:14
And whereas following an intense campaign season, Edge, the Tripod A3 legged Border collie beat out the competition with 174 votes.

2:25
And whereas Gage lost his right front leg as a puppy and was abandoned at only one year old, he was the last dog at the shelter when his owner adopted him from Missoula Animal Control in 2020.

2:36
Katie Connolly and whereas Gage is a certified therapy dog with many other accolades to his names from dog training at centers.

2:45
And despite being differently abled, Gidge has lived a happy, fulfilling life with three legs.

2:50
And seeing him running around helps other dog owners make the decision to amputate and rehabilitate when faced with a difficult health diagnosis.

2:58
And whereas as pet Commissioner, Gidge will work to give tripods more visibility, so more pets may have a chance to live happily on three legs.

3:07

And Gidge will also work with Missoula County to raise awareness of the importance and benefits of pet owners registering their doggos with animal control, as well as other issues relevant to Missoula County pets.

3:17

And whereas we have full confidence that Gidge will proudly represent the floofy puppers, chunky cats and all other feathery, furry and scaly babies of Missoula County, therefore be it resolved that we, the Missoula County Commissioners, hereby proclaim Gid the Tripod as Missoula County's first ever pet commissioner, that he is such a good boy.

3:44

Yes, he is.

3:44

Yes, yes he is.

3:49

I did.

3:50

Yes, there's such a good.

3:55

Well, if you can't anything, do you like to say anything?

4:08

Whatever makes him comfortable.

4:10

Yeah.

4:16

Yeah.

4:16

Well, Katie, do you want to share a little bit about the importance of his work, maybe your story?

4:24

You get there's a microphone right there.

4:25

Yeah, I'd expect this.

4:35

So, yeah.

4:35

Oh, is it now that.

4:36

All right, So in addition to his new position as county commissioner, which clearly is taken very seriously by the look on his face right now, he is also an ambassador for the Tripod Foundation, which helps people find funding in order to amputate and rehabilitate instead of euthanize.

4:54

He's more dogs with us longer, who doesn't want more puppies in the world, so doing lots of good work there.

5:01

He also he has more qualifications.

5:03

If he had a LinkedIn than than I would or than most people in this room.

5:06

He I I'm sure he volunteers at the University of Montana.

5:11

He is a registered therapy dog there.

5:14

So he's next going to be there on October 24th at the Davidson Honors College.

5:18

If anyone wants to say hi to him, then he helps me find Morel mushrooms because he's trained in nose work.

5:24

He's trained in advanced dog agility.

5:28

He is a canine good citizen, like the list I'm sure I'm forgetting things just keeps going on so we'll see what he does next.

5:36

Given the amount of interest in him that this election has brought to light, he now very newly has social media, so if anyone wants to follow his exploits throughout Big Sky country, you can follow him at sea Gage run or you can be his friend on Facebook.

5:55

He's just good to the tripod there.

5:58

Fantastic.

5:59

Thank you so much.

6:07

Do you think it's an overstatement or an inaccuracy to say that this is the first such commissioner that we have in the state of Montana?

6:17

I believe so, Commissioner in the state of Montana.

6:20

So yes, Congratulations, Gedge.

6:23

Thanks.

6:25

Well, thank you very much.

6:28

I feel bad if he's sitting.

6:29

He's very patient.

6:31

Do you want to get down?

6:35

OK.

6:36

OK.

6:37

Off to do a photo shoot gig.

6:43

Good boy.

6:51

Oh, if you get a jump, jump.

6:55

Yeah.

6:57

Great to meet you, Gege.

6:57

Thank you so much.

6:58

We look forward to working with you.

7:00

We look forward to looking for morale mushrooms next spring.

7:05

OK.

7:05

Thank you.

7:06

Don't seem to know what's missing.

7:15

And then we have a we have a second proclamation.

7:26

OK, yeah, go for it.

7:28

Whereas September 15th marks the independence from Spain for a number of Latin American countries including Guatemala, Honduras, El Salvador, Nicaragua and Costa Rica, followed by Mexico on September 16th, Chile on September 18th and Belize on September 21st.

7:46

And whereas Hispanic, Latino, Latina and Latin X are pan ethnic terms used to encompass people of South America, Central America or other Spanish cultural origins regardless of race.

8:00

And whereas National Hispanic Heritage Month began in 1968 as Hispanic Heritage Week and grew up to a 30 day observance in 1988 to recognize and honor the diverse people and rich histories, cultures and legacies that have Hispanic and Latin roots.

8:18

And whereas between 2010 and 2020, the Hispanic, Latino, Latina and Latin X population accounted for 51% of the United States population growth of 22.7 million.

8:31

And whereas the national growth of the United States Hispanic, Latino, Latina and Latin X population is reflected in Missoula County with 3.4% of Missoula County residents identifying as Hispanic, Latino, Latina and or Latin X representing Missoula County's largest racial and ethnic demographic.

8:51

Keeping in mind that people of Hispanic and Latin ancestry can be racially white.

8:56

And whereas more than 20 million people to identify as Hispanic, Latino, Latina or Latin X represent multiple ethno, racial, geographic and other intersecting social identities.

9:11

And whereas Missoula County celebrates the culture, life, experiences and perspectives that this diverse population brings to our community while also acknowledging the inequities that exist.

9:23

And whereas in the words of revolutionary Mexican painter Frida Kahlo, at the end of the day we can endure much more than we can than we think, we can now therefore be it resolved.

9:36

We Missoula County in the city of Missoula, do hereby proclaim September 15th through October 15th,

2022 as Hispanic Latin X Heritage Month to celebrate the freedoms won by people in many Latin American countries and to honor the rich Hispanic, Latino, Latina and Latin X cultures and histories that have shaped our country and community.

9:59

Dated the 6th day of October 2022.

10:04

Thank you there any public comment?

10:11

Anyone would like to speak to this or to anything on the agenda or not on the agenda.

10:19

OK, looks like we have our current claims list as of September 20th, 2022 to September 27th, 2022 by the Commissioner's Office totals 2 million, a \$132,845.81.

10:38

We have 12345 hearings and apologies.

10:42

I have to leave at 3 and Commissioner Stromer will chair when I leave.

10:50

We'll begin with our first hearings of Sam Scott.

10:53

I request a renamed to a portion running W Rd.

10:56

With Meadowlands Drive.

10:59

Meadowlands Drive is much kinder than Running W Good afternoon, Sam Scott with the Clerk and Records office.

11:06

So like you said, a request has been submitted to our office to rename a portion of Running W Rd.

11:11

located in sections 21 and 22 Township 14 N Range 20 W within and adjacent to the subdivision known as Running W Ranch Subdivision.

11:20

The request is to rename the portion of the road to Meadowlands Drive so as to match more closely to the new name of the remaining subdivision phases Subdivision Phases Missoula, Meadowlands.

11:31

The request includes the signatures of all land owners whose addresses will be affected and notice of the hearing of this hearing has been published in the Missoula and the affected land owners have been notified.

11:40

I'm not sure if the the requester is here today, but I believe their representative may have joined us online.

11:47

So if Jamie has anything to say otherwise, the request is presented to you for your decision.

11:53

Thank you, Jamie.

11:53

Thank you, Anne.

11:57

No additional information from me.

11:59

Thanks to Sam for all the work you did on this.

12:07

Josh or Dave, do you have, is there public, anyone else have anything to comment or say about this?

12:20

I don't have.

12:21

I do not either.

12:23

If we're ready for a motion, I'm happy to move.

12:26

We make the change second.

12:30

OK.

12:30

All in favor.

12:31

Aye.

12:32

Aye.

12:33

Aye.

12:33

Thank you.

12:36

Thank you.

12:36

Shane's stack with the.

12:38

Oh, sorry.

12:38

Jamie.

12:40

Nope.

12:41

OK.

12:41

Shane's stack with no parking resolution for North Avenue just east of 20 9th Ave.

12:50

Yeah, yeah.

12:52

Good afternoon, commissioners.

12:53

To recall, in September 15th, we opened the public hearing to consider a no parking zone.

13:00

And maybe I'll share my screen and kind of give you an idea of where this is located.

13:06

Can you see that?

13:07

OK All right.

13:10

So this gives you an idea of what that parking zone would look like.

13:13

Let me quickly kind of pan out here just to Orient you to the the area.

13:22

This is the Big Sky High School campus here at the end of West Central.

13:28

And if you drive down from there and hit the intersection of 29th and go north, there's this little little section of North Avenue and that was recently reconstructed through the efforts of of our county public works staff and and of course funded by the the neighborhood.

13:48

And you can kind of see this drawing here of of what this might look like today.

13:52

I don't have an aerial photo with the with the updated construction efforts but this is kind of the the plan effort that that was put forward but gives you an idea of of why we need a no parking area in in or a no parking resolution in this area or restriction.

14:11

Essentially we need to be able to get our plow trucks turned around or emergency vehicles need to be turned around.

14:17

I think once you're past that if you know folks are parking along either one of these roadways, I think we'll be fine you know getting around those vehicles.

14:27

But I think for right now what we're recommending is a no parking restriction just for just for the end here just to make sure we can get vehicles turned around.

14:39

We did have a couple comments.

14:41

Patty Chevalier commented she lives in this house here at the end which she'd have a a no parking restriction in front of her house and she didn't share comments.

14:52

And I don't know if she's on today, but I can kind of paraphrase that she kind of was concerned about parking along the remainder of of 29th and and north and that you know, concerned that we may not be able to do winter maintenance, had a few other comments that are that are in the packet from her.

15:14

And then we did have another comment as well from from Deb who lives across the the roadway.

15:21

And and really was just more of a question about, you know, do we have, you know, parking restrictions at night or and we do in locations.

15:30

But I think it was more of a general question and kinda think I just answered her questions.

15:34

So those are the comments I've received since we've had the the hearing opened on September 15th.

15:41

That kinda concludes my update.

15:43

I don't know if you guys have questions.

15:48

Is there anyone in Sophie Moise who'd like to comment or speak to this?

15:55

Yeah, Come on up.

16:00

So I live in this neighborhood and oops, sorry.

16:04

Can you give us your name, please?

16:05

Just for the record.

16:06

Yeah.

16:07

Nancy Eiler.

16:08

OK And is your microphone on?

16:11

OK.

16:13

So I live in this neighborhood as well and we're very grateful to the county for being able to provide us with the opportunity to have an RSID and to get road work done on our street, which was previously dirt and now is nicely paved.

16:30

That's a wonderful thing.

16:32

And we're also very grateful that there's been an offer from the county to plow for us in the winter and now that it's a County Road.

16:43

And so I can only speak for myself although I'm somewhat familiar with other neighbors feelings that we just think it's important to make sure that the the, the road especially the cul-de-sac can remain clear so that plows can turn and emergency vehicles can turn, so that we can have plowing and we can have access for emergency vehicles.

17:12

So I think the neighborhood feeling is that we would we think the no parking resolution is really helpful so that we can have those things occur.

17:24

Thank you.

17:29

Would anyone else in Sophie most like to speak?

17:34

And Violet, I can't tell if there's anyone on line.

17:45

OK, Josh or Dave, this is, this is kind of in your neighbourhood, Josh.

17:51

Yeah.

17:51

I'm really familiar with this.

17:53

And I think Shane did a great job summarizing the situation and I think we, I, I, I think we should head this direction.

18:03

I'll second that.

18:04

OK.

18:05

All in favour?

18:07

Aye.

18:08

Thank you.

18:09

Thank you.

18:10

Thanks, Shane.

18:12

Thank you.

18:12

Thanks, Shane.

18:14

OK.

18:14

Shan Anterio, first hearing to readopt a health code by reference.

18:20

Thank you.

18:20

All right.

18:22

I'm gonna share my screen.

18:22

Thanks.

18:44

Sorry.

18:49

OK.

18:49

I am here to talk to ask you to readopt the Missoula Health Code and associated fees by reference.

18:56

In 2021, the legislature changed the authority of the health board and instead of the health board adopting regulations, it requires that the health board proposed regulations to the local governing bodies and have them adopt the regulations.

19:16

And so we have been here a couple of times.

19:18

In April 2021, the county commissioners approved an emergency ordinance and then in June of 2021 adopted the health code by reference.

19:30

Then we came back in March to ask you to adopt some revised fees.

19:35

And the reason why it was always the county that was doing that is that the legislation said that the county commissioners were the local governing body to approve the changes or the health code until an interlocal agreement establishes a different local governing body.

19:54

And so we did the the last time that well all times I guess there was an effect, there was an expiration that was put into this adoption by reference and I do believe so it said that it would expire 90 days after.

20:11

The city and the county execute a new interlocal agreement which has happened and so now I am back again because what we have adopted by reference will expire.

20:22

Likely the reason that we have that in there is because of the jurisdiction section.

20:27

So the existing ordinance says that it applies to all of Missoula County, but the Interlocal agreement has some contingencies in it.

20:36

And so the new proposed ordinance would mirror the language in the jurisdiction in the Interlocal Agreement, which would be that it applies to all of Missoula County unless the City Council fails to adopt all or a portion of the health code.

20:53

And that in the event that the county and the city don't work it out, which is the plan that you would work together to come up with one agreed upon rule, then if that doesn't happen, then the county ordinance would apply only outside the city limits.

21:13

State law does allow you to adopt health codes by reference and this is just 761 O 8 and we're following that process.

21:24

So we've, we have talked about this before and I'm not going to go into detail about everything that's in the health code except to say that I want to acknowledge you know what the regulations are that are in the health code.

21:35

So we have an administrative section.

21:38

We have a regulation 1, which is our wastewater treatment and disposal systems or septic systems.

21:43

We have a large group functions requires permits for large group functions solid waste management.

21:50

Regulation 4 is about food service establishments.

21:53

Regulation 5 is drinking water well protection that requires well permits and that wells are drilled where they are approved or at least 100 feet away from septic systems.

22:04

We have a regulation 6 that's about drop in child care facilities because that's not covered in state law.

22:10

We have regulation set seven for rabies control has to do with our dog ordinance, the county dog ordinance.

22:19

And so it works hand in hand with that.

22:21

And then we also have a Regulation 8 which is trailer, court and campgrounds and then we have the health code associated fees.

22:28

So these the when you adopt something by reference, it does have to of course be available to the public for inspection so that they can look at it and have comments on it.

22:38

It is available and has been available on our website.

22:42

The easiest way to get there is to to Google Missoula health code and you'll get there.

22:46

It's also available by e-mail and it has been recorded with the clerk and recorder as required by the law.

22:55

So we are asking that you approve the first reading and provisional adoption of the resolution and ordinance approving the Missoula City County Health Code and associated fees by reference.

23:06

And there will be then a second hearing in a couple of weeks for the final hopefully final adoption.

23:14

Dave, you had asked earlier today, can you give us a again the the definition of by reference or what what does that mean?

23:22

And and maybe if you're if you're doing that, Shannon, contrast that to what we would if we were not adopting it by reference, what would we be adopting here today?

23:32

OK, great, I can do that.

23:33

So basically adopting by reference means that there's a code that's published somewhere else and you're saying we're going to adopt that whole thing.

23:41

And by adopting it, you are putting it into action, you are approving it.

23:48

And so if you weren't adopting it by reference, we would basically you would basically have a county ordinance that would look like the health code, It would have all of the words in the health.

24:00

You know, we would you would be adopting what what I was showing you before which was an administrative section regulations one through 8 and fees, but it would all be spelled out in an ordinance as opposed to it being a package that you're adopting.

24:18

So it sounds like it's more a matter of of how we still basically be adopting the same thing, but it would be presented in a different format.

24:28

That's right.

24:28

Sort of that's right.

24:30

Yeah.

24:30

And it and and there's there's some confusion.

24:34

I mean the health code is the way that we're used to managing our regulations and enforcing and and implementing our regulations.

24:44

And so it kind of keeps that health code as a as an entity.

24:47

Otherwise what we would have is we would have a county ordinance about all these different health regulations and a city ordinance about all these different health regulations.

24:56

So now this is the the entire code for both governing, right.

25:02

And So what I what I haven't said yet is because the interlocal changed, even though more than likely what we would have to do by law is take any changes to the City Council, we're going to head and asking the board to adopt A resolution asking the City Council to also adopt it by reference.

25:19

And so that we have the health code will be adopted both.

25:25

It's like being approved, right.

25:26

It'll be approved by the City Council and it'll be approved by the county commissioners.

25:31

And so that's instead of having a separate city ordinance and a separate county ordinance with all the same words, what you're doing is you're you are approving the health code.

25:41

Thank you.

25:42

Yeah.

25:44

Is there any other questions or comments?

25:50

OK, Shannon, can you bring the motion back up again?

25:59

Yes, I can.

26:06

I just got out of it.

26:11

OK.

26:12

I move that we approve the first reading and provisional adoption of the resolution and ordinance approving the Missoula City County Health Code and associated fees by reference.

26:21

I'll second that.

26:23

Any further discussion all in favor?

26:26

Aye, aye.

26:29

Thank you.

26:30

Thank you.

26:30

Thank you.

26:33

OK.

26:33

Tim Worley with the Creighton.

26:35

I'm sorry, am I misspelling, mispronouncing that Creighton.

26:39

Creighton.

26:40

You're correct.

26:41

Maybe subdivision.

26:42

Juanita.

26:42

Yeah, you're you're correct.

26:45

Good afternoon, commissioners.

26:46

Tim Worley, Senior Planner with the Planning office, planning, Development and Sustainability and at the request of Montana Northwest Company.

26:57

We recommend opening the Creighton subdivision hearing and then provide an opportunity for public comment.

27:07

And then we would recommend the continuing of this hearing to December 8th based on some channel migration zone study related information that Montana Northwest and some other contractors are working on related to the subdivision.

27:30

Thank you.

27:31

Is there anyone who would like to speak to this proposal for this proposed timeline?

27:38

What do you guys think?

27:45

Yeah, I'm.

27:46

I'm good with extending it.

27:49

Yeah, me too.

27:50

OK, Makes sense.

27:52

Thank you so much, Tim.

27:54

December 8th.

27:57

Thanks, commissioners.

27:58

Thank you roller coaster subdivision with Jenny Dixon.

28:23

Good afternoon, commissioners.

28:25

And I'm I'm glad that I have to say, I'm selfishly glad that the last four hearings went so quickly because I'm glad to have you here.

28:32

Juanita.

28:33

This has been, this is my first subdivision for about 15 years.

28:37

So I'm Meg is welcome back, very, very patient and understanding with me.

28:44

So my name is Jenny Dixon.

28:46

I'm a planner with the Planning, Development and Sustainability department and this is a minor subdivision proposed by Roller Coaster Rd.

28:54

LLC and represented by I, Meg.

28:59

The location of the property is out near the Y.

29:04

It's on Roller Coaster Rd.

29:05

on the north side of the road.

29:07

And sure, can you see my Yes, you can.

29:13

It's not very big, but on the property is just here on the north side of the road, only about 1/4 mile from the Highway 10 intersection.

29:21

And it gives you this picture.

29:24

On the left gives you the context with the Y up north.

29:27

And between this property and the Y interchange is an industrial park.

29:34

And then the picture on the right zooms in a little bit and shows you the context that the property sits in adjacent to some residential, large tract residential properties and then across Hwy.

29:48

10 some industrial light industrial uses.

29:54

The property was just zoned in July of this year to industrial Center Light.

30:00

It was previously also light industrial.

30:03

It's just was a kind of a a like for like conversion zoning.

30:08

So it's been zoned light industrial for some time.

30:12

The property is within the airport influence area and as is required by the FAA, the subdivider will need to grant a navigation easement to the airport and that's very standard.

30:27

It is a condition of approval, not at all unusual.

30:35

So again, here's a context photo, but I wanted to put it in context of a subdivision that you approved last summer, Pontiac subdivision along on the South side of Roller Coaster Rd.

30:47

I am gonna wanna just talk about that briefly here towards the end of my presentation.

30:51

But just to give you some further context of this proposed subdivision and Pontiac and I put this in just for fun because I think Google Earth is really fun and shows you the the aspect of and it it it clearly demonstrates that this property is has been used for agricultural purposes in the past.

31:13

You can see some riparian area over to the well on this.

31:18

On this it's to the east and then over to the West and across roller coaster.

31:22

You've got some riparian but you really don't have any riparian area on this property.

31:27

And again running along the north property boundary is the railroad and this is Hwy.

31:32

10 and this is Roller Coaster Rd.

31:36

So this is a 5 Watt subdivision on about 11 acres.

31:41

The applicant proposes to connect to city sewer and provide individual wells on each property.

31:50

The property fronts on the South to Roller Coaster Road and I've included a a photo here.

31:57

It's a little older photo, but really hasn't changed much out there of what Roller Coaster Rd.

32:02

looks like.

32:04

And then the onsite Rd.

32:05

proposed for the subdivision is a cul-de-sac road to serve the five lots proposed to be 26 feet wide.

32:18

Roller Coaster Rd.

32:19

Is a county gravel Rd.

32:21

The onsite Rd.

32:22

Is proposed to be is like again paved to 26 feet.

32:28

At present it's unnamed, so unfortunately I have to call it the unnamed cul-de-sac Rd.

32:33

on site so so.

32:36

But though it is proposed as a privately owned and maintained Rd.

32:40

the application does indicate that this road will allow public access onto the site for these industrial lots.

32:49

And I would also note that at this width of 26 feet paved for that cul-de-sac, parking is not permitted on any either side of that road.

33:01

So curb and gutter is required along that on site cul-de-sac Rd.

33:06

on both sides.

33:07

The subdivider has requested a variance and staff recommends support of that variance, especially since there are no comprehensive drainage facilities as you saw in the photo of Roller Coaster Rd., nor on any other properties in the area.

33:21

And really, until there's more comprehensive planning for drainage disposal, it doesn't make a whole lot of sense to require curb and gutter.

33:31

And as I'll mention later with the roads.

33:35

Same goes with the curbs that a condition of approval has an RSID waiver attached to the subdivisions.

33:42

Should we be in a position to initiate an RSID for curb and gutter in this at this location?

33:50

This is the proposed Rd.

33:52

section and as you can see it shows no no curb and gutter and instead drainage swales to capture Rd.

33:59

runoff and directs that runoff to through the roadside swales to the north and the South of the road, sides of the road or ends of the road.

34:10

I should say detention basins that will collect that roads Rd.

34:14

runoff.

34:16

So this is this section is as as is as if you were standing at the end of the cul-de-sac Rd.

34:22

looking S down, you know across the property to Roller Coaster Rd.

34:28

So this also shows you something I'm going to talk about in a minute.

34:32

The location of the pedestrian path on the right which would be the West side of this road which is the side that does not have any lots on it and you can see a 60 I believe it's a 60 foot right of way with the 26 foot wide road and then a four foot integrated pedestrian path over here as I mentioned on that West side that right side of this the slide.

35:03

So non motorized facilities are required on both sides of this on site cul-de-sac Rd.

35:12

The subdivider has requested a variance and proposes to increase the paved width of the road from 26 feet to 30 feet and and creating a that extra 4 feet creating a paved pathway to and that pathway is integrated with the road separated from traffic by reflectors or a rumble strip.

35:41

The reason this is required is that this property is within the what's called the urban service area boundary.

35:47

That's shown with the green outline and so higher standard of infrastructure is expected within this area, but it's not always appropriate and that's when you see variance requests and so thus the recommendation for approval of the curb and gutter request.

36:04

Even though it's in this urban area, we are supporting it given the context of the subdivision.

36:14

However, staff is recommending only conditional approval of this variance request and instead as shown here on this slide, what you would see in red would be the recommended PED walkway and the green would be the the grassy Swale if you will.

36:36

This recommend, I'm sorry, and this is keeping the 26 foot Rd.

36:40

or is this the 30?

36:41

This is this would be a 26 foot wide road and then the recommendation is for a 7 foot wide grassy Swale Blvd.

36:50

area and a 5 foot wide concrete sidewalk.

36:52

Got it.

36:52

OK that's what's required by the regulations and I'm gonna, I'm gonna speak to this and the the the really the kind of the crux of this whole subdivision is is that issue.

37:03

So but with that recommendation for conditional approval, essentially denying their request and going with some other alternative for this variance is based on the findings of fact related to the variance request which includes concludes that approval of this variance would be contrary to goals in the growth policy for this area.

37:23

Specifically, the 2019 Missoula County Land Use Element recommends all roads in industrial centers provide non motorized facilities.

37:31

On page 47 it states additional separation for non motorized facilities such as protected or buffered Blvd.

37:41

sidewalks and enhanced crossings are needed when vehicle speeds and traffic volumes increase.

37:48

Of course, separating A walkway from a roadway provides area for snow storage and a safer

transportation corridor, and the separated walkway from the roadway was supported by both the Health department and in more recent conversations with Public Works.

38:08

In the last several days, I have been working with Imag to talk to them about their proposed proposal for the walkway on the West side.

38:15

And they have agreed and I believe Joe from Imag will address this this afternoon to move that walkway from the West side to the east side still as a four foot asphalt path.

38:25

But they've agreed to move, you know, move it to the side where the lots will have direct access to it and that's.

38:31

So that's a good step.

38:32

That's great.

38:33

We're very happy about that.

38:35

So the remaining issues are surfacing and the separation.

38:41

So I want to take a minute and talk about this nearby Pontiac subdivision, which was approved by the BCC in 2021.

38:48

And Dave, there's a reason you don't remember this, because you weren't at present at the meeting.

38:52

But I did go back and I listened to the hearing and I listened to the presentation given by staff and the developer and the discussion.

39:04

The subdivider is basing their current walkway variance in the roller coaster subdivision on the approval of this variance in Pontiac Last summer it's the same thing and in conversations that's kind of what they've said is, hey, it happened before.

39:19

We think it's the same situation.

39:22

We want to ask for the same thing.

39:25

Last summer for the Pontiac subdivision, staff did recommend denial of that subdivision or I'm sorry, of that variance.

39:31

However, based on information presented by the subdivider, the commissioners approved a 4 foot wide integrated path from the separated from the driving surface by a rumble strip.

39:43

That subdivision, as you you can probably see there is an 8 lot subdivision and so it's it had a few more lots than what we have right now, the five lots.

39:55

One of the primary reasons identified by the BCC in that hearing for approving the walkway variance was a lack of future connection to the South on this subdivision.

40:04

There was just there's it's just not going anywhere.

40:08

That cul-de-sac is is the end of the roads, literally.

40:13

That is also absolutely the case here, right?

40:18

It's got a railroad to the north of it.

40:19

It's not going anywhere.

40:21

However, there are some key differences and some points to consider when evaluating this variance.

40:30

The first one is on Pontiac.

40:34

Oops.

40:36

The drainage from the lots was.

40:40

It was the drainage from the lots is is directed from the lots to the roadside Swale.

40:52

So having a roadside walkway made more sense so that runoff didn't have to go over or under the the walkway.

40:59

It could just go straight to the Swale rather than across the walkway.

41:03

But in this subdivision, it appears that the drainage from the lots is being directed to detention basins to the rear of the lots or on the east side.

41:19

And so the roads at higher elevation to the West and then everything drains to the east.

41:25

It's there, there's variable topography, but I think they're designing grading it so that it would that.

41:32

That's my read of this is these five little rectangles on the back are identified as detention ponds.

41:40

And so and then it's not shown here, but there's a detention pond here at the end of the cul-de-sac and here at the beginning of it, which is to capture that roadside runoff.

41:51

And so unless there's information I don't have, it seemed to make more sense in this scenario that that roadside Swale was more possible here than on Pontiac.

42:03

And so that's one point to consider.

42:05

A second point is that and did I answer your question, Juanita?

42:09

OK, thank you perking.

42:11

While not permitted by the subdivision regulations or the fire district on a road of this width 26 feet, it does have the potential to interfere with pedestrians on the pedestrian use of this walkway, especially in the winter when there's no clear there may be no clear distinction between the road and the walkway.

42:32

Pontiac was presented as a private road with a gate at the entrance of that road.

42:37

This road is a private, privately owned and maintained, but it is also proposed with public access, meaning the public can come in here and use these lots on Pontiac.

42:50

The pedestrian walkway going the wrong way would have 7 curb cuts on that road interfering to some extent with a a walkway.

43:01

On this one there will be only three as shown here.

43:06

This one, the ones to lot lots three and four are is a shared access and then lot 5 has its own access.

43:15

And finally Shane Stack Public Works brought to my attention something that that I should have been paying attention to earlier which is meeting ADA, what he called pro AG requirements on this proposed path at a four foot width integrated with the road.

43:37

Does this meet ADA requirements?

43:40

And his primary goal is to get an RSID waiver to ensure if we don't get a an adequate PED walkway now that we have the RSID waiver to get it later.

43:50

But the regs require something now.

43:52

And so he said well, just make sure whatever you do now needs ADA.

43:56

So that will be if you decide to go with staff's recommendation, I will have an amendment to the condition to just insert some language about ADA compliance for a PED walkway.

44:09

The primary concerns for the subdivider are cost and ease of installation and maintenance of a walkway with a private road maintenance agreement.

44:16

As this road is proposed to have adjoining land, owners will have the responsibility to maintain their walkways and I just have three more slides giving you some example walkways.

44:31

So you can kind of envision and imagine what might be able to happen here.

44:35

So in this Clements Rd.

44:36

example you can see an asphalt walkway separated by what looks to be a 5 foot wide grassy Blvd.

44:43

The conditions here are quite different than the than our current subdivision.

44:46

The speed here is higher, there's more traffic volume, there are other Rd.

44:49

connections and so that's something to consider if you are wanting to explore ways to consider the variance request from the subdivider.

45:04

So given the differences really what this the intent of this slide is to show you what it could look like and maintenance is often put forward as a as a reason why we can't do this make you know these PED walkways that don't get used don't get maintained but it's the responsibility of the the subdivider and then eventually the lot owner adjacent to that walkway to maintain it.

45:28

In this Montana Hwy.

45:29

135 example you'll see a differentiated surface, a concrete sidewalk as a PED path with can what are called Candlestick separators.

45:39

So if you want to consider a PED walkway integrated with a road surface, I would at the very least recommend a separation similar to this example with a differentiated Rd.

45:49

Rd.

45:49

surface and candlesticks that work year round as a separator, not only when the road is snow free.

45:58

OK.

45:58

Last slide and then I'll get to the motions for you.

46:03

So this is a schematic that shows each lot depicted with paving and building and and as we talked about earlier, the detention ponds and then of course the road with the driveway ingress and egress points to each lot.

46:17

The ICL zoning sets a maximum impervious surface of each lot at 70% that is reviewed at time of building permit.

46:26

So I did not review it with this subdivision proposal.

46:29

This is conceptual, but I just kind of putting it on record that we will be looking at that later with permits.

46:40

Fire Protection is proposed for each of those structures as a sprinkler system within each building.

46:48

And staff is recommending approval of the curb and gutter variants, conditional approval of the sidewalk and Blvd.

46:56

variants, and then approval of the subdivision with 12 conditions.

47:01

And as I said, there is, I'm, I'm expecting possible revision to condition #7 relative to the PED walkways.

47:12

So I'm prepared for that.

47:14

Once you get there, if that, I'll conclude my somewhat lengthy staff report.

47:18

Thank you.

47:19

Thank you.

47:21

There are your motions.

47:24

Joe, would you like to add anything or anyone from IMEG?

47:29

Yeah, absolutely.

47:31

I'd love to add a few things still there.

47:38

I know you got to go here in 12 minutes, Juanita.

47:39

I'll try to be quick.

47:41

It's OK.

47:41

You still have Slotnick and Stromair.

47:43

Yeah, Jenny did a great job.

47:45

So we'll just cut right to it.

47:46

My name is Joe Denert and I work for imeg office in Missoula.

47:50

I'm joined by my Co worker Mr.

47:52

Paul Forsting and we are here obviously representing the developer fittingly named Roller Coaster Rd.

48:00

LLC.

48:03

First and foremost Jenny, thanks for the really thorough presentation.

48:08

Welcome back.

48:08

We're happy to have you back as a planner you have been extremely collaborative I would say from the project's inception and I feel like the presentation kind of teed up the commissioners with enough information to make an informed decision.

48:21

I definitely want to thank you too for the recommendations of approval that were included in your staff report.

48:26

And you know, as you mentioned, we we agree with almost every aspect of the recommendations except for the recommended condition associated with that variance request from the sidewalk and Blvd.

48:39

requirement for both sides of that internal subdivision.

48:41

Rd.

48:43

Truth be told, we we really just don't believe the sidewalk and Blvd.

48:47

fit with the commercial industrial purposes being proposed for the subdivision.

48:53

You know like Jenny mentioned in her proposal, it's only required because we're in that particular area and as she mentioned that is subject to change depending on the proposal.

49:03

It really doesn't fit with what's being proposed.

49:05

And when we were originally designing this, you know we did look like we do often times at the comparable design in the area and we chose to replicate that design that was approved for the Pontiac subdivision directly across the street.

49:19

The reason we chose to replicate it is because we do believe that that 4 foot integrated PED pathway is an intuitive design not only for the maintenance reasons for the contemplated uses out here, but also for the proposed uses because these lots are much larger than the Pontiac subdivision First off and they're going to be used exclusively for commercial and industrial purposes.

49:44

You know this is going to be vehicle storage that's seen on other properties in the vicinity.

49:47

You have Shadow Asphalt right across the street as well for an example of kind of what's going to be on these lots and the fact that the proposed subdivision Rd.

49:56

really can't connect to any future roadway.

49:59

It's bound by the railway to the north and there are no existing pet facilities along the gravel Rd.

50:04

Roller Coaster Road to the South.

50:06

It means that the sidewalk and Blvd.

50:07

would be you know sidewalk to nowhere.

50:11

Additionally we we have seen sidewalks that if they're not frequently used, it's like the old saying use it or lose it.

50:18

They they kind of become an eyesore.

50:20

They can become overgrown with vegetation and although it is the responsibility like like Jenny named or Jenny mentioned for the, you know, owners of the lot to maintain, it just is one of those things where if it's not regularly used, it ends up fading back into to the earth.

50:34

So to say in an effort to better align with the county's recommended condition.

50:40

We do believe that moving the pedestrian pathway to that eastern edge is is a is a good middle ground option.

50:46

Here we we are fine imagining that rubble strip along with reflectors and appropriate designation on the asphalt for the PED pathway and assume that would be required and reviewed by county public works in order to fully delineate where that road ends and where the PED pathway would begin.

51:04

All this being said, I I do think Jenny did a phenomenal job in her presentation and I really don't have much else to share.

51:10

I hope you consider revising the recommended condition associated with the variance to better align not only with the proposed uses out here, but also with the developer's preference.

51:19

And Paul and I are here if you have any questions or have anything that you want further consideration on, we have, you know plenty of information to provide.

51:28

So thank you for your time.

51:30

Thanks Joe.

51:31

I do have a question.

51:32

What?

51:34

So it's the the same pavement structure rumble strip.

51:38

And then what wouldn't, when you say reflectors, what kind of reflectors, Right.

51:42

Were you thinking?

51:43

Like the ones we saw on Jenny's photo, like the can't, would you call it Candlestick or or what kind of reflectors?

51:50

Well, that's a that's a great question.

51:52

And in Jenny's photo she was talking about the candlesticks being there, you know, during the winter.

51:58

I don't know how much use that pet pathway would have in the winter walking back and forth.

52:01

Obviously it's there, but I don't really feel like candlesticks would be necessary in this case.

52:06

It's more so reflectors, notifying vehicles, commercial vehicles that are going in and out of the roadway, lower to the ground, almost like you would imagine a reflector in the center line of a road just delineating that pathway and then you can.

52:20

So if you're plowing, then does the plow catch on?

52:23

I don't.

52:24

Does the plow catch on the reflectors or how does that work?

52:26

They just, oh, they plow over or they they might catch.

52:31

I don't believe they catch you know what plows run these roads all winter long.

52:35

But if that's ever the case, you know we're willing to entertain design questions for this to prove PED pathway with public works to make sure we're adhering to everything that you know, Jenny was talking about ADA, to ADA standards and all of those regulations, but also something that works for maintenance, you know for snow plows to make sure that vehicles aren't just going to drive onto the surface, not really knowing a PED pathway is there.

52:58

I think the intent of the reflectors in the rumble strip is to notify vehicles, hey, this is a PED pathway not for driving on, it's it's for pedestrian use.

53:08

Thank you.

53:09

Yep.

53:15

There any other questions or comments in the room or online, Chris?

53:26

Oh go ahead Dave.

53:31

So Jenny, I'm trying to envision it.

53:37

It's a little bit frustrating if we have regulations and then we're consistently granting variances which makes a bit of a mockery of the regulations in the 1st place which begs the question why have the regulation if we're if we can't envision any situation where it would actually make sense.

53:57

And I can see both sides here.

53:58

I I I'm trying to envision who is going to be out here driving down the road and and visiting these particular businesses and we'll we'll or hold that thought.

54:14

Jenny Joe.

54:15

So tell us what?

54:16

What sort of businesses are gonna be out here?

54:18

What?

54:18

What do you envision being on these lots?

54:22

That's a great question.

54:23

The developer really envisions these lots mimicking what can be seen in the vicinity.

54:28

Actually, it might be better if I can share my screen.

54:33

Oh, I don't know.

54:34

Let's let's see if I have that capability.

54:36

No, I don't.

54:37

It might be hard to give me that.

54:39

Think if you hooking you up, you've got oh, OK, I got you.

54:42

OK.

54:42

Let me see if I can share something here, maybe give it a second Violet, if it doesn't work, let me know if you guys can see my screen.

54:56

OK, so this is just an image I pulled from shadow asphalt.

55:00

If you look basically Caddy corner from our site to the southeast across roller coaster, you have shadow asphalt there.

55:06

And here in in this area of the photo you have this larger commercial building quote UN quote and then parking of fleet vehicles, parking of construction equipment, storage of industrial uses.

55:18

You know that's really what the developer envisions out here, maybe some shop space to allow for coordination of activities that these particular entities are involved in.

55:28

But this is, this is focused from the developers perspective on workforce industrial and commercial activities.

55:34

This isn't you know a a place for a place for a coffee shop to pop up to be associated with the business on site.

55:44

You know this is strictly focused on on workforce capabilities as a staging point for their vehicles for the employees to coordinate for jobs out of their business on site.

55:55

And you know, I I do think that it's worth mentioning here that Dave, you hit the nail on the head.

56:01

These regulations try to be a blanket and the only reason we're subject to these regulations is because we're in that service boundary, that urban area per the regs.

56:11

And that blanket just doesn't really, you know that one-size-fits-all approach is going to continue creating

situations like this where you have a fully contemplated, you know commercial and an industrial subdivision being proposed where you don't typically see a sidewalk or or the requirement for a Blvd.

56:29

because it doesn't really make sense with what's going to be coming in and out with commercial vehicles constantly driving over it.

56:34

You know it makes a lot more sense to have a single paved surface that's a bit more durable.

56:39

So I guess here's my observation or at least the the the conundrum I have is that based on that description you have you have businesses to which folks will be accessing them.

56:54

You have no on street parking.

56:58

So I'm trying to envision in what scenario would people actually be walking on either the a sidewalk or an asphalt path like this.

57:12

The only case would probably be if they were going from one of these businesses to another.

57:18

Again, since there's no on street parking, you would not have a scenario where people would be farther down the street needing to access the sidewalk to get to a business a few, a few lots down.

57:30

So, so there is that.

57:32

And then I guess also it still begs the question, are there any instances where we, if we grant this variance today where we would actually see the need for a concrete Blvd.

57:47

and sidewalk?

57:49

Jenny, can you, I'm sorry, is there, it might be helpful if we have a like a visual, yeah, of like the whole area so that we can see, see here share, OK.

58:06

There's not much pedestrian infrastructure out there because there is not much pedestrian activity.

58:10

But then what will it be in the future?

58:13

And so I'm gonna align yourselves in or well, that.

58:16

That's the other thing.

58:17

I have seen instances and this not, this might not be a good example of it, but I have been to communities where they've maybe taken a similar approach.

58:25

Over time, development patterns have changed.

58:29

And then you have an area of town where there's there's no pedestrian infrastructure and you find yourself walking in the in the dragging your stroller through the weeds.

58:40

Yeah.

58:41

Wherever.

58:42

Yeah, this, this might not be bad.

58:44

Yeah.

58:44

And.

58:45

And I've enlarged this so I can show you a couple of things.

58:49

So disregard that place marker.

58:53

The I guess the first thing I would point out is when you asked Joe about the uses and he brought up shadow excavating or something concrete or whatever it was in in the areas across the railroad.

59:06

Those are properties that were not in a subdivision and that's why they look the way they do.

59:10

They had no requirements for curb and gutter.

59:12

That's totally laid down access across the entire frontage of a property.

59:17

And.

59:17

And while the uses may be similar, the development is going to look different because of the subdivision requirements for driveway access points controlling that access.

59:30

All right.

59:31

And in this situation, as I pointed out, let me go to this other one that they're within.

59:41

Let's see here within this urban area.

59:49

Yeah it's hard to imagine that kind of infrastructure development you know curb gutter, sidewalk, all of that out in this area.

59:58

But to be consistent with our regulations and pass recommendations, staff recommendation on this is to follow the regulations leaving it to you as in the presentation giving you information to make a decision an informed decision that maybe that's maybe that's overkill here and Jenny and Jenny and commissioners if if sorry, sorry Josh, I didn't mean to interrupt.

1:00:24

Oh, no worries.

1:00:25

I it's it's hard, Ted.

1:00:27

Be the be be off off site.

1:00:31

I appreciate what everyone is saying and and thinking about what you were saying Dave around regulations and and kind of the reason for them.

1:00:40

And I'm also thinking of the reason for us and that part.

1:00:43

I feel like part of our job is to appreciate context and that no regulation can be OK in all situations.

1:00:54

That that that that I don't feel like we would be devaluing the essence of regulation in and of itself if we grant a variance, if we're doing so in recognition of a specific context.

1:01:11

Just wanted to put a point on that.

1:01:13

Yeah.

1:01:14

Yeah.

1:01:14

I'm sorry about that.

1:01:16

Yeah.

1:01:17

And and if if there is no on street parking, there's no no reason for public transit to be coming here.

1:01:25

If all of the work sites have parking as part of their lots, there's to be super limited walking here.

1:01:33

And given it's such an industrial area it's hard for me to imagine but it certainly could have been it'd be decades in the future that this transforms into a more residential area and I would hope that the people in our shoes then would push for more pedestrian friendly infrastructure.

1:01:48

But I'm I'm personally OK with the the compromise that not the Boulevard but I I with reflectors A marketed demarcated spot where you where you could walk but not the full blown it it it needs to look like the slant streets kind of kind of thing Dave.

1:02:06

And then I guess Joan, yeah, I I guess my only point would be as we think about updating our our subdivision regulations in the future we we might.

1:02:19

I just want us to think hard about those situations where this would be appropriate and maybe the the level of infrastructure such as curb sidewalk gutter and and Blvd.

1:02:36

Because again if if in these industrial areas we are consistently finding ourselves granting variances and maybe for good very good reasons then it would be better to adjust the regulation so that we're not in a position of of just consistently granting variances.

1:02:53

And and then the variances the, the, the more likely situation would be, well, I would want the variances to be the exception to the to the rule, not the rule themselves.

1:03:06

Basically, I mean do we do we need different curb, gutter, Blvd.

1:03:12

sidewalk regulations in areas that are entirely industrial than we do in areas that have more mixed-use?

1:03:21

Yeah, I think that is the question.

1:03:22

But then it's also, I mean this particular one has that railroad, you know to the north, the dead ends and I mean so it's and then the, you know, roller coaster Rd.

1:03:31
isn't pedestrian Rd.

1:03:33
So it's, it's this is unique.

1:03:35
So I would hate to say, you know, blanket all industrial areas.

1:03:38
I mean this is just a unique piece of property within an industrial area that I feel like we can right.

1:03:46
I know comms hates threads the needle but threads the needle on one I think it your your observations are are dead on there and and it and that I think that's kind of part of our role here is to recognize context and be thoughtful about it and then not every spot is the same and we create these regulations so we can see our values put into practice in in real life.

1:04:07
But some places we don't need to.

1:04:09
We don't need to do that.

1:04:11
They don't, they don't need to.

1:04:13
They don't need to be built out to their fullest because the context isn't right.

1:04:19
Sorry, Joe.

1:04:20
You were trying to say something earlier.

1:04:23
You guys said it all.

1:04:25
OK, there's nothing that I need to add.

1:04:30

And and oh, Shane's stack, you have your hand up.

1:04:35

Well and I I just wanna I guess throw this out too someone on on not necessarily on the context of the path but just on the context of of of public works is planning to do some work out here.

1:04:48

I you know our our goal is to to slowly work down Roller Coaster Road and eventually have it paved and you know working with these first few properties off of Hwy.

1:05:00

10.

1:05:01

I I think they're what we've I guess what we've witnessed is, is there may be some old surveys out there.

1:05:08

And I Joe I guess I would just tell you to make sure and reach out to Steve Nyday and make sure that what you have planted out there is actually outside of that existing right away and you know it's off the off the topic of the of the pedestrian and I apologize for that but I also wanted to get that in before I get out of here.

1:05:31

I think you guys are on the right track.

1:05:34

Thank you so much for that Shane.

1:05:36

We absolutely will.

1:05:39

Thank you, Dave.

1:05:41

Yeah, Jenny, just refresh my memory.

1:05:43

So as part of the approval for this, there would be a a waiver, future waiver of protest for an RSID, Yes, such that if conditions changed out here for whatever reason and it made sense to have curb gutter or sidewalk that could happen.

1:06:02

Yes, that's in condition three.

1:06:04

OK, that's great.

1:06:06

Oh, John Hart.

1:06:07

Commissioners, I I don't want to get in the way of where you're headed, but I just do want to point out that those waivers are good for 20 years and so and you know, and that is a long horizon, but they do have a shelf life and they're 20 years.

1:06:21

And John, after today, are those waivers ever revisited?

1:06:28

What do you mean by revisited?

1:06:29

They're, they're on the plat.

1:06:31

They would run with the land.

1:06:32

Anybody who purchased a lot in this subdivision would be subject to them.

1:06:36

But they're, you know that that shelf life starts on the day that that plat is filed and runs for 20 years.

1:06:43

OK.

1:06:44

There's not an occasion when we would look at them again, not unless somebody was wanted to change the the planning of how this area was.

1:06:53

I imagine exactly we would not have an opportunity to revisit these and sort of start the clock running again unless there was a wholesale land use proposal before us that would allow us to do that.

1:07:06

OK, Thanks, Jenny.

1:07:11

I'm gonna give you some time to contemplate and as you're contemplating I just want to ask two questions, kind of guide or gauge where I think you're going.

1:07:21

First is are you comfortable with a minimum 4 foot wide?

1:07:26

I'm going to add in language about meeting ADA which may require more but I want to have a minimum in the condition is so first, is 4 foot your minimum acceptable?

1:07:35

And 2nd would be separated from the roadway by their proposal for integrated in the horizontal surface of the roadway, a rumble strip or reflectors or do you want something more 3 dimensional?

1:07:49

I'm OK with the rumble strip reflector.

1:07:57

Same sure.

1:08:02

Are you crafting a motion for us I'm.

1:08:05

I'm crafting A revision to condition #7 so great.

1:08:09

Would you OK and Josh do you or Dave do you have.

1:08:15

I've got no other questions.

1:08:16

I'm good.

1:08:19

So can I help Am I studying?

1:08:21

Oh, I'm sorry.

1:08:22

I'm still sharing my screen and I actually, I want to keep sharing it because I want to go to the motions for you.

1:08:31

OK, yeah.

1:08:33

Thank you.

1:08:33

I know you need to get going.

1:08:37

OK, so there are the motions when you get to motion #3 if you want to revise condition 7.

1:08:46

About the PED walkways, which right now reads plans for installation of 5 foot wide asphalt walkway and 7 foot wide boulevards on the east side.

1:09:00

Yeah, OK, East side of the unnamed cul-de-sac Rd.

1:09:03

Shall be reviewed and reviewed and approved by Public Works, blah blah blah blah, blah.

1:09:07

And I'm gonna change that sentence for you, right?

1:09:10

You know, given with your guidance.

1:09:14

OK, well, do you guys wanna start?

1:09:18

Take this one at a time and then we can wordsmith #2.

1:09:22

Yeah, sure that would be that would be fine.

1:09:26

And and I guess my one other question, as far as the the the minimum 4 feet, it's minimum predicated on if through looking at ADA, it requires more than four feet, right.

1:09:39

Whatever ADA is, minimum is.

1:09:41

And I also notice I'm going to need to help you with the wording on motion #2.

1:09:45

It's going to be different.

1:09:48

OK.

1:09:50

So is motion number one solid?

1:09:52

Yes.

1:09:53

Motion number one is ready to go.

1:09:54

OK, I would move that the variance request for Missoula County Subdivision regulation section 3.4, point 7.3, requiring installation of curb and gutter along the unnamed cul-de-sac Rd.

1:10:04

be approved based on the findings of fact in the staff report.

1:10:08

I'll second that.

1:10:10

OK, Any further discussion?

1:10:15
OK, wait.

1:10:17
Suddenly I'm getting thrown off installation of curb and gutter along the.

1:10:20
OH, along the sidewalk.

1:10:22
Let me.

1:10:22
Sorry.

1:10:22
A long.

1:10:22
Yep, Yep, Yep.

1:10:23
OK, Be approved.

1:10:24
Yes.

1:10:26
Just need to work through that.

1:10:27
All in favor?

1:10:28
Aye.

1:10:30
OK.

1:10:31
And requiring.

1:10:33

Yeah.

1:10:33

So do you need do you need to fix some language on #2?

1:10:36

Actually, no.

1:10:37

I think condition or motion #2 works, because then we're gonna change the conditional of the conditionally approved in the next motion.

1:10:44

So it works.

1:10:45

OK then I would move the variance request from table 3.4 point 9.4 and from Section 3 point 4.9 point 4D2 requiring installation of 5 foot wide pedestrian walkways with 7 foot wide landscape boulevards along the unnamed cul-de-sac Rd.

1:11:04

be conditionally approved based on the findings of fact in the staff report and subject to the required conditions of approval.

1:11:11

Second, OK, any further discussion all in favor, aye.

1:11:19

OK, now we get to the conditions.

1:11:21

OK, so you would make motion #3 and the order this happens, I'm used to after we revised the condition, you would make motion #3 to say as amended.

1:11:35

And as amended would be a revision to condition number 7.

1:11:38

And so your first motion might be you move to amend condition #7 to read plans for an installation of A5, a minimum, sorry, a minimum 4 foot wide asphalt walkway integrated with the cul-de-sac road and separated by reflectors or rumble strip in compliance with ADA and pro AG requirements.

1:12:03

That's all.

1:12:04

ADA along the east side of the unnamed cul-de-sac Rd.

1:12:08

shall be reviewed and approved by County Public Works prior to final plat approval.

1:12:13

The walkway extension, I'm sorry.

1:12:17

Delete that sentence or the walkway shall extend to the common boundaries of lots one and two.

1:12:31

Yep.

1:12:33

Of Roller and then section 11 shall be amended to acknowledge the required dimensions.

1:12:40

Do you want me to read that again?

1:12:45

Could you read that one more time?

1:12:47

And then I like to hear if Joe's or if you're good with that language, plans for plans for an installation of a 4 foot wide asphalt walkway integrated with the cul-de-sac road and separated by reflectors or a rumble strip in compliance with ADA and Pro AG requirements along the east side of the unnamed cul-de-sac Rd.

1:13:16

shall be reviewed and approved by County Public Works prior to final plat approval.

1:13:20

The walkway shall extend from the common boundary of lots one and two to Roller Coaster Rd.

1:13:24

Section 11 of the covenants shall be amended to acknowledge these required dimensions.

1:13:31

Joe, I'm here and thank you for reading that.

1:13:35

Jenny, I'm.

1:13:36

I'm contemplating the implications currently.

1:13:40

It sounds good.

1:13:41

I'm just thinking of that last sentence, the shared common boundary between Lot 1 and two.

1:13:45

Because now we're looping around the other end of the cul-de-sac.

1:13:50

No, it just takes it.

1:13:53

Am I sharing my screen?

1:13:55

I'm just making sure it takes it from roller coaster Rd.

1:14:00

up and around the cul-de-sac to the boundary of lots one and two.

1:14:06

Yes, yes, I'm OK with that language.

1:14:09

OK.

1:14:11

OK.

1:14:11

I'd move that We approve what Jenny just read Dave.

1:14:16

I was ready to totally be impressed and have you recite that for memory just being awe but yeah, I'll second that.

1:14:23

OK.

1:14:24

Any further discussion all in favor.

1:14:28

Aye.

1:14:28

Aye.

1:14:30

Thanks Jenny for working on the fly.

1:14:31

Yeah.

1:14:32

Thank you Jenny.

1:14:32

Sure.

1:14:35

OK.

1:14:37

I'm so I guess number then you'll be goodness sorry.

1:14:41

Yeah I made motion #3 move that the Roller Coaster subdivision be approved based on the findings of fact and subject to the recommended conditions of approval as amended.

1:14:50

Second that any further discussion or comments.

1:14:56

OK, all in favor.

1:14:58

Aye.

1:14:59

Joe, did you You inhaled there.

1:15:02

Do you need to?

1:15:03

OK, we can deny it if you'd like.

1:15:06

No, no, no.

1:15:07

OK You want us to go backwards?

1:15:09

OK, we're done.

1:15:14

Thank you.

1:15:14

We're done.

1:15:15

Other business.

1:15:16

We're adjourned.

1:15:16

All right.

1:15:17

OK.

1:15:17

Thanks.

1:15:17

All Safe drive commissioners.

1:15:20

Thank you, Jenny.

1:15:20

Thank you.

1:15:21

Oh, there's a Russell Anderson.

1:15:31

Russell Anderson can you hear me is I'm Russell Anderson living in in the Target range area and I received a postcard the other day just on the on Saturday from the Parks Trails and open lands regarding putting a lock on the gate on the East End of Rose Crest Park, formerly Roseland Park as it was originally identified.

1:16:06

This seems to be rather straightforward and arbitrary to begin with it without consideration of of those who border this property there's 35 properties that that border the Rosecrest Park.

1:16:19

Out of that, almost half of them live on a bench, on a bench with a majority of the yard is in the backyard and which would be down in access to the Rosecrest Park if that.

1:16:32

If the gate was to be locked, we would be surely Hanford by being able to get in for emergency services services, septic systems and in a variety of other regions.

1:16:42

They're talking about putting a lock on it.

1:16:45

I want to, I want to have a discussion with them and and notify the people who are a part of this borderland to be a part of that discussion.

1:16:56

I think that's necessary before that lock is put on the gate.

1:17:00

I'm looking for help as much as anything else right now.

1:17:03

Thanks Russell.

1:17:04

Yeah, I think I will suffice it to say we've heard from plenty of folks the past few days on this topic and we will be taking a hard look as far as what options there might be to not have such an abrupt change as you pointed out.

1:17:22

So that discussion is happening right now and we will make sure that our parks, trails and open land staff are aware of your comments today.

1:17:34

I appreciate that.

1:17:35

Thank you for your help.

1:17:36

Thank you.

1:17:37

Thank you.

1:17:39

OK, We'll be adjourned.

1:17:40

All right.