

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, DECEMBER 15, 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 Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office

Elena Evans, Environmental Health Manager, Health Department

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

Lauren Ryan, Planner II, Planning, Development and Sustainability

Shannon Therriault, Environmental Health Director, Health Department

Allison Franz, Communications Manager, Communications

Carey Powers, Communications Coordinator, Communications

Emmie Bristow, Community Engagement Coordinator, Communications

Karen Hughes, Director, Lands and Communities

Tim Worley, Senior Planner, Planning, Development and Sustainability

Annie Cathey, Administrative Assistant, Commissioners' Office

Chris Lounsbury, Missoula County Chief Administrative Officer

Emily Andrea, Planner I, Planning, Development and Sustainability

1. **CALL TO ORDER** *[Time stamp – 0:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:02]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:20]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:31]*
 - a. **Closed captioning available**
 - b. [Proclamation: Homeless Persons' Memorial Day](#) *[Time stamp – 1:43]*

5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 3:10]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 3:24]*
Claims received as of November 30, 2022 to December 6, 2022 by the Commissioners' Office total \$2,012,243.18.
7. **HEARINGS**
 - a. **Riverside Industrial Subdivision Phase 1 Commencement** *[Time stamp – 3:58]*
Lauren Ryan, Planner, Planning, Development and Sustainability

[Continued to February 23, 2023 Commissioners' Public Meeting]
 - b. **Resolution for a proposed Motor Vehicle Wrecking Facility – Whippoorwill Drive** *[Time stamp – 7:55]*
Elena Evans, Environmental Health Manager, Health Department

[Continued to January 5, 2023 Commissioners' Public Meeting]
8. **OTHER BUSINESS** *[Time stamp – 1:00:00]*
9. **ADJOURN**
Chair Vero – Called the meeting to adjourn at 4:00 p.m.

BCC Public Meeting December 15, 2022 – Transcription

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

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

0:02

We'll begin with a Pledge of Allegiance.

0:05

Pledge allegiance to the flag of the United States of America, to the Republic for Stand A Nation for God, Liberty and justice for all.

0:19

Thank you.

0:20

Missoula County acknowledges that this event in the Sophie Moise Room takes place in the traditional homelands of the Salish and Kalispell people.

0:31

Closed captioning is available, so I'm going to let Violet talk about that.

0:38

Yeah.

0:38

Hi everybody.

0:39

I'm just going to quickly put up on the screen.

0:42

If you're calling in virtually today to this meeting using Microsoft Teams, you are able to turn on closed captioning.

0:50

Instructions for that are up on the screens right now.

0:54

If you're in the Sophie movies room.

0:55

We have closed captioning on all of the screens in here, and we also have assistive listening devices available.

1:01

If you would like one, please come to me and I will get one for you.

1:07

We ask that all speakers today Please remember to speak slowly and clearly during the meeting.

1:12

That helps with the accuracy of the closed captioning.

1:17

Lastly, there will be multiple chances during the meeting for public comment if you're attending virtually

during those times, we ask that you use the Raise Hand feature to let us know that you would like to give comment.

1:30

If you're calling in on the phone, you can hit Star 5 on your keypad to raise your hand and then Star 6 to unmute.

1:39

And that's all for me.

1:42

Thanks, Violet.

1:43

We have a proclamation to read.

1:45

Would you like to read it?

1:50

All right?

1:51

This is a proclamation of both Missoula County and the City of Missoula.

1:56

Whereas the winter poses extreme hardship for unsheltered and inadequately housed individuals, families and children in Missoula.

2:04

And whereas residents of Missoula will gather on the longest night of the year, December 21st, 2022, to honor and remember homeless individuals who have died in our community and environs.

2:17

And whereas since 1990, December 21st has been designated National Homeless Persons Memorial Day by the National Coalition for the Homeless and the National Healthcare for the Homeless Council and is recognized by cities and states nationwide.

2:33

And whereas in remembering those who have died without a House of their own, we keep urgent the cause of ending homelessness, the need for compassionate response in the city and county's collective commitment to prevent such deaths in the future, Now, therefore, be it RESOLVED that we, Juanita Vero, Josh Slotnick and David Strohmeier, Missoula County Commissioners, and Jordan Hess, Mayor of the City

of Missoula, do hereby recognize the 21st day of December 22, 2022 as Homeless Persons Memorial Day dated this 15th day of December 2022.

3:10

Thank you.

3:10

Is there any public comment on items not on the agenda?

3:18

We're going to try to get you guys out of here by 4:00.

3:23

We'll see how it goes.

3:24

Current claims list as of November 30th to December 6th, 2022 by the Commissioner's Office totaled \$2,012,243.18.

3:36

We have two hearings today.

3:38

We'll begin with the first one with Lauren Ryan with Riverside Industries subdivision.

3:44

Phase one.

3:53

Great.

3:53

Thank you commissioners.

3:58

So for the record, Lauren Ryan Planner with Planning, Development and Sustainability Office.

4:04

Their career request today is the intent to file phase one of the final plat for the Riverside Industrial Subdivision.

4:12

The location of the parcel is just South of Hwy.

4:16

10 and West of Desha Lane.

4:21

The applicant is represented by Jamie Erbacher with WGM Group who I believe is online with us today.

4:30

Her MCA 76 Three Dash 617.

4:36

Prior to the commencement of each phase of a subdivision, the governing body shall hold a public hearing to determine whether any change criteria, impact or new information exists that creates any new adverse impacts to each phase.

4:49

So that is what we are reviewing today and the process that the subdivision is at.

4:57

So the preliminary Plat for Riverside Industrial subdivision was approved on August 4th of 2022 with a total of 36 lots.

5:08

Phase one encompasses 25 of those lots and phase two is 11 of those lots.

5:16

So I'm not going to go super in depth today on this because staff had completed the required noticing process for the phasing the intent to file the phase, but then received information from the applicants representative that they would like to move the hearing to February due to the applicant considering the alignment of construction class with infrastructure plans with the with the Y infrastructure plan coming forward.

5:46

So today staff is recommending that the commissioners receive any public comment on the item and then continue the hearing to February 23rd of 2023, which I almost got that date wrong, but it is 2023.

6:00

So that's staff recommendation today.

6:03

And I know Jamie's online as well to answer any questions you may have.

6:10

Thank you.

6:11

Yeah, thank you, Jamie.

6:15

Thank you.

6:16

Thank you, Ryan.

6:17

Yeah, we do request that this hearing be continued until that February 23rd date.

6:22

We had originally put this request in prior to the Y infrastructure plan RFP being issued.

6:29

And so now that that's out, we just want to take a step back and see if whatever system we do develop here for wastewater, if that could be tied into any future plans that may be developed at the Y.

6:44

And so just consulting with our client, what his desire may be and then coming back to you all in February with hopes of continuing the hearing then.

6:56

OK, thank you.

6:57

Is there anyone in the room who'd like to comment on this?

7:05

OK.

7:05

I don't see anyone, anyone online also don't see anyone.

7:20

So how do you feel, Dave?

7:24

Yeah, John, would you recommend a formal motion to continue the public?

7:32

We will.

7:35

OK, we'll we'll we'll do that, leave the public comment period open and continue to February 23rd.

7:43

Thanks so much, Lauren and Jamie.

7:51

Thank you, commissioners.

7:51

Thank you, Lauren.

7:55

OK, next we have resolution for a proposed motor vehicle wrecking facility at Whipperwell.

8:04

Elena Evans.

8:08

Wherever you're comfortable or wherever it works.

8:10

Do you have enough room there?

8:13

Yeah.

8:14

It's not gonna fall off.

8:16

OK.

8:18

All right.

8:18

So this is the first application that we've had in a little bit, so bear with me.

8:24

But what we'll do is present where this is and then talk about the process that this goes through as it's ADEQ process under state code and then provide the findings that we have to date to bring the application to where it is in the process.

8:43

And then we have folks in the room who want to provide public comment as well as the applicant here as well.

8:51

So this is per Montana State code 25105 eleven.

8:58

And the site here is, if you look at this map, this is reserve and it's over by the airport off of Whipperville here.

9:09

So here's the airport.

9:12

This is a closer picture of the site, and I'll have a site map later on in the process.

9:19

And so this is a complicated process, but it's the Department of Environmental Quality, Motor Vehicle Recycling and Disposal license timeline.

9:30

So there are certain timeline requirements that dictate how things are done.

9:35

And so when the applicant submitted their application, it came into our junk vehicle program as well as county zoning and worked with those individuals so that it has approval from zoning from our junk vehicle program looked to ensure that the requirements were met under the junk vehicle program as well as to ensure that there weren't complaints or issues in the past.

10:01

And that's not the case with this applicant.

10:05

So the junk vehicle program and zoning then signed off.

10:09

Then DEQ does a review and at that point DEQ sends notice to adjoining land owners and passes it on to

the County Commission, where the County Commission has 30 days from the notice of receipt to determine an applicant, determine whether or not to adopt A resolution to support or oppose the application for a motor vehicle wrecking facility.

10:36

So this is that hearing.

10:40

In addition to the notice that DEQ did to adjacent land owners, we also provided mailings letting land owners know about this hearing to a wider subset of properties in the area, put it on Missoula County Voice and then also put legal ads in the Missoula.

10:59

In the purpose of this hearing at this point in time is to determine whether the proposed facility will significantly affect the quality of life of adjoining land owners in the surrounding community.

11:13

That's pulled from the state code and is a little separate from the process that we went through prior.

11:18

So right now next I'm going to go through just some of the pieces that were discussed and considered in the approval here, knowing that if there is approval or support from the commissioners of this wrecking facility, then there will also be an environmental assessment by DEQ in the next phase.

11:40

So there are still some details or unanswered questions that would be sorted out at that point in time.

11:48

All right so from the original junk vehicle application some of the key factors that were looked at from the environmental health department of the Missoula City County Health Department were whether the yard would meet the shielding requirements.

12:05

And so that's six feet above a public Rd.

12:08

Making sure that the vehicles and and parts behind the fence or berm or whatever type of shielding meets that requirement won't be seen by the public.

12:21

And then locally making sure you know given concerns over paving this is a parcel that's with an air stagnation zone.

12:31

So there are paving requirements depending upon the quantity of different liquids or that are present at the site.

12:41

The Missoula Valley water quality and associated ordinance may require AP2 permit as well as has set forth recently best management practices through that ordinance when dealing with automotive fluids and things like that.

12:58

And then this is still in the planning phase.

13:01

Right now it's essentially vacant land.

13:03

And so you know it would still have to go through the building permit process where some of these could again be checked for compliance and then should a yard start to operate the junk vehicle program, the Missoula County Junk Vehicle program inspects every wrecking facility each year to ensure shielding and other aspects of the program are in compliance with what's lined out by statute and DQ regulations.

13:36

This is a picture from the road that I took looking where the where it will be.

13:43

And so as you can see looking 6 feet up you'll you know the elevation of the yard will be higher than six feet above the line of sight of the road.

14:01

I'm well, I'll wait till you're done.

14:03

OK.

14:04

It's OK.

14:06

So those are just the considerations and the things that the junk vehicle program thought about in the context of approving and moving forward the application to the Department of Environmental Quality.

14:21

And that is distinct and different from the goal of this public hearing, which is whether the proposed facility will significantly affect the quality of life of adjoining land owners and the surrounding community.

14:34

So I know we have some people online as well as some people in the audience who plan to make public comment, which is great because I have summarized some of them.

14:46

But given the 30 day constraint, there have been other conversations as well that would be better summarized by folks such as the airport authority.

14:54

So on Missoula County Voice, there were two comments that brought a lot of questions forward about the environmental impacts of the site.

15:04

And I think some of those were just recently discussed in the department evaluation, which wasn't fully available on Missoula County Voice.

15:14

So those are here, but were unable to be received in time to make it into the packet.

15:20

And then I briefly summarized the correspondence I had with the Missoula Airport Authority, but I understand that someone's here.

15:28

So aside from stating that they would like the stormwater retention pond be planned in consultation with airport staff as a function of wildlife and bird concerns and then this navigation easement which they will speak to, that was the correspondence I had with them.

15:48

We did have another individual called the Office, but I believe he is here to speak on his own behalf as well.

15:54

So as a function of the process, the department did put forward a resolution that can be altered or changed.

16:11

It is currently written in support.

16:13

But at this point in the process, it's up to the commissioner to respond to the specific point of this public hearing to determine whether or not that motion is for a resolution in support or in opposition.

16:30

OK, thanks.

16:31

So we'll just have the applicant speak and then we'll open up for public comment.

16:36

Is that correct?

16:37

OK.

16:39

I'm sorry, I I'm don't know who the applicant representative is.

16:45

Justin Quist.

16:48

Come on up to the microphone, Justin.

16:51

And I think that the Button's on, right.

16:53

Yeah.

16:53

OK.

16:55

Yeah, it's on.

16:56

So it's Justin Quist is my name.

16:58

And so I represent, I'm actually with Modern Recycling out of Victor and so this application is part of you know our our we're intent to open a recycling facility in that location and cars is sure, yeah you can auto salvage is part of that process.

17:21

So we have a little bit of an updated plan, so you can see a little better what we're doing where the, the chunk of land that we're using is and you'll have to see on the paper 'cause I didn't, I don't have it on digital.

17:47

But now you can see kind of in the, we're using the upper 4 acres, 4 to 6 acres spot.

17:53

And then in the lower section, you know we're going to do some sort of just probably light storage facility you know for like cars or you know sea containers or something like that On the lower half, we haven't really decided just going to put a platform there.

18:13

So how does this differ from what we were seeing earlier at well the map's just a little different and in in the one before, I just wanted you to kind of see the overall phase of of where we're at on it actually, but it's it's not all just to help folks out.

18:29

Would you be able to show the graphic you had?

18:32

Yeah.

18:33

And then we can follow along with Justin's.

18:52

Yeah.

18:52

Sorry.

18:55

Yeah.

18:55

So it it's, it's pretty close to that.

18:57

The lower half, the portion below between the road and the square on that diagram is, is you know we'll put a shelf there too and probably utilize that for a storage space.

19:09

The upper portion, wait, Justin, I'm sorry the the four, I'm lost.

19:14

Where are your 4 acres?

19:15

Because I'm just seeing the seven, the fencing perimeter that's four to up at the top portion in the northwest corner.

19:24

Yeah, that's that's 4:00 to 5:00-ish acres there to six.

19:27

I mean we haven't figured out exactly where the lines are going to go.

19:30

And then there's four acres along the the road frontage basically in between there and the where the white text the photo was taken.

19:40

Yes, exactly.

19:41

So it's it's that whole plot, right.

19:43

There's about 10 acres and we we don't anticipate using the whole thing for this, just the back portion and that fencing perimeter where it says fencing perimeter.

19:54

Obviously you know the the big things for a vehicle salvage yard is you know fluids is a big deal of course and then shielding from from view, right because nobody wants to look at it.

20:07

So we our goal is we're going to put a.

20:10

Dirt berm along that fencing perimeter all the way around the front on earth and berm that we can add vegetation and trees and and kind of groom that whole thing and then the actual operation will be behind that dirt berm.

20:24

So it'll probably be 6 feet and then we'll add another probably 4 foot fence on top of that with additional shielding if needed.

20:32

But with the elevation, I, you know, with the dirt berm, it's just it's going to disappear pretty much.

20:38

You know, you might see a piece of equipment sticking up a little bit, but our stuff isn't that tall.

20:42

I think the tallest stuff we have is maybe 12 feet or something like that.

20:46

So you might see the rooftop, you know, and that's going to be about it.

20:51

The driveway there will be the entrance.

20:54

You'll come in and out of that side and then it'll all be behind that dirt berm.

21:00

And then of course, we have to put in storm stormwater runoff.

21:03

And you don't have a proposed area for retention pond, but when we finalize with the building permit, the engineer company will figure out obviously how that all works and then we can work with the airport for whatever their needs are for the the other easements there.

21:20

The other big thing of course is, is car draining, right.

21:23

That's one of the big issues with salvage yards we have.

21:27

We'll have a concrete, you know, we'll have a building and surface to drain on top of so that the fluids can't can't leave.

21:33

And then we use the system we have now as I included it, it's called a SEDA drain system and it's all it all is under vacuum.

21:42

And then the gasoline is a drill system that sucks the fuel out of the tank.

21:47

All the other systems people use are are just kind of a drain system.

21:53

Our stuff sucks and pumps into individual tanks.

21:56

So it doesn't there's no transporting of fluids and then there's a, you know like an emerald service or there's another oily waste like place that will come and recycle all those waste oil products, petroleum products and then they can suck it directly out of the tank.

22:15

So and it's undercover the drain, drain portion.

22:19

So any any well that drips or anything that goes on the ground, it's on the concrete, you know it's a hard surface and then we seal the concrete and then we use floor dry and different materials obviously to to keep that clean.

22:32

But with the cedar drain system, I included that just because it's you know it's a pretty much state-of-the-art system.

22:38

It's very clean.

22:38

We use it now in Victor and it's it's awesome.

22:43

It, it really is with the pumping system on there, there's very little leak when you drain, they have caps that go back into the vehicles when you're done draining them.

22:53

So they don't, when you cart them back out into the field, they don't leak any more oil or anything like that.

23:00

I had a quick question.

23:01

When when talk about visibility.

23:04

Yeah, is it visible?

23:08

I mean the visibility from, from from where?

23:11

Because it's up on a hill.

23:12

So like how far out is considered visible?

23:16

I mean on reserve, Yeah.

23:19

So it's visible from a public road 6 feet above a public Rd.

23:24

it.

23:24

So what's considered the public Rd.

23:26

in this case?

23:26

So Whipper will is the public Rd.

23:29

OK, doesn't matter.

23:30

Reserve is, it's not any road, any public road.

23:35

And so if you if you reserve Broadway, if you.

23:39

Yeah.

23:40

And so I did, I did initially drive around trying to figure out where we could have visibility.

23:49

There currently are not that many roads here that can look down onto it because it's adjacent to the airport which is somewhat higher in elevation.

24:01

But you know that's not comprehensive.

24:03

So I and and to speak the visibility to the the, the actual yard portion will be somewhat recessed.

24:12

We're going to take all that material that we can as we level it and push it to the berms and create a bit of a recess so the operations will be down inside.

24:22

So even from like Broadway or as you're coming out Broadway, you'll see the bluff.

24:28

You know, it'll be hillside edge, but you won't see, you won't be able to see vehicles.

24:32

OK.

24:33

And DEQ does have to inspect and approve the shielding before, you know, in this last phase of the process before it'll be approved and permitted or the license.

24:45

Right.

24:46

OK.

24:46
Gotcha.

24:47
Thank you.

24:48
I'm sorry to interrupt, Justin, keep going.

24:49
That's OK.

24:50
That's, I mean that's the gist of it.

24:53
You know, when we did our our license in Hamilton and stuff, you know, the airborne particles and noise is always another question and obviously near the airport there'll be very little additional noise.

25:05
I guess I'd say, you know I we've been out there when the planes are landing and it's pretty loud it, it definitely won't be louder than that.

25:12
The air particles, you know there's there's obviously the with the air shed and the dirt, you know dust and everything.

25:21
I know that there's a certain amount of paving we have to do and, you know, surface for that and that's part of the building permit as I understand it.

25:29
But yeah, that'll, you know, the process of the auto salvage doesn't really produce significant dust particles.

25:40
Yeah, go ahead.

25:41
So besides the auto salvage, it'll at least on your card here, it lists a whole lot of other recycling.

25:47

Yes.

25:48

Will you be doing that too at the facility?

25:50

Yes, Yes, absolutely.

25:52

OK.

25:53

Yeah.

25:55

Thanks.

25:56

Yep.

25:56

You're welcome.

25:57

OK.

25:58

And anything else And that's all I have.

26:01

I mean, I I'm assuming there's going to be some comments.

26:03

So great.

26:04

I'm.

26:05

I'm happy to answer any questions after that or whatever.

26:08

Yeah.

26:08

Thank you so much.

26:10

OK.

26:11

Is there anyone in the room who'd like to comment?

26:15

Come on up.

26:20

Hello.

26:21

My name is Steve Jensen.

26:23

I own AVR, which is just when you're looking at the map, it's just to the north of the proposed wrecking site there.

26:30

It's an auto repair business, probably the cleanest one you've ever seen.

26:34

Hold on, Steve, do you mind?

26:36

Just, I just need the visual reference.

26:39

Thanks.

26:41

I'm sorry, Steve.

26:42

Go ahead.

26:43

So This site is probably more personal to me than virtually everyone else because it'll be right outside my front door of my business and I have concerns about the look my customers, my staff.

26:57

I'll have to look at it every day.

26:59

I'm sorry, you 42134213?

27:02

Yep.

27:04

So I have concerns.

27:05

If he says this is all true, it'd probably be the cleanest wrecking site I've ever attended.

27:10

I don't know if you guys have ever attended a Wrecking site or recycle.

27:15

So you know what I'm talking about.

27:17

There's all kinds of things that come with that.

27:21

Although I'm in the auto repair business, I keep a clean establishment.

27:25

Doesn't mean I want a wrecking site next to me.

27:28

Doesn't mean I want a oil refinery next to me, just 'cause I work on cars.

27:33

My listing concerns are threefold.

27:36

One's environmental, of course.

27:38

I'm not an expert on that, but I can.

27:39

I'm concerned for the water in the Creek right across the road, the aquifer, just because I have a well.

27:45

So, and that's all well out there, the fact that the wrecking yard, regardless of how clean you keep it, it attracts rodents.

27:54

With rodents it attracts birds.

27:56

I'm sure that's not real desirable for the airplanes or the airport, the smells and the sounds.

28:03

Like I said, go visit a yard if you want to check that out.

28:07

The visual issues that I have, I don't want to look at it.

28:12

I'm sure that people flying in on airplanes coming in from the from the east don't want to see that first thing you see when you land coming into Missoula.

28:20

I'm not sure that that's going to be a great site.

28:22

The airport's gone through great efforts to improve what's the look of the airport out there, you know.

28:29

So I'm concerned a little bit about that.

28:33

The property out there is rolling terrain.

28:35

It's not flat, so it's going to be very difficult to hide unless you dig a huge hole to put all that stuff into where you don't see it, you know, and I in all honesty, I don't know that I want to look at a fence either.

28:47

My vision for that area out there was more industrial, light industrial.

28:52

I was expecting when we built out there there would be more businesses like mine that that came out that were small industrial, light industrial businesses, nice buildings, you know, clean area to to come to work in.

29:06

I did not anticipate that there was going to be a a recycling center going in right next door.

29:11

Maybe I'll be proven wrong, but I don't know.

29:13

I've never seen 1 to this day that's that's been clean when I built this business.

29:20

It this is my retirement.

29:23

My my other concern is my property value and you know what what else is going to there are other properties out in that area and what other businesses are going to want to come and build their business out next to a recycling area.

29:36

You know, I don't know that that's overly attractive.

29:38

That's just my thoughts.

29:41

I would hope with Missoula expanding, it's it's all going West, it's all going that direction.

29:47

So everything that's that people are looking at building, expanding.

29:51

I know there's a huge development going to go over there in that Hanson Ranch area there that's that's proposed and that's going to be maybe some residential, maybe some industrial.

30:02

I challenge the driving down W Broadway and not being able to see that because of the the terrain.

30:09

I like I said, you have to dig a pretty deep hole to get that out of sight, and I'm.

30:13

I'm not sure that that can be done.

30:14

But maybe, maybe, I don't know.

30:17

I'm just more concerned about my property values is probably my biggest concern, aside from all the the rest of it, the environmental, the visual aesthetics of it.

30:27

But I built this business from nothing and was able to build the business the way it is right now.

30:39

And essentially that's my retirement.

30:40

I don't have anything else.

30:42

So my concern is my values.

30:44

So and right now I'm a I'm a hard no on this one.

30:49

So that's all I have.

30:52

Thank you.

30:54

Is there anyone else in the room who would like to speak to this?

30:59

OK, well, not seeing anyone.

31:01

We'll move online.

31:04

Violet, who do you have?

31:17

Dan Newman.

31:19

Hey, can you guys hear me OK?

31:21

Yeah, we can.

31:22

OK.

31:23

So Elena addressed our concerns fairly well.

31:27

Our our main concern is the retention pond and and the potential that that creates habitat for for a waterfowl.

31:39

And our request to her was that we'd be involved in the design of that to try and mitigate as much as possible and then obviously the navigation easement is a is a requirement for us anyway, that's what we got.

31:55

Thanks Dan.

31:56

You bet.

31:57

Oh yeah.

31:58

Strommeyer here has a question for you.

32:00

Dan, could you explain the navigation easement what that entails?

32:05

Sure.

32:06

So what navigate easement is, is it's any property within what's called the airport influence area.

32:11

And and basically what that is, is a notice to anyone that that buys property in that area, that it is in an airport area and it is going to be subject to different forms of pollution, specifically noise pollution.

32:28

And and basically what it says is that by buying that property, you agree that you're not going to sue us because planes are too loud that are flying over the top of your house or your business.

32:40

Does that suffice?

32:42

Yeah.

32:42

So what it sounds like is, is recognizing the impacts of aviation on adjoining properties, not vice versa.

32:51

That is absolutely correct.

32:53

OK, thank you.

32:54

That's helpful.

32:58

Thanks, Dan.

33:03

Is there anyone else who'd like to speak to this online?

33:08

OK, we'll close the public hearing and discuss.

33:15

So I've got a couple questions maybe.

33:19

So I don't see anyone from Lands and Communities here.

33:27

Oh, there.

33:27

Are they on the line, Karen.

33:30

Oh, OK, beautiful.

33:32

Karen, could you speak to us about the zoning in this area?

33:36

And and I recognize that there have been changes related to that in the last year, but would a facility like this be allowed under current zoning in this location?

33:53

Sure.

33:53

Karen Hughes, Planning, Development, Sustainability.

33:58

So the property both is and was zoned ICL or Industrial Industrial Center Light.

34:07

The change has been that this would have been allowed use under the old zoning.

34:14

Under the new zoning, it's required to go through a special exception review.

34:20

However, the applicant has a vested rights determination from our office.

34:26

We they put together a packet that showed that they had done a number of things from the time that they had contacted our office in January 2022 to move towards Acquisite, acquiring the property and making substantial financial investment.

34:46

That led us to determine that the old zoning applies.

34:48

So they can do this as a permitted use at under the old zoning instead of having the new zoning applied.

34:56

However, as I said, this use would be allowed, it just would have to go through in a higher level of review.

35:03

And what does that review look like?

35:06

We're so special exception review that goes to the Board of Adjustment instead of just being reviewed by the planning staff.

35:17

And in the permitting process, you address in addition to just meeting the requirements of the district, you also have to address access, traffic, parking, demand, dedication of streets and right away impacts on public and private utilities or services citing issues, natural resource protections, landscaping screening requirements, signage, lighting, noise, vibration, outdoor lighting.

35:51

You address, frequency of use in hours operation, whether or not you have adequate land and any other unique circumstances.

36:02

Those are the things that you you talk about.

36:04

And then when we look at those, we have, we look for compatibility with adjoining properties and the concerns about substantially injuring values of adjoining properties.

36:18

So it's kind of a similar evaluation that's being done through the stinky process.

36:24

We look about at the character of the district and whether this use is suitable, whether there's additional design standards that would be needed.

36:38

Yeah.

36:38

And that's, that's pretty much it.

36:39

And you can place additional conditions essentially on those.

36:43

And how does that or where where does that review fit with the, the timeline flow chart that you shared with us, Lena or Well, it doesn't.

36:51

We're not, we don't do that review because that's the new zoning that would be required.

36:55

That would require that they fall under the old zoning because.

36:58

Oh, thank you.

37:01

Yeah.

37:02

Yeah.

37:02

That was, that was a hypothetical question on my part.

37:05

Yes, thanks Karen.

37:10

So my next question I guess would be for you, Elena.

37:17

Is there any additional public comment that that you'd not captured in your summary earlier that you would like to hit on and and has anything that's come in altered your staff recommendation?

37:36

We I believe all public comment given that conversations were stated again as part of the public record have been noted here.

37:47

I think it's difficult to determine specifically what the environmental impact would be given that there's still a lot of steps toward having this move forward.

37:59

So when it came to looking at it from a department review, can you put the slide with the the timeline on it where the environmental review and the the next set of public comments happens if it were to go forward today?

38:18

Yeah.

38:19

So I think the key thing to note is that the next set of public comments are on the basis of the environmental assessment under the Montana Environmental Protection Act.

38:30

So they're more narrow in scope.

38:32

This is the opportunity right now for community comments as they pertain to quality of life and joining land owners and the surrounding community.

38:44

So as you know, should there be a resolution adopted to support this facility, then the next step would be Meepa analysis and then public comment would be constrained to that document.

39:02

Thank you.

39:05

So there would be a comment here, but it would be only on the findings or lack of inclusion of things on the environmental assessment.

39:14

So property values and things like that wouldn't necessarily be incorporated and we don't know right now how property values could or could not be affected.

39:29

Yeah, that's quite beyond our scope in environmental health and and our analysis there.

39:36

I think there are certainly environmental concerns when it comes to, you know, wrecking facilities and recycling programs and things like that.

39:46

When I discussed those in the context of this, it was to demonstrate that there are currently a number of checks in place for those concerns within our community and specifically within this area because it's in the water quality district as well as in the air stagnation zone.

40:05

And then when it comes to the specific location of the property and and water quality concerns, there are clay soils and Grant.

40:16

Well, the ditch that Grant Creek currently sits in is close, but there are currently plans in the works to move that further away.

40:26

So I I, you know, there's a lot to moderate those potential concerns if best management practices are adhered to.

40:35

And in that area with those clay soils in particular, it's easier to mitigate those than in in other parts of our community.

40:46

So so is it the case that Meepa is that narrowly focused such that impacts on the human environment such as economic, social aesthetics, there's no place in Meepa for that sort of review whatsoever.

41:13

I I am DEQ would be doing the the Meepa assessment and developing the EA And so I I'm not an expert on what that would look like when it comes to you know wrecking facilities.

41:28

I could look into that more or see if DEQ could provide a clear explanation of that.

41:33

We have can Ontario in the audience.

41:35

Yeah.

41:36

And the reason I ask is that if if this is like our one shot to take into consideration some set of impacts, then that's different than understanding that that there will it be additional review, environmental review construed broadly through MEPA.

41:57

That would also be an opportunity for adjoining land owners to weigh in at that point.

42:05

Yeah.

42:06

And then can you come up to the microphone and and I when while she's coming up could you Elena, could you describe the what if any time constraints we're under to make a decision is is this yet again an instance where we're up against the clock and have to make a decision now or not at all or yes, not at all.

42:27

I mean, make a decision now or suffer the consequences of having failed to do so timely.

42:34

Yeah.

42:35

So the Commission has 30 days from from notice of the application from DEQ, and that occurred on December 5th.

42:45

And so a resolution in support or an opposition needs to be followed up to DEQ by the by the 5th, January 5th.

42:56

And I do have a placeholder on an agenda for the third.

43:00

OK, thanks.

43:03

And can you talk about, I'm afraid I also don't know exactly how far reaching the, the environmental assessment is, but it is an environmental assessment.

43:15

So the concept of will it negatively affect the property owners.

43:21

Do you have that statement, Can you show that statement really is this is you are the ones that get to make that determination whether it will significantly affect the quality of life of adjoining land owners in the surrounding community.

43:36

So I don't know exactly.

43:38

The impetus of my question is, is, and I don't know if John would know this, to what extent there's a parallel between NEPA and NEPA because the National Environmental Policy Act versus the Montana Environmental Policy Act because you absolutely can take into account those sorts of considerations under NEPA.

44:01

I I just don't know the answer to it.

44:03

I mean, I think we could show you what some other ones have looked like and you would see how light they are.

44:12

Yeah, I don't know the answer to that under Meepa or NEPA, but could it be the the difference in the quality of the analysis of an EA versus an EIS, you know an environmental assessment versus an environmental impact statement.

44:28

It seems like the EIS is the is always the higher level of scrutiny.

44:34

But I that's could that's not necessarily an answer.

44:37

I'm just speculating and now there is a go ahead.

44:41

I was going to say there is something that we can do because you currently operate in Ravalli County.

44:47

Yeah, so they currently operate in Ravalli County and we we could look at that operation as an indication of what this operation will be.

44:56

We haven't done that, but we could bring that information to you.

45:00

We can talk with our counterparts at the county and we could bring that to you at your public meeting if you'd like.

45:06

Are there also similar facilities nearby in in this area or just West?

45:14

There are they're not immediately they're on the other side of the airport.

45:18

They're not immediately in the.

45:19

OK, I guess I'm not from here.

45:22

I'm lumping.

45:23

I'm lumping.

45:23

Yeah.

45:24

It's all Yep.

45:25

OK W beyond reserve go ahead.

45:28

So I don't, I don't usually ask questions but I am, I was curious along those lines Shannon, we we heard the applicant talk about how they have a a process sounds like it's a different process than you used any place else in the county.

45:43

And it might be interesting to hear, I mean to compare what this facility is proposing to be versus what other wrecking facilities are in Missoula County and that that might be instructive.

45:56

I don't know.

45:58

Well, we have a lot of a a wide variety of wrecking facilities in Missoula County.

46:04

Some are operated very cleanly.

46:07

You know some are very, very neat but don't deal with a large volume and some deal with a large volume but handle things well environmentally and some of them are just a little bit of a mess.

46:20

So I haven't heard of I haven't heard of what the the fluid recovery system that they're using but it sounds very promising it sounds very interesting.

46:33

So and I'm for I I don't know your name sorry come come on up and I'm so the the CETA system we purchased it it's a European system right.

46:44

So it's built for an area with much higher scrutiny and regulation than we have here and we did it on purpose to try to be the leading edge of environmental cleanliness for draining cars.

46:57

We're not necessarily like a most wrecking yards where they just park hundreds and hundreds of cars.

47:02

We're in the recycling business.

47:03

We're going to take those vehicles and clean them up and bail them in and send them in to be repurposed and other materials.

47:10

But the see the system what it does like when you're when you're draining the gas, it has a rubber gasket that presses up against there so you don't get any fumes out when you're when you're removing the gas.

47:20

And then you can choose whether to put it in the cleaner, do dirty so that we can reuse the fuel or it has to be recycled into something else, right.

47:29

So it's a really neat system.

47:30

We have it all covered and set up.

47:33

It's all pumped and with air pressure it's it's a really neat system.

47:37

I think it's probably the best system in the state of Montana today.

47:41

I don't know of any other yards that that we compete with that have anything as nice as what we have and we're going to bring that to Missoula as well because we know that our desire is to be at the leading edge of this.

47:52

We want to keep our yard clean and and to address some of the other things like you know the front piece of that property that'll be developed into something else.

48:03

If we create a nice dirt berm and plant trees and that yards going to have to sit down because of the shape of it, how it sits on a hill and that dirt berm comes up, you can plant that you won't.

48:13

You're not going to be able to see anything in there and if you have something nice across the front we're we're kind of tucked into the back and out of out of the way.

48:21

But we we plan on being a very clean facility and and that seater system we we brought it to you because it is unique and there isn't you don't see those in the state very often and I'm sorry I was walking back and I forgot your name my name is Phillip.

48:36

Phillip sorry, sorry thank you.

48:38

I should have said that to start with that.

48:40

My apologies.

48:41

And so and OK, the the Berming you're proposing along the the front and then also to the east, correct.

48:50

Yeah.

48:51

Yeah.

48:51

Some, a lot of it'll be sloped down already, right.

48:53

As you cut into the into that area and make that a nice flat pad, you're going to have some that's raising up naturally, right.

48:59

And you're going to have to come up with like a So the concerns that that Steve was concerned about earlier with his car or the repair shop to the east, would they see it?

49:13

No.

49:13

OK.

49:14

No, it looked like a continuation of the Hillside.

49:16

If you just plan it and you have kind of an organic berm there and then if you put in the in that front piece that will kind of how we had it.

49:25

It's sectioned off.

49:26

I think if you if you create more typical light industrial see because there's all that ground in front of the facility there, oh, it was up for a second.

49:40

So that's that's part of the plan is to develop that eventually, right.

49:45

I mean one step at a time and this is our main business, but I think that'll be developed and I think it will be kind of that nicer light industrial look, I think we'll add value to the area and and developing the four acres in the front gotcha, OK, because that's a nice piece of ground too.

50:04

So then back to the process question, if, if we have questions, we want to get in touch with Ravalli County folks.

50:13

I mean, can we have those conversations?

50:15

Can we find out what sort of comments with the EA and the EIS and what in a timely fashion where we're not holding this up if we come back again?

50:28

Yeah, yeah.

50:33

And I think I'm on the admin meeting already for the 29th, the 3rd, but I could try to hop on an earlier one, possibly two.

50:41

I think there are any earlier.

50:43

I don't.

50:43

I yeah, we have a, we have an admin on the 29th, we just learned today.

50:50

Yeah Violet.

50:52

Yeah, that the admin on the 29th is still open and then the next one is where would be the 3rd, January 3rd, the work we're happy to gather as much as we can by either date.

51:14

So before we make that decision, I I just a few other questions.

51:17

So rodents and birds were mentioned, any response to that?

51:25

Well, I mean most of that facility in there is going to be crushed asphalt.

51:29

So and you're going to be active in there.

51:31

I I don't see much potential for that.

51:33

It's not like you're going to have a sea of cars.

51:35

Like you know your typical image of a salvage yard is is just a sea of cars, right.

51:40

We keep them stacked, we keep them moving that the product doesn't just sit there, we have to move it.

51:45

In order to to for our process to work, we have to go move those vehicles out and and sell that material.

51:51

So we don't have a lot of sitting stagnant area and grass.

51:56

It's going to be processed and shipped.

52:00

That's what that's what we do.

52:01

I mean, I mean, people aren't out there picking, pulling and it's bailing.

52:08

Yeah.

52:09

And weeds growing around everything and stuff.

52:12

So they cycle through.

52:15

Is your facility in the Bitterroot similar to what we would see here?

52:20

So.

52:21

So if I was to visit your facility, would I have a mental picture of what would be constructed here in Missoula or not?

52:31

Yes.

52:32

Yeah.

52:36

I'll take you for a tour, come on down that would be great.

52:44

Yeah.

52:44

I mean that that's kind of what I'm getting at is what what differences between the facilities would I see between the one that's proposed here in Missoula and the one in the bitter.

52:59

Yes your current facility.

53:03

Oh come on up to the microphone.

53:05

Sorry we're going to miss it.

53:07

Thanks Justin.

53:08

We were we were kind of confined we're not confined but the space was somewhat laid out right.

53:13

So the layout in this would be a lot better because it's bare ground.

53:17

So organizationally, it'll be better, cleaner that way.

53:22

The, you know, the and we have more space, we're more confined.

53:26

We only have about 2 1/2 acres in in Victor.

53:31

So stuff's a little tighter, the roadways are a little tighter and such.

53:34

But in terms of the draining and, you know, competency and the organizational structure and stuff, you.

53:41

Yeah.

53:42

And you'll see all the indoor stuff that we do, it's all gonna be very similar.

53:47

So this will give us more space, more room, you know, less confinement.

53:52

So if we took a tour of that then we we would the the main difference I guess is what I'm hearing is that it's just twice as big and more space.

54:01

Yeah, more space and and better, better layout.

54:04

Got it.

54:04

OK yeah.

54:06

I would personally like to take a tour and and and again not hold up this process but just to be able to make a better decision.

54:14

Can we do that So so here's a here's another question and and I I guess this might be somewhat in the the lap of the applicant here if we is it even an option to schedule it revisit this for a final decision on January 5th if the applicant agreed to that which would give us the opportunity that earlier that week to tour their facility.

54:51

If not then we'll we'll schedule it at the 3rd and it is what it is.

54:57

I I think we just have to transmit by the 5th which I think we could do by e-mail.

55:06

Come on up Shannon I'm not familiar with these statutes.

55:09

What is the consequence of not making a decision to approve or deny within 30 days.

55:17

It does it mean does it is it like then it it's deemed approved you you, you, you miss your opportunity.

55:24

OK yeah yeah.

55:25

Does that specifically in the rule, the significance so if you don't get this done in 30 days and there's a reason that you determined that you should deny it because it does have this significant effect, then your voice would be, you know that that opportunity would be silent.

55:45

I I do think though if we've determined that the 5th is the day that we could get this on to the 5th and we could still communicate that with DEQ, they are not going to do something at 5:00 on the 5th, right?

55:58

They're they're not going to move something forward at 5:00 on the 5th.

56:01

So we can let them know, you know, the resolution is coming to you as long as the resolution can be signed that day on the 5th.

56:10

I do.

56:12

Our experience with DEQ motor vehicle program is that that will not be a problem.

56:20

OK, From ours, checking this calendar, are we talking about a Thursday afternoon public meeting on January 5th?

56:31

Because that that's the preferable forum.

56:33

I think we do have one scheduled on the 5th so that if if we did it on the 5th that would allow us the opportunity perhaps on the 3rd to take a field trip.

56:48

If if you think that would be useful, I I will take a field trip whenever works for you.

56:56

All OK, they're there every day.

57:05

OK, great.

57:08

So I I would, I would lean towards that and also in the meantime getting some clarity from DEQ on on what what their Meepa analysis would consider or not because that could potentially give another bite at the apple for for folks who are concerned about specific impacts just depending on how narrowly construed the the analysis is.

57:37

OK.

57:38

So I if I understand correctly, we're going to check in with Ravalli, we're going to check in with the EQ about mipa and then coordinate with the applicant and your schedule to try and get a tour.

57:53

Yep.

57:54

And also confirm with the EQ about this January.

57:58

Yeah, Fifth date, if we get things signed on the 5th, I don't want to disrupt the process, but yeah, if that doesn't work, then we'll adjust.

58:09

OK.

58:10

OK.

58:11

Is everyone clear on what we intend to do?

58:16

Or rather is anybody not clear on what we intend to do?

58:21

OK, I I do have another question from Dan Newman.

58:24

Are you still out there?

58:28

Yeah, I am.

58:29

OK be beyond the am I saying this right navigation easement and and the pond and the pond issue any other concerns because we have heard concerns about just from a visual standpoint what this might say in terms of welcoming folks via air to Missoula.

58:54

Any any can any other I guess more quality of life visual concerns on the part of the airport.

59:01

You know not to my to my knowledge Dave I would probably defer to your judgment unless you've been and seen the the operation in the bitter and I think that's probably a pretty germane trip to take.

59:15

OK.

59:16

Thank you Dan.

59:17

You bet.

59:21

OK.

59:22

So what are we?

59:24

Is there a motion of some sort that you just wouldn't get up?

59:44

My mic is not on, Violet.

59:46

I can't believe you let me go that long without my mic on.

59:50

Yeah.

59:50

So again, just I, I, I think, Juanita, you just keep the public comment period open on this and it'll be continued on January 5th.

1:00:01

That's what we'll do then.

1:00:04

And someone from our staff will be in touch to schedule a time to come out and take a look.

1:00:10

OK.

1:00:10

Thank you all.

1:00:11
And it's 4:00.

1:00:12
Well done everyone.

1:00:14
Thanks.

1:00:14
OK.

1:00:16
Have a good afternoon.

1:00:19
Is there any other business we're done?