

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, DECEMBER 01, 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

Nick Zanetos, Planner, Planning, Development and Sustainability

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

Juniper Davis, Manager, Parks, Trails, and Open Lands

Slaven Lee, Executive Director, Missoula Public Library

Jennie Dixon, Planner, Planning, Development and Sustainability

Kyla Lehnerz, Administrative Assistant, Commissioners' Office

Carey Powers, Communications Coordinator, Communications

Erik Dickson, Transportation Engineer, Public Works

Allison Franz, Communications Manager, Communications

Elena Evans, Environmental Health Manager, Health Department

Shane Stack, Director, Public Works

Mel Fisher, Strategic Initiatives Manager, Communications and Projects

1. **CALL TO ORDER** [Time stamp – 0:02]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:04]
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 – 0:28]

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA *[Time stamp – 0:28]*

6. CURRENT CLAIMS LIST *[Time stamp – 0:39]*

Claims received as of November 3, 2022 to November 18, 2022 by the Commissioners' Office total \$7,123,780.91.

7. HEARINGS

a. FY23 Budget Amendment – Additional Staff at Missoula City County Library *[Time stamp – 1:03]*

Amanda Henthorne, Budget Analyst, Finance

[Resolution 2022-119. Book: 1084 Page: 197]

b. Resolution – No Parking on Rimel Road *[Time stamp – 5:09]*

Shane Stack, Director, Public Works

[Resolution 2022-120. Book: 1084 Page: 199]

c. Resolution to Adopt – Missoula County Pathways and Trails Master Plan *[Time stamp – 16:56]*

Travis Ross, Parks & Trails Operations Administrator, Parks, Trails, and Open Lands Juniper Davis, Manager, Parks, Trails, and Open Lands

[Resolution 2022-121. Book: 1084 Page: 198]

d. River Watch Lot 5 Plat Adjustment *[Time stamp – 32:57]*

Nick Zanetos, Planner, Planning, Development and Sustainability

[Letter 2022-305. Mailed to: Debi Herman December 07, 2022]

e. Mahlum Thoroughbred Agricultural Covenant Exemption *[Time stamp – 53:19]*

Jennie Dixon, Planner, Planning, Development and Sustainability

[Letter 2022-306. Mailed to Thomas Mahlum December 19, 2022]

8. OTHER BUSINESS *[Time stamp – 1:08:44]*

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:09 p.m.

BCC Public Meeting December 01, 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 the Pledge of Allegiance.

0:04

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

0:20

And Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

0:28

Is there any public announcements or public comments not on the agenda?

0:39

OK, we will begin with, I'm sorry, I was distracted by the the closed caption current claims list received as of November 3rd to November 18th by the Commissioner's Office total 7 million, a \$123,780.91.

1:00

We have 5 hearings.

1:03

We'll begin with the budget amendment, the staffing tweak at the Missoula City County Library, so Amanda and then we have Slavin here as well.

1:16

So I don't know who would like to.

1:19

Amanda, go ahead.

1:22

Hi commissioners, thank you.

1:24

We have a budget amendment for you today that is budget neutral and actually a little bit to the beneficial side.

1:33

So with this amendment, the foundation will be taking on a little bit more funding for some personnel and that will allow the county to increase the FT ES that are supported by county funding.

1:48

So overall for fiscal year 2023, this will result in approximately \$57,000 more in revenue and cost us an additional \$40,000.

2:01

But we'll be adding 1.4 FT ES that will be able to help with Foundation and Library public relations, as well as making sure there are staff available for using the library outside library hours.

2:19

And Slavin would be the expert on any questions related to that.

2:27

Sorry, Microphone Slavin.

2:29

Lee.

2:32

Hello.

2:36

Hi.

2:37

Do you all have any questions about that?

2:39

No, I didn't know.

2:39

If you wanted to.

2:40

Yeah, I could describe it again.

2:42

Exactly.

2:43

Yeah.

2:44

So our current library foundation director, Carl Olson wears 2 hats at the library.

2:51

He spends half of his time working for the foundation on behalf of the library, raising money, and then the other half as our PR person.

3:00

Both of them are full time jobs.

3:02

So it is difficult for him to devote as much as attention is needed for both of those positions.

3:10

This budget amendment would allow him to be a full time foundation director.

3:15

As I mentioned before, we know how powerful the library foundation can be.

3:20

They raised almost \$7,000,000 for the new library project.

3:25

And if Carl were able to devote his attention to that, it would, you know, I think it would pay us back in dividends.

3:32

And then we also have made the library available for rental after hours, but we don't have a devoted staff person to handle those rentals.

3:42

So we haven't been able to keep up with demand.

3:46

So without even doing any marketing or advertising, we already have almost \$10,000 in revenue booked for events this fiscal year.

3:54

And if we were able to devote more time to that, we could definitely bring in a lot more revenue.

3:59

And that person in that position, which I would call a community engagement specialist, could also do a lot of outreach outside of the buildings and out in the more rural parts of the county and also reach more underserved people.

4:17

Thank you so much.

4:18

Thank you.

4:21

Yeah, sounds good.

4:22

Thanks for all of your work on this, Slaven.

4:24

And thanks, Amanda, for your work on this amendment also.

4:28

So I would move that we approve the budget amendment for reconfiguration of employee positions at the Missoula City County Library.

4:36

I'll second that.

4:38

Any further discussion.

4:40

Thanks for your creativity and making it.

4:42

Yeah.

4:43

Or budget neutral, create use of creativity.

4:48

All in favor.

4:49

Aye.

4:51

Thank you so much.

4:51

Thank you.

4:55

OK, Shane stuck and I'm not.

5:02

Oh, OK Eric Dixon.

5:04

Wonderful.

5:05

Yes.

5:05

Yeah.

5:05

Shane is still not sounding all that great.

5:09

So he asked me to step in this afternoon and request that we close this hearing for the parking resolution.

5:19

If you may recall or for others on the line that may not know, we received a request or many requests this summer to look at restricting parking on Rimmel Road.

5:32

It's become an area of a lot of activity that is, is not great for the neighborhood.

5:40

And so we drafted the resolution, open the hearing, oh, I think it was 2 weeks ago and Shane did receive

some public comment and of course there's public comment that was offered before that and at the last hearing.

5:55

So we've had a lot of input on this and if I can share my screen this as a reminder for the area that we are going to restrict the parking.

6:07

This first half mile is county maintained Rd.

6:11

and then the quarter mile beyond that the South half of the road is in the county, the north half is within city limits.

6:17

So we don't have the jurisdiction to take any action on that portion of the road.

6:22

But we have been working with the city to request or I guess make them aware of our request that they can, they can take action as appropriate if they see fit.

6:34

So that's where where we stand today as far as I know.

6:39

So and if I can, I would also like to share, it didn't occur to me at the at the first hearing, but we did have an incident up there a few years ago, actually two years ago in in February where you see a parked car here and at the time there were two parked cars there.

6:58

And if you step back a little bit further you can see just on the edge of the photo here that's the the edge of our of our snow plow.

7:07

So our driver was coming down the road.

7:10

There were two cars parked in the road and by the time our driver realized that he wouldn't be able to get around them he couldn't stop.

7:18

So he and it's just enough of a grade and of course he didn't have chains on because it wasn't necessary at that time for just regular travel.

7:26

But when he tried to stop he couldn't so slid into the back of the the one car and then just slid sideways into the field.

7:33

So while it is a a rare and I think the first incident that we've ever had up there, I think it it is maybe indicative of the problem that that the residents are seeing up there.

7:45

I mean this was you know the middle of the day in February and there was enough traffic on the road even if it was just two cars that led to an accident involving one of our snow plows.

7:55

So whether or not the proposed no parking resolution would have any impact on potential conflicts like this, I don't know.

8:04

But it's certainly something that the residents in the area would like to see and you know it does potentially impact our operations up there if there are parked cars parked on the road.

8:16

So just that little bit of background information from our perspective along with the comment that has been received both in writing and both in and also in verbal testimony that was offered two weeks ago that would be I I suppose the conclusion of our, our report on the issue.

8:38

Thanks, Eric.

8:39

Question for John.

8:41

Yeah.

8:42

So and then I didn't know we just got some comment recently like a few minutes ago or maybe within the hour.

8:48

Is that right, Violet?

8:55

Thank you.

8:56

Go ahead.

8:57

So John, are we not just closing the hearing today but actually making decision on this?

9:02

I think so.

9:04

OK.

9:04

I just want to make sure because and decide on the passage.

9:07

I mean, again, just so in in case people are wondering why we have two hearings, the legislature allows counties to enact no parking resolutions.

9:25

But because a violation of this resolution could result in some civil penalty, I consider it to be akin to an ordinance and ordinances have to have two hearings before they can be adopted by the Florida county commissioners.

9:47

But we call it a resolution because that's what the legislature is told us we should call our parking or no parking enactments.

9:58

Do we have the exact language for the resolution here today?

10:03

I I sure hope it's part of the part of the meeting agenda and packet it's it's AI mean it's a fairly short resolution if I recall it's one page and then it does have a colour exhibit the exhibit A that that Eric's sharing on the screen that is that's part of the resolution too.

10:26

So could Eric or Violet maybe pull it up on this screen?

10:31

I'm I'm looking for it like I wasn't I think I have it right here.

10:39

Nope.

10:39

That's just the sorry.

10:48

I wasn't quite prepared when she no for her so I don't know that I have if he there's a petition.

10:58

I'm sorry that I don't not part of the.

11:01

I mean if he goes back to the yeah to the packet or maybe Violet would you be able to see on this Here we go.

11:13

Maybe this.

11:14

Here we go.

11:31

Is that the one?

11:34

Yeah.

11:36

Thank you.

11:37

All right.

11:39

So could I, could I say that I moved that we approve resolution #2022?

11:50

This doesn't have any number on it.

11:52

Should I read the whole thing?

11:53

You don't need to read the whole thing.

11:54

Did, did we ask if there was any public comment?

11:57

We didn't get to that point yet.

11:58

Let's do that.

11:59

And then, no, you can just move to adopt the resolution regulating parking on Rymal Road.

12:06

OK.

12:06

It looks like Laura Scott, hi.

12:10

Yes, I was here a couple weeks ago and I'm here representing all the neighbors up here in Stone Mountain.

12:18

We have seen a number of accidents every year.

12:22

Actually, I've lived up here for four years and there have been several accidents every year since I've lived here.

12:27

And the two main ones we talked about this one two weeks ago, the one where the rollover happened up there and three girls were thrown from the vehicle.

12:37

And that happened during a time when there were numerous cars up there partying.

12:42

That happens almost every night, all through the spring, summer and fall.

12:46

The other accident that comes to mind was during the day, I believe it was summer or spring.

12:52

A car was driving up the road and somehow lost control and it was.

12:59

It ended up coming down backwards and the people in the car jumped from their vehicle as it was moving.

13:07

Of course, a couple of them got injured and it ended up going through the line Ranch fence and came to a stop on their property.

13:14

My husband was the first person to respond and called 911 and thankfully no one was seriously injured.

13:20

But the people Brad Cloud I know submitted a statement.

13:25

The people that live along Whitaker see this happening pretty consistently.

13:31

There are numerous accidents.

13:33

There's a lot of speeding.

13:35

There's drinking and fighting.

13:39

There's a huge fire risk in our opinion, with people lighting fireworks off in the summer.

13:46

And it's not just that we know that wildfires can start just with cigarettes or or, you know, hot undercarriages, cars parking on dry grasses.

13:56

There's also been every year since I've lived up here, our sign at the entrance of our neighborhood has been vandalized, spray painted numerous times.

14:04

The last one happened just this summer.

14:08

One of our residents come has complained to us about the yelling and the swearing.

14:14

If she and her family go out on their deck, they just hear this going on in the evenings.

14:18

So it's it's a combination of safety issues and public nuisance issues.

14:23

As I was writing out some notes, I in my mind it did look like the safety issues outnumbered the public nuisance issues.

14:31

There was also when incidents this summer where one Sunday night there was a lot of activity of cars going to and from Rimmel up until 3:00 in the morning.

14:44

And then the next day it was posted on the neighborhood Facebook page that a resident who parks their car on Upper Whitaker, her car was hit, was crashed into in a hit and run accident.

14:57

So it's impacting people not only right directly on Whitaker in our neighborhood, but also further down people who are or just living just a few houses off Whitaker that the noise is, is is really awful.

15:11

A lot of the cars don't have mufflers or have the aftermarket mufflers and they do a lot of drag racing up Whitaker.

15:19

Also they go up to Rimmel and Drag Race.

15:23

We've seen people drive their motorcycles up there to Drag Race on Rimmel.

15:27

So there's just a lot of lawless activity that's been going on that appeared to worsen during the pandemic.

15:34

I think when there weren't a lot of places for people to meet and gather that they were ended up going up to Rimmel.

15:41

And since then it's just kind of exploded into this lawless activity.

15:47

Thanks, Laura.

15:48

Yeah, Sir, any other comment online or on the phone?

15:56

Anyone in the room?

16:01

OK.

16:03

I would move that.

16:04

We approve the resolution regulating parking on Rymal Road, Sections 5 and 8, Township 12 N Range 19 W PMM.

16:13

I'll second that.

16:14

Any further discussion all in favor?

16:18

Aye.

16:19

Thanks so much.

16:20

Thanks, Eric.

16:21

Thank you.

16:23

And I was just reminded that Strohmeier has to leave at 4:00.

16:26

So we have to get through this agenda.

16:32

OK Don't jinx us.

16:40

I see Juniper.

16:41

So we'll go ahead that did someone need to officially close the hearing?

16:47

OK.

16:49

OK.

16:50

Yes.

16:50

Resolution to adopt.

16:51

Go ahead, Juniper.

16:52

Great.

16:53

Thank you.

16:54

Good afternoon, commissioners.

16:56

For the record, I'm Juniper Davis.

16:57

I'm the manager of Missoula County Parks, Trails and Open Lands.

17:01

You will remember that on October 27th.

17:04

OK, maybe you don't remember the date exactly, but in October we came to the same public meeting with you and we gave you and the public a detailed overview of the Missoula County Pathways and Trails Master Plan.

17:21

If anyone is interested in watching recording that presentation where you can really see the details of the plan that is available through the county on our website and you would look for that October 27th meeting date.

17:32

But at this meeting today, I am going to do a much more simple presentation.

17:36

I will not be diving into the plan nor will I be presenting a PowerPoint today.

17:42

We are looking for the Commission to move to approve the resolution to adopt A plan now that the requisite public comment period has passed.

17:52

We're hopeful that today we can move on to this final stage and it will be quite quite the event for Missoula County.

17:59

The Missoula County Pathways and Trails Master Plan is the first of its kind.

18:02

It is an important step forward in charting the course for our neighborhoods, communities and the region in order for us to have an interconnected system of well planned trails for the future of Missoula County.

18:15

The vision of this plan has been set from the beginning with the goal of helping us understand and convey the shared use trail needs across the county, focusing on those areas that lie outside of the urban core.

18:28

So again, this type of planning has never been done before for our rural communities here in Missoula County and it's actually fairly unique on a statewide basis.

18:37

Not everyone goes to the lengths to plan for these interconnected trail systems.

18:41

So we're really pretty excited about what we've done here.

18:45

Missoula County's proximity to outdoor recreation opportunity in public lands poses an opportunity to naturally integrate bicycle and pedestrian infrastructure to enhance residents quality of life.

18:58

This plan takes inventory of existing pathways and trails throughout Missoula County and identifies where gaps exist.

19:05

So this planning process began in the summer of 2021, and it involved the participation of actually hundreds of county residents through online surveys, online maps, and public meetings.

19:16

The process was guided by a steering committee of 12 individuals representing planners, trail associations, and transportation organizations.

19:26

The process began with a preliminary engagement window.

19:28

In those meetings, participants provided ideas and opinions about the existing system and what future system plans we might have for Missoula County.

19:39

Following those meetings, we did a community wide survey where we got additional information.

19:44

Then we did a second engagement window that took place this past winter and that included additional surveying and then actual ranking of projects.

19:53

This culminated in the release of the draft plan that we did in April and then we had an additional public comment period following that draft plan that ended in June.

20:03

Then we incorporated and revised the plan over the summer and into the fall.

20:08

And we took that again to the public and also to the Transportation Technical Advisory Committee, the Transportation Planning and Coordinating Coordination Committee, the Missoula County Parks and Trails Advisory Committee and the Planning Board with recommendations from all of those boards and committees to adopt this issue plan, adopt this as an issue plan to the Missoula County Growth Policy.

20:33

So we've been, it's been a long undertaking, but we've actually moved it around along pretty expeditiously and have just received an amazing public comment as a result.

20:43

So before I kind of wrap this up, I'm just going to make a few points of clarification.

20:47

These are things that kind of came up routinely in our public engagement or in our conversations with committees and boards as we presented.

20:53

I think it's just helpful to help provide the clarity of what the plan is and isn't so that people can have a good understanding.

21:00

So again, this trail, the trails that are identified in the plan, they didn't come from county staff.

21:07

So again, we did extensive public outreach, particularly in rural areas.

21:11

And in addition to that broad public input, the plan also paints a picture of what our public and agency and nonprofit stakeholders also see as priority trails in our communities.

21:22

So this this plan really reached out to all sectors and made sure that their good ideas were incorporated.

21:29

In addition, I want to clarify and emphasize that there is a lot of good planning that has already been accomplished within the city.

21:36

So this plan doesn't propose new trails within the city.

21:39

Again, this is focused outward into rural communities.

21:44

This plan is going to be an important tool for the county and our partners.

21:47

So with this plan, we and our agency and community partners can advocate for the inclusion of these trails in state and federal transportation projects, good community planning and development and funding opportunities.

22:01

So with this, I'm emphasizing that it is not a capital improvement plan.

22:04

Meaning this plan does not indicate that the County Trans plans to build these trails and and instead use it as a tool for advocacy and inclusion in the ways I've just described.

22:18

Finally, I will note that this plan does not identify recreational trails such as dirt paths that you might find in natural areas.

22:26

The plan again is focused on shared use paths similar to the facilities that you see out in our community already that are paved, although not all the trails in this plan may in fact be paved.

22:38

So again in most circumstances the plan is discussing separated shared use trails and not single track natural surface trails.

22:47

So in conclusion, this plan from start to finish has provided us a comprehensive vision and it was highly driven by this community's desire for connected, safe and sustainable shared use trail system.

23:01

And we are already seeing the benefits of this plan.

23:04

While it helps us establish our own work plans and helps us advocate for inclusion of these trails and other transportation projects, I want to thank our partners who helped us in this effort, particularly the Missoula Metropolitan Planning Organization who helped fund the planning effort.

23:19

In addition, Missoula County Public Works who are invaluable in providing their expertise as well.

23:26

So today we would recommend and ask that you would consider to move to approve the resolution to adopt the Missoula County Pathways and Trails Master Plan as an issue plan of the Missoula County Growth Policy.

23:41

And we have your proposed motion up there on the screen.

23:45

OK.

23:45

So what's your favorite trail?

23:49

I have.

23:50

I really that you're excited excited about its potential is, you know I have so many one that continually came up in our community outreach.

24:00

Not meaning that everybody thought it was the best trail idea, but when we would talk about it, people would get really excited was getting a connection that would take you all the way from Missoula through E Missoula because we're missing a connection there beyond the Marshall grade to get on to where then we do have a shared use path starting there at Tamarac.

24:21

Get on that shared use path, get yourself over to Bonner, Milltown, where then the path disappears again and create that connection all the way to the amphitheater in Bonner into the Kettle House Amphitheatre.

24:33

And so if you can imagine that connection, we have gaps in it right now.

24:38

But if that was connected, wouldn't that be such an awesome opportunity?

24:42

And when I say that we can already see the outcome of these plans, this plan in place, we already have some synergy, we already have discussions.

24:52

Moving funding of course is always going to be the interesting piece of this where we hopefully can connect and fill in those gaps and one day we might see that full connection.

25:00

So very exciting.

25:04

Any other discussion or comments online or in the room?

25:15

Oh, I missed it.

25:16

I'm sorry.

25:18

HH, it's Heather Wills.

25:22

Heather, Heather Wills.

25:24

Yeah, from Potomac.

25:25

And I've, I've talked to Juniper about this previously, but I was a little disappointed in the early part of the surveying of the public in the fact that there was no ability for land owners that are adjacent to these trails to comment on issues that might come up.

25:44

For example, there was a there's on the map, there's a trail that's been proposed to connect Potomac up through Clearwater to Seeley and that would run directly through me and right next to my irrigation ditch or possibly on the other side of the highway.

26:03

And there's just issues there that I don't see in the plan of talking to the land owners very early in in the proposal.

26:12

So I'm just have a little bit of concern there.

26:16

Otherwise I think it's a great, great document.

26:20

I'm just thinking it's lacking in the, in the early discussions with land owners that are adjacent to these trails.

26:26

Thanks.

26:28

Thanks, Heather.

26:28

Juniper, do you have a response or it's going to be a long time before we get anything going through Potomac, but it is going to be a long, a long time before we probably see a trail connection there.

26:39

But Heather, it's so great to see you and I get to see you next week hopefully as well.

26:45

So I I, I really appreciate what Heather has to say and we had that in mind as we were developing the plan.

26:55

Again, it's it's meant to be visionary.

26:57

And so we we don't actually talk specifically about what a trail alignment is going to be through a particular community or when we identify a connection.

27:10

When you look at the maps within this plan, you're going to see a line and you're not going to be able to tell if it's on the north side or the South side or the east side or the West side of that road alignment.

27:19

And we even do add some caveats in the plan saying that the route you see may not actually be the final route that's that might be picked for the construction of a trail.

27:29

It's meant to be representative of a general connection that we want to create within the community.

27:36

And and were we to pursue one of these trail projects either with a partner or whether it's, you know, the state or or federal partner who's undertaking it at that project implementation level, there would be a lot of opportunity for public outreach at that kind of implementation stage.

27:55

So again, it's sort of visionary, it's big picture.

27:59

It's not looking towards that construction aspect of of the trail.

28:04

And if that were to to be pursued, the 1, Heather in particular that you mentioned very early, I think there would be plentiful opportunity to help influence that.

28:17

And in fact that trail would not be a successful trail project in the future were that not to happen and and and it might not be right the county that constructs these.

28:28

Again because I'm emphasize this isn't a capital improvement problem plan for the county.

28:33

But one role that we can really help with other is to help advocate when let's say a state or federal partner perhaps work with us to develop one of these projects.

28:46

We as county staff as well can help be a bridge between land owners and then that agency partner who may be constructing the trail and help to advocate for those issues that you're discussing.

28:55

So there's just a variety of roles we can play in the future as these move forward.

29:02

Thank you, Dave.

29:04
Yeah.

29:04
I think maybe not a perfect analogy, but maybe one example would be the transportation infrastructure that's going in West of town in the build grant area.

29:15
This clearly not the same thing we're talking about here planning wise, but there were plans on the books for 20-30 years with just kind of a vision of of Rd.

29:28
connections between Mullen and West Broadway.

29:33
Land owners change over that period of time and at the point in time though when an actual project came forward right of way had to be acquired negotiations with adjoining property owners.

29:46
So I at at some at the point in time that a natural project proposal comes forward, there will absolutely be significant and abundant landowner and property owner and public engagement.

30:04
If I'm not mistaken that's that's a spot on, that is spot on.

30:07
I was going to give you a thumbs up and Heather, I would really appreciate continuing to stay in touch with you on it.

30:12
So thanks.

30:14
Yeah, thanks.

30:15
I and I guess I just for future surveys maybe have some opportunity either for other comments or something like that so that these issues can get brought up early.

30:28
And that's all my, my real biggest concern is that that that the discussions start early before even even funding has already started or anything like that because there's lots of issues that especially AG issues that people don't necessarily think about because they aren't in AG.

30:50
So that's that's all I'm trying to get across.

30:53
Thanks.

30:53
Thanks for the opportunity to speak.

30:56
Yeah, Thanks so much, Heather.

30:58

Go ahead, Josh.

30:59

Heather, appreciate what you're saying and it is still early.

31:03

It is early with a capital E early.

31:05

There is not one penny allotted to building any of these things nor has the right of way been acquired, the design done nothing.

31:12

This is entirely as Dave said, visionary.

31:14

And as Juniper pointed out, there will be lots and lots of time to engage with all the folks who are involved and create something that people are really excited about.

31:23

So we are, I wouldn't say we're still early, we're beyond still we're we're early, early this is just visionary.

31:30

But I think maybe if I'm hearing Heather, it was in the, the information gathering process to early on in the Heather, did you feel like you didn't have an opportunity to speak your mind?

31:42

Well, I mean there was the opportunity to call and talk to someone at the office.

31:46

But I was just concerned, you know the the surveys are are anonymous, right.

31:52

And so I was just looking for an opportunity within the survey to bring up some issues or a place to put comments that says, OK, yeah, go ahead And this trail idea is great.

32:04

But these are the issues you're going to have to look at or you know just somewhere in the in the early process just to get stuff the concerns raised early enough so that people know when they're planning what, what they're going to be up against.

32:19

Yeah.

32:21

Thanks for the feedback.

32:22

Thank you.

32:22

All right.

32:24

I would move to approve the resolution to adopt the Missoula County Pathways and Trails Master Plan as an issue plan of the Missoula County Growth Policy.

32:32

I will second that.

32:34

OK.

32:35

Any further discussion all in favor, Aye, we can tweak our surveys to make sure that we're clearer.

32:47

Thank you.

32:47

Thanks, Heather.

32:53

You're getting the thumbs up from Juniper here in in the room.

32:57

OK, Nick Zonetas with Riverwatch.

33:03

Yes, thank you.

33:04

Let me share my screen here.

33:08

Practice with PowerPoint a few times.

33:09

That should be a little bit better than Monday.

33:12

Goodness gracious, we misspelled your name.

33:15

It's Zonetas.

33:16

Oh, no worries.

33:18

But it's Zonetta.

33:19

Where?

33:19

Where did it get missed?

33:21

Well, I just saw it on your on the screen that was Zanetta, like Venetta.

33:26

But now I wonder if that was, is that just the closed caption or is that something?

33:30

Thank you.

33:31

It's a closed caption.

33:32

Got.

33:32

Stop watching the closed caption.

33:37

Yeah.

33:38

OK.

33:38

So we today I'm going to be presenting A proposed plat adjustment in the River Watch subdivision and specifically it's on Lot 5 of that subdivision.

33:52

So starting with a little project, background of River Watch was approved originally in 1998 is the two phase subdivision, Phase one was filed that same year in November of 98 and phase two was filed in May of 99.

34:06

For the purposes of this hearing, an important aspect of River Watch is that each lot has a platted envelope, which is where you are supposed to build all structures.

34:16

So any home, any shade is supposed to be within that designated platted building envelope.

34:21

So the request here today is to amend and move the existing envelope on Lot 5 of the subdivision.

34:30

On the right is the larger aerial view and then the left.

34:33

It's zoomed in, but you can see the original envelope is kind of a irregular Octagon type shape and the proposed envelope is more of a traditional rectangle and it is also located closer to would be the West and the southwest.

34:53

The project was sent out to agencies across Missoula for comment and we did not receive any comments on the proposal.

34:59

I was also posted in the Mizzoulain and also the Pathfinder.

35:03

We also did not receive any comments from those postings and then adjacent property owners were also notified within 300 feet of the proposal via mail.

35:14

So the review criteria that we look at for Platt adjustments is chapter six of the Mozilla County Sub Rags and we can see the 9 criteria on the screen here.

35:24

That's the criteria that staff bases their recommendation on and then just going over some relevant findings from the staff report for the proposal.

35:34

The surrounding land uses are residential and open space, open space being the common area for the subdivision.

35:40

One of the common areas.

35:42

The original subdivision contained recommendations from Fish, Wildlife and Park to mitigate sorry on ways to mitigate the loss of winter whitetail deer habitat.

35:53

And then one of those recommendations was to impose setbacks to the river and also property lines.

36:00

From looking at the original finds, a fact from the subdivision staff report, the developers did choose to incorporate many of those mitigation requests into their proposal.

36:10

Then looking at the Cedar Lake plan, it does support concentrating development areas that are already that already support development or in locations where clustering or other techniques, techniques can provide efficiency for maintaining continuous area for important habitat loss.

36:27

Sorry, wildlife habitat And then the plan also recommends locating new construction so that it is not adversely impacting the view shed along Hwy.

36:37

83 and and other important viewpoints from the waterways and main travel corridors.

36:42

The staff is recommending approval of the platjustment request.

36:48

One condition I want to know is that we are recommending that the side yard set back to the common area be adjusted to 10 feet.

36:56

It's currently sits at 5 feet.

36:58

I'll slide back over to the exhibit so you can see this is the property line that we're talking about here.

37:05

We're currently at 5 feet and our if if you adopt our recommended approval that would just be scooted over five more feet to maintain a 10 foot side yard set back.

37:16

But the overall area of the envelope can remain the same.

37:20

Then the other two conditions are just that a licensed surveyor shall do the affidavit to codify the the building envelope change and then that that recorded document needs to be recorded within 60 days of governing body approval.

37:36

And I do know the applicant, Debbie Herman is online and I think she's mentioned that maybe some people from Riverwatch Homeowners Association may also be here.

37:46

OK, looks like we have a representative from the HOA come on up.

38:05

Yeah.

38:13

Oh, OK.

38:18

And then just, yeah, state, state your name for OK, the record and then go ahead.

38:23

My name is Wayne Dunn.

38:25

Excuse me.

38:27

I'm a resident at Riverwatch and one of the board members, so coordinating this stuff for Debbie and and what she was wanting in terms of getting it through the HOA.

38:39

I was instrumental in helping her with some of that.

38:44

What I gave you there is, is my scratch out of what she's asking for.

38:50

You can see the the lot that she's got there.

38:53

Nick's is much, you know, fancier but but you can see her a lot.

38:58

And what I wanted to point out with that one is where her lot is relative to the river and everything else.

39:09

River Watch is not flat.

39:11

It it basically as you're going towards Seeley, it's basically across from like mile marker 4.

39:18

You basically go down a pretty good incline there.

39:22

So a lot of river watch you can't even see from the the highway If you didn't know there was a development there you you probably wouldn't even see it.

39:34

So I think from a public standpoint that's probably why Nick didn't get any really feedback from anybody because it's like irrelevant to the public in that sense.

39:47

What some of this is a little I'll say personal advantage for for Debbie.

39:54

But when she bought her lot she was not she was misled I'll say in terms of where her building envelope was.

40:03

And so she she bought the lot thinking she could build where she she's not wanting to build and that was going to be awkward because of the actual formal building envelope.

40:15

So that started all this process of her wanting to make changes and then she's had surveyors out and and we've talked as a board about it we.

40:26

Shared with all of the HOA members that that own lots there what she wanted to do and that and and the HOA is is fine with what she wants to do.

40:41

As I'd mentioned the the land at at River Watch is not flat and in her lot itself is not really flat either And one of the reasons she wants to be snugged up against that common area border is because that area on that map is is both flat and it has no trees.

41:02

So there's there's no excavation there's no cutting down of mature trees to have that.

41:09

If if you require the 10 foot set back from the common area there, she's got a slide that thing to the whatever different direction that I guess it'd be northwest or something.

41:24

But then there's excavation needed there because there's a little bit of a hill there and there's a number of mature trees there.

41:31

Several of those would have to be taken down to accommodate this.

41:36

So I think what we're so those are some of the factors that even River Watch is concerned about because as Nick said when this development was put together and I wasn't a developer I I just bought a lot there.

41:51

There was a whole lot of discussion with the developers about you got to keep this land looking pretty good because it is a winter area for deer and a little bit of health but mostly deer and I can I can verify that because in the winter we got deer running all over the place down there.

42:09

So what what we would like to do as river watch is ask that you allow her the five foot set back from that common area so she doesn't have to take down more trees.

42:21

That's the biggest deal for us plus there's a little excavation there but that's not a real big deal but it's the trees that we we are most concerned about is minimizing tree removal.

42:32

As you look at that that map there, you can see that she's that she's sort of separated from pretty much all the other properties.

42:41

Most of the other ones are to the West of her and they're down a slope and river watch trail runs down through there.

42:49

And so most of the other properties which are basically Riverside are noticeably farther from her and that's where all of those building envelopes are.

43:00

So she's sort of isolated there on the one side, she's got a big chunk of her property before she gets to the one neighbor that's more north.

43:10

And then on the other side, she's got that house acre and 1/2 or a couple acres or whatever it is of common area which so our our, our feeling as the board and as an association being 5 feet closer to that common area border doesn't impose a problem for anybody.

43:31

So in our judgment weighing the, you know, more excavation, chopping down more trees doesn't make sense when you can just slide that that building envelope 5 feet over closer to the common area and call it good.

43:48

So that that's kind of what we're asking for.

43:51

So she's really asking for two things.

43:54

One is change the the shape and the location of her building envelope, but that the second thing she's asking for that entails in her desire to be within 5 feet of the common area.

44:08

So that makes sense.

44:10

Yeah.

44:10

So Nick, what what's the response?

44:15

Totally, I think those all very valid points as well.

44:19

I would when we reviewed as staff we just felt that 10 feet was more consistent with the original approval of Riverwatch subdivision and the findings that went along with that approval.

44:30

I can't speak with or not.

44:32

I think I don't think it's a deal breaker and whether or not we would recommend approval or not with the five versus 10, but we do feel that 10 is more consistent with the original approval of the of of the subdivision.

44:42

But and Wayne you're saying the HOA and meaning the everyone who lives there is fine with the five foot encroachment if you will.

44:50

Yeah, 'cause our our trade off is that encroachment is irrelevant to everybody down there.

44:57

But what's not irrelevant to us is for the trees, taking down more trees.

45:02

Yeah.

45:02

So just so I might understand, so it's not actually encroaching onto the common area.

45:06

It's coming closer to closer.

45:07

Yeah.

45:07

It's coming closer.

45:08

Yeah.

45:08

Thank you.

45:09

Encroachments around.

45:09

Yeah.

45:10

There will still be a 5 foot distance between the the common area line and her property.

45:16

So I I get instead of a 10 foot 7.

45:17

But I guess I the other thing I'm just trying to visualize not having looked at at do we have a an aerial.

45:23

Yeah I can I can pull up a JS it's more than five feet from me to Josh here And are there literally trees that would need to be and this might not be the most current area but general.

45:36

Yes, there there would be.

45:38

There was tan.

45:38

I mean yeah because she, the way she's got that is she's kind of snugged up on the side where the trees would have to be moved.

45:46

But if she's got to move at 5 feet more than she's got to take some of those trees down.

45:52

And and I, you know, personally, I have walked the property and and I've been up there looking at what she's wanted and everything.

45:58

And like from my house I can even see where that is, that I could actually count some of the trees from my house that and there's about a half dozen trees of varying sizes of maturity there.

46:08

Most of them are fairly mature trees.

46:10

It would probably end up coming down.

46:12

I I guess the other thing I would say though is from a fire standpoint, you probably don't want trees within 5 or 10 feet of your house anyway.

46:27

That's not to say that I, my mind is not open on this, but that that's still pretty doggone close to be to vegetation that that's flammable.

46:36

So, yeah.

46:40

Is there.

46:40
OK, thanks.

46:41
Wayne.

46:42
Is there any comment online or.

46:48
Yeah, in the room, Jenny.

46:50
Oh, no.

46:51
OK.

46:51
Sorry.

47:00
OK.

47:01
So what what are you guys?

47:02
Well, I I guess I have another question.

47:04
Oh, sorry, Debbie.

47:06
Debbie, you're up.

47:07
I didn't see your hand.

47:08
Now I do.

47:12
It appears you're still muted.

47:17
There we go.

47:18
There we go.

47:19
OK.

47:19

Sorry about that.

47:20

Good afternoon.

47:22

Yeah, I'm just going to add that Wayne did a very good summarization of everything and thanks for that.

47:28

And I didn't really have much else to say.

47:31

I just the the other thing exactly going looking to the north, taking out that 5 feet of trees doesn't seem like that much, but it's also the depth of the house as well.

47:45

It's just not the the width but then the the house will be probably, I think it's 30 feet, 40 feet wide.

47:52

So it'd be a 5 by 30 foot swath and that's that's a pretty wooded area on over on that downward slope.

48:02

And that would also mean that the people down that on the north side of that slope would have a a better view of my house as well.

48:12

So it doesn't sound like 5 feet as much and it's not and I would be fine with the 10 foot set back, but I'm just asking for that 5 foot set back out of courtesy for the neighbors and for saving some of the trees on the property.

48:25

Some trees will have to come down obviously as with any kind of construction, but it should be, I think that this would help minimize that.

48:37

Thank you.

48:38

Sure.

48:38

Thank you.

48:39

Go ahead, Dave.

48:44

Yeah, I guess back back to you, Nick.

48:46

What, So what in the original subdivision approval, I guess the staff was reviewing this LED you to believe that that the 10 feet would be more in keeping with with that approval then shifting to five feet.

49:03
Yeah.

49:04
So there was excuse me specific comments from Fish Well from Park that stipulated maintaining setbacks to both common areas and property lines and then part of the covenants which the developer acknowledge incorporating the recommendations of of Fish Wildland parks into the proposal as part of a way to mitigate any conditions of the county might approve.

49:30
But so part of the covenants talked about in their private covenants grant that no structure should be closer than 10 feet to the property line.

49:39
I believe is the was the exact statement and I I I could pull that up here too fast if we need come on up Wayne, so we can capture you.

49:51
That's yeah, I can verify what Nick's saying that the covenants state that the the standard between two lots is 20 feet.

50:02
However, with the approval of the adjoining, adjoining lot, it can be shrunken down to 10 feet.

50:09
So that's where the 10 feet comes in is basically it's pretty easy to get a 10 foot thing.

50:16
So what what Debbie's asking for is in this case to shrink it down to 5 is what she's asking for.

50:23
OK, thank you.

50:24
That was accurate.

50:26
Thank you.

50:28
So there's no or.

50:29
Yeah.

50:30
Yeah.

50:30
I guess I I don't feel particularly strongly one way or another.

50:35
Five feet is not a a whole lot of distance but it sounds like some there'll be some angry neighbors if if it is the 10 feet or angry as it may be a strong word but but people will be slightly annoyed with the decision if if we stick to 10 feet.

50:54

I guess maybe I'd feel differently if this was not common area, if it was another developable parcel where someone might be living there and not want someone 5 feet away from the property line.

51:06

So agreed.

51:10

So I I guess in that scenario, Nick, if if we were so inclined as to have it 5 feet instead of 10 feet, what would the motion look like then might amended.

51:23

Yeah, I think amended conditions approval might be the way to go back to confer to John just because as submitted is pretty much what what they want.

51:33

So taking out that condition I think would satisfy that requirement.

51:37

And I can flip the conditions, John, so you can would you just be striking condition?

51:41

Oh yeah, we'd we'd pretty much just be striking condition 2 sounds fine.

51:48

So amending conditions of approval and the right subject to the amended recommended conditions of approval, striking #2 condition of approval.

52:04

OK, good with that.

52:06

Yeah.

52:06

OK, I'll.

52:11

OK, I'll go ahead and make the motion.

52:14

I move to approve the request to adjust the building envelope on Lot 5 of the River Watch plat based on the findings a fact and backed in the staff report and subject to the amended recommended conditions of approval striking condition #2.

52:32

So by striking condition #2 it's just the five foot is in the original is in the proposal so we don't have to.

52:42

It's pretty much what you see here then.

52:43

Yep.

52:43
OK.

52:46
It is what you see there.

52:47
Sorry, not pretty much.

52:48
It's exactly what you see there.

52:56
OK, thanks.

52:57
That's great.

53:00
Did you second, oh, second.

53:01
Any any further discussion.

53:05
OK.

53:05
All in favor, Aye.

53:07
Thank you.

53:08
Thanks, Debbie.

53:08
Thanks, Wayne.

53:09
Thank you.

53:10
Drive safely.

53:11
Yeah.

53:14
OK.

53:19
While I'm Thoroughbred Agriculture Covenant Exemption with Jenny Dixon.

53:39

OK, so we have just a couple of slides for you today on this request from the Mallem family to divide tract in the Y area using the agricultural covenant exemption found in state law.

53:54

And that means it's an exemption to subdivision review and needs to demonstrate that there's not an attempt to evade subdivision, subdivision and Platting Act.

54:06

So the parcel is out at the Y you can see on the slide Waldo Road to the N Highway 93 on the eastern property boundary and thoroughbred lane goes through the property over to what I know is jellystone, but I think it's got a different name.

54:25

It's about 23 acres and it is currently zoned community commercial.

54:36

They're proposing to divide the northern part of the property three about 3 1/2 acres that has the storage units on it from the rest of the property, which going back here showing you the the land use through aerial photography is not developed used for agricultural purposes on the South and thus the request for the agricultural covenant exemption, it's that covenant exemption requires, let's see here, let's see exemption from subdivision to create a new track to be used for agricultural purposes only.

55:18

So it's a division mates made outside of platted subdivisions in which parties enter into a covenant running with the land of the land divided will be used exclusively for agricultural purposes.

55:29

And there is a draft Covenant agreement in your packet that would need to be signed by the applicant and the county to be filed along with a survey dividing this distract into two 2 tracks.

55:45

That covenant is revocable only on on by governing body consent under 3 circumstances.

55:51

One is that they tracked, is reviewed and approved as a subdivision.

55:55

It can be a one lot subdivision, It can be 20 lot subdivision, whatever complies with the zoning and subdivision regulations.

56:05

The 2nd way to lift that covenant is to restore the property back to its parent tract.

56:12

What I mean by that is connecting it back with the 3 1/2 acres where the storage storage units are, and that's not likely to happen.

56:23

And then the third reason to be able to lift a covenant is if there's a government, any entity seeking to use that track for public purposes on the AG exempt tracks.

56:36

I'm just going to go back again to show you here in a little, a little bit more detail and take a minute to describe it.

56:42

You have thoroughbred lane bisects the property and pretty much runs along the southern border of the proposed track to where the storage is.

56:54

It's also a location of some easements, water easement, sewer easement and then you can see a storm drain easement going down further South on the property.

57:04

I I'm not sure through what mechanism those easements easements were placed other than that the fact that there are utilities and sewer and I'll show you that photo in a minute.

57:20

Only AG buildings are permitted on that AG tract.

57:23

The 20 acre piece to the South and water cannot be used for anything other than agricultural purposes.

57:30

And then my last slide is, is to simply show you the the sewer lines on this property.

57:37

Though the Ag tract cannot connect to sewer, there is sewer on the sewer mains on the property that should this ever develop sewer is there the city.

57:51

You know, they didn't provide any comment on this, but they are aware of this proposal and I'm assuming, but I don't think it's necessarily an absolute that when it comes in for development it may be annexed into the city because of requiring connection to city sewer.

58:08

So it's being actively hate though that's what I understand.

58:12

Yes, that's the applicant's letter stated that and my recommended motion is here on the slide for you at.

58:22

Yet when you get to the end of the the hearing and not taking any public comment and I've noticed that I might have different way of wording motions.

58:31

I'm going to have to make sure I make sure my motions suit you.

58:35

But it's I moved that the request by Tom and Dale's.

58:39

Yeah.

58:39

So OK, thanks.

58:41

Yeah, that's it.

58:42

Thanks.

58:47

Hello, good afternoon.

58:49

Am I on?

58:50

OK, Ron, you work with PCI and I want to thank Jenny for working with us to get this exemption affidavit together.

59:02

We on there's a an affidavit that's dated September 7th that Tom Mallam signed and basically what he's saying is yeah he he.

59:13

Well, his whole goal from the very beginning was he wanted to sell, sell off the 20 acres, the the the agricultural land and then keep the 3 1/2 acres where he's got his boat and RV storage business going.

59:28

So what this would do is it would require him to go through a subdivision review if if he sells that parcel to someone and they want to do a development there.

59:39

That's been his goal all, all along.

59:41

We went through about 8 months of the subdivision process trying to get through this and again we stated the 20 acres would just remain agricultural until somebody comes along.

59:53

They they would have to go through the building permit process of zoning all that stuff to do whatever type of development they wanted to do there.

1:00:01

But there was there, there was a big issue here that that the planning office had with that because.

1:00:10

They wanted to see a development on the property that meets the zoning regulations.

1:00:17

And so therefore we couldn't subdivide the property unless we were to to come up with some kind of development that meets the zoning there, whether it's a large retail center or whether it's a bunch of multi family housing or whatever.

1:00:33

And then we would have to do an engineer site plan showing grading and drainage, sidewalks, parking, all the calculations.

1:00:41

So basically a whole lot of work for for really for no outcome because we would not have a project that's specific to this.

1:00:50

So I wanted to to come to the commissioners to appeal that decision to talk about it because it sounds like something that's never happened before.

1:00:59

I couldn't understand it.

1:01:00

All the people I ever talked to can understand it.

1:01:03

But I could see the planning officers point of view that, well, we want to make sure that the public knows what they're getting through the subdivision.

1:01:09

Although we were proposing what they're getting is what there is now.

1:01:16

But they felt that I think it was because the subdivision regulations have a lot more teeth, a lot more power than than your building permit regulations.

1:01:29

So they want to make sure that that that there was more input that they could have.

1:01:35

And it kind of shocked me because I thought, you know, if if somebody were to come along and build something on a 20 acre tract, they'd have to put in sidewalks, they'd have to go through the whole rigmarole.

1:01:46

But apparently maybe that's not true and I didn't really understand it all the way.

1:01:50

But we had many, many meetings back and forth and they they did agree that this was sort of an anomaly and they gave Tom Allen back half of his fees, which I thought was was very, very good of them.

1:02:07

But there's a situation here and I'm sure it's going to happen again.

1:02:10

But so right now we're right back to kind of where we were in the very beginning, which is Tom just wants to sell off the 20 acres and then let somebody else come in and do what do all the things they need to do to, to develop it.

1:02:23

Thank you.

1:02:24

OK.

1:02:25

Thanks Ron.

1:02:26

Ron, just so I'm clear you're you are supportive of what you want.

1:02:29

I'm sorry I I could have said that from the beginning.

1:02:32

I'm supportive just go ahead and but then this is the this is the tool to accomplish what you're it is, it is.

1:02:37

But I want to give you a little bit of background because it would have been interesting to see what would have come out of a big discussion about it and maybe that still needs to happen because you know since the land has gotten zoned now it's it's a different story than it was before.

1:02:52

You can't, can't just leave it open in agriculture and and as far as what what differences are there between what subdivision review can require of a large development or the commercial development versus what only building permit requirements can require, it's worthy of a discussion.

1:03:16

Go ahead.

1:03:18

So, Ron, are you saying that if you wanted to just divide this, the three acres on top, the 20 acres on the bottom, take one parcel and turn it into two, you couldn't do that unless you had a plan for the 20 acres, Correct.

1:03:30

And and as you pointed out, you weren't going to spend all the time and energy on creating a fictitious plan, correct?

1:03:35

Correct.

1:03:36

So this agricultural covenant was a way to get to 2 pieces.

1:03:41

It is a way to get to 2 pieces.

1:03:42

And I think for the planning officers perspective, it's a way that that they could have more impact on the review of a future great development there.

1:03:53

Great.

1:03:54

All right.

1:03:54

Thanks.

1:03:56

Jenny.

1:03:56

Do you want to weigh in at all And then and maybe it goes above and beyond what's before us today, but just in terms of what is or is not possible.

1:04:05

Yeah, I would love to.

1:04:06

Thank you.

1:04:07

And I it does go beyond what's before you today, but I would like to clarify the record and also just kind of in our back and forth with Ron, you know acknowledge that this was a challenging situation and the the reason for that is that the property is zoned commercial, commercial zoning allows all kinds of development, residential, commercial types of development.

1:04:31

The subdivision regulations are not, are are not as I guess they're more fine grained.

1:04:39

The subdivision regulations need to know for what kind of infrastructure needs to be installed if it's going to be residential or if it's going to be commercial, right.

1:04:48

So we did struggle with that, but ultimately determined that the highest, if someone was going to subdivide, we would use the highest standard for infrastructure because we wouldn't know what was going to go there.

1:05:01

And so that was kind.

1:05:03

That's kind of the idea I think that Ron is conveying that we needed to know what was going to go there.

1:05:08

So that if they said, oh, we're going to put residential here, we would probably consider using residential infrastructure standards rather than commercial.

1:05:16

But because we didn't know they didn't know we we really kind of struggled with what kind of standard to review this under in the sub in the sub regs.

1:05:26

The, I guess one of the kind of last points I would make is that the state law requires subdividers to provide basic information for us to review impacts.

1:05:38

And that's your six O 8 review criteria in state law.

1:05:42

And we ask all subdividers for all subdivisions to provide Rd.

1:05:49

improvement proposals, storm drainage calculations for that highest use.

1:05:57

And they then they have to create infrastructure to meet those impacts of that use.

1:06:02

Let's say storm drain, storm drainage says that there's going to be a collection of water over here.

1:06:08

They need to create that some sort of you know a drainage facility to deal with it that might change because it's zoned commercial and might end up being developed residential.

1:06:20

So that's where the I think the anomaly Ron was talking about is fair to acknowledge.

1:06:25

That's a tough situation, but it's not something that we, it's something we ask all developers to provide are these storm drainage calculations and other analysis of impacts on the site.

1:06:41

And so they I think they just kind of struggled a little bit with.

1:06:44

Yeah.

1:06:44

And maybe this is something to schedule for a discussion outside of this venue.

1:06:49

I I'd love to learn more in terms of whether it's a function of state law, subdivision regulations or combination of both.

1:06:58

What what could be if anything could be punted to the building permit process when clearly there is a better idea of what goes on the ground beyond just lines on a map that split parcels.

1:07:12

So I think there was a strong desire on the applicants behalf to not install any of the infrastructure required and just let that happen through building permit and that's what Ron was referencing.

1:07:24

As far as the subdivision having more authority or teeth.

1:07:27

I guess what he used as a term to describe that's when when you buy a lot that's been subdivided, you have an expectation that that's infrastructure is there or will be installed with through a subdivision improvements guarantee.

1:07:46

Thanks.

1:07:47

Yeah, thanks Ron.

1:07:48

Thanks you think.

1:07:49

Thank you.

1:07:50
Ron, did you have another question?

1:07:51
I'm good.

1:07:52
Thanks.

1:07:52
OK.

1:07:52
Is there any questions or comments online?

1:07:59
OK.

1:07:59
No other comments in the room.

1:08:03
All right.

1:08:03
I would move to approve a request by Tom and Dale Mallem to create one tract exempt from subdivision review to be used for agricultural purposes.

1:08:10
Second, any further discussion all in favor.

1:08:15
Aye.

1:08:16
Thank you.

1:08:16
Thank you.

1:08:18
Thanks, Jenny.

1:08:18
Thanks, Ron.

1:08:19
Thank you.

1:08:20
Look forward to our conversations.

1:08:23
Yeah, that would make that better.

1:08:25

Yeah.

1:08:26

And I would just note, I don't know that it needs to be part of the motion, but that the agricultural covenant we'll need to get signature from from Malam's and then get signatures from you as well.

1:08:37

So thank you.

1:08:40

Thanks.

1:08:40

Thank you.

1:08:44

OK.

1:08:45

Is there any other business We are adjourned.

1:08:50

Thank you, will be first I was.