

Missoula Board of County Commissioners

# PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, APRIL 04, 2024 – 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 Dave Strohmaier  
Commissioner Josh Slotnick  
Commissioner Juanita Vero

### Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office  
Christina Dewar, Administrative Assistant, Commissioners' Office  
John Hart, Civil Deputy Attorney, County Attorney's Office  
Jennie Dixon, Planner, Planning, Development, and Sustainability  
Tim Worley, Senior Planner, Planning, Development, and Sustainability

### Planning and Zoning Commission Members Present:

Shane Stack, Director, Public Works  
Tyler Gernant, Clerk and Recorder, Clerk and Recorders' Office  
Dave Strohmaier, Commissioner, Commissioners' Office  
Juanita Vero, Commissioner, Commissioners' Office  
Josh Slotnick, Commissioner, Commissioners' Office

1. **CALL TO ORDER** *[Time stamp – 0:04]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:12]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:50]*  
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:58]*
  - a. Closed Captioning
  - b. Proclamation: Fair Housing Month

c. Proclamation: Sexual Assault Action Month

**5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 10:26]*

**6. CURRENT CLAIMS LIST** *[Time stamp – 11:47]*

Claims received as of March 19, 2024 to March 27, 2024 by the Commissioners' Office total of \$4,133,632.78.

**7. HEARINGS (Zoning and Planning Commission)**

**a. Western Materials Gravel Pit Use Variance** *[Time stamp – 12:31]*

Jennie Dixon, Planner, Planning, Development, and Sustainability

**[Continued to May 02, 2024 Public Meeting]**

**b. Terzo Farm Variance** *[Time stamp – 2:36:24]*

Jennie Dixon, Planner, Planning, Development, and Sustainability

Tyler Gernant made the motion that Zoning and Planning Commission approve the request for a Variance in Zoning District #34 to allow for more than one single dwelling on the property as described in the staff report based on public testimony and the facts and conclusions of law found also in the staff report subject to the conditions of approval.

Shane Stack seconded.

[Motion Passed 5-0.]

**8. HEARING**

**a. Terzo Farm Variance** *[Time stamp – 3:09:12]*

Jennie Dixon, Planner, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Board of County Commissioners approve the request for a Variance in Zoning District #34 to allow for more than one single dwelling on the property as described in the staff report based on public testimony and the facts and conclusions of law found also in the staff report subject to the conditions of approval.

Commissioner Vero seconded.

[Motion Passed 3-0.]

**[Letter 2024-096 was sent electronically to IMEG in c/o Tamara Ross and Michael Maine on April 09, 2024]**

**9. OTHER BUSINESS**

[None]

**10. ADJOURN**

**Chair Strohmaier – Called the meeting to adjourn at 5:13 p.m.**

## BCC Public Meeting April 04, 2024 – 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.*

0:0:0.0 --> 0:0:0.450

Sophie Moiese Room

All right.

0:0:0.460 --> 0:0:8.130

Sophie Moiese Room

Good afternoon, everyone, and welcome to our Thursday, April 4th public meeting of the Missoula Board of County Commissioners.

0:0:8.460 --> 0:0:12.620

Sophie Moiese Room

Like to call today's meeting to order, please stand and join me in the Pledge of Allegiance.

0:0:14.880 --> 0:0:27.670

Sophie Moiese Room

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

0:0:36.890 --> 0:0:39.990

Sophie Moiese Room

So I'm joined here today by my colleagues.

0:0:40.0 --> 0:0:41.370

Sophie Moiese Room

I'm Commissioner Dave strohmeier.

0:0:41.380 --> 0:0:43.500

Sophie Moiese Room

I'm joined by Josh Slotnick.

0:0:43.510 --> 0:0:47.420

Sophie Moiese Room

On my right, your left, and Commissioner Juanita Vero on my left.

0:0:47.850 --> 0:0:48.420

Sophie Moiese Room

You're right.

0:0:50.840 --> 0:0:57.870

Sophie Moiese Room

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

0:0:58.470 --> 0:1:3.0

Sophie Moiese Room

Sheryl, would you be so kind as to offer some introductory logistics for us?

0:1:4.60 --> 0:1:4.410

Sophie Moiese Room

Alright.

0:1:4.420 --> 0:1:5.440

Sophie Moiese Room

Thank you, Dave.

0:1:5.520 --> 0:1:6.360

Sophie Moiese Room

Hello everyone.

0:1:6.370 --> 0:1:12.440

Sophie Moiese Room

If you are joining us for this meeting virtually today, instructions for turning on closed captioning or on your screen.

0:1:12.730 --> 0:1:23.160

Sophie Moiese Room

If you are joining us in person, we have closed captioning on all the screens here in the Sophie Louise room, there would be an opportunity to speak during the meeting for public comment virtually and in person.

0:1:23.170 --> 0:1:26.130

Sophie Moiese Room

We asked that all speakers today speak slowly and clearly.

0:1:26.140 --> 0:1:28.740

Sophie Moiese Room

This helps with the accuracy of the closed captioning.

0:1:29.150 --> 0:1:36.510

Sophie Moiese Room

If you're on Microsoft Teams, if you like to speak when discussion has been open for public comment, we ask that you use the raise hand feature.

0:1:36.520 --> 0:1:38.100

Sophie Moiese Room

This is the small hand button.

0:1:38.300 --> 0:1:42.470

Sophie Moiese Room

If you are calling in on the phone, you'll need to hit star 5 to raise your hand.

0:1:42.480 --> 0:1:45.630

Sophie Moiese Room

Once called upon, you'll need to hit star 6 to unmute.

0:1:45.640 --> 0:1:48.710

Sophie Moiese Room

If you have any questions, please find me during the meeting and let me know.

0:1:49.60 --> 0:1:49.730

Sophie Moiese Room

Thank you.

0:1:50.360 --> 0:1:51.130

Sophie Moiese Room

Back to you, Dave.

0:1:52.560 --> 0:1:53.150

Sophie Moiese Room

Alright.

0:1:53.160 --> 0:1:54.190

Sophie Moiese Room

Thank you, Cheryl.

0:1:55.700 --> 0:1:57.870

Sophie Moiese Room

We have two proclamations this week.

0:1:57.880 --> 0:2:1.210

Sophie Moiese Room

The first will be read by Commissioner Slotnick.

0:2:1.220 --> 0:2:2.560

Sophie Moiese Room

It's fair housing month.

0:2:7.50 --> 0:2:18.840

Sophie Moiese Room

Title seven of the Civil Rights Act, commonly known as the Federal Fair Housing Act, which guarantees fair housing for all residents of the United States, was signed into law and April 1968.

0:2:18.850 --> 0:2:38.510

Sophie Moiese Room

And whereas the month of April is nationally recognized as Fair Housing Month and a time to reflect on and reaffirm our national commitment to the right, that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability.

0:2:38.700 --> 0:2:59.130

Sophie Moiese Room

And whereas Missoula County and the City of Missoula recognize this legislation, endeavors to ensure all our residents are free to purchase, rent, finance and ensure their homes without regard to their sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability, or national origin.

0:2:59.370 --> 0:3:37.220

Sophie Moiese Room

And whereas Missoula County and the City of Missoula welcomes this opportunity to celebrate the 55th anniversary of the adoption of the Fair Housing Act and to rededicate our commitment to the principle of Fair housing for all by strengthening efforts that address discrimination in our communities, supporting programs that will educate the public concerning their rights to equal housing opportunity and assuring every person their right to live free of the fear of housing discrimination now, therefore we the Missoula County Commissioners in the state of Montana and the mayor of the City of Missoula do hereby proclaim the month.

0:3:37.340 --> 0:3:48.730

Sophie Moiese Room

Of April 2024, as Fair Housing Month in Missoula, Mt, we encourage all citizens to recognize this celebration for the purpose of improving the quality of life for all residents.

0:3:48.740 --> 0:3:57.960

Sophie Moiese Room

All residents dated this 4th day of April 2024, signed by the board of County Commissioners and Andrea Davis, the mayor of the City of Missoula.

0:3:59.350 --> 0:4:2.930

Sophie Moiese Room

Thank you, Commissioner Slotnick, any comment on that proclamation?

0:4:4.160 --> 0:4:4.770

Sophie Moiese Room

OK.

0:4:4.980 --> 0:4:5.550

Sophie Moiese Room

See none.

0:4:5.560 --> 0:4:12.70

Sophie Moiese Room

Our second proclamation is in recognition of sexual assault Action month, Missoula County.

0:4:12.80 --> 0:4:16.590

Sophie Moiese Room

The city of Missoula, the University of Montana and Associated Students of the University of Montana.

0:4:16.980 --> 0:4:39.430

Sophie Moiese Room

Whereas sexual assault Action month calls attention to the fact that sexual violence is widespread and has public health and safety implications for the city and county of Missoula and beyond, and whereas rape, sexual assault and sexual harassment harm our community, our friends and our families, studies show that one in six women and one in 33 men have experienced, completed or attempted rape.

0:4:39.540 --> 0:4:52.690

Sophie Moiese Room

One in nine girls and one in 53 boys experienced child sexual abuse at the hands of an adult and 13% of all college students experience rape or sexual assault through physical force, violence or incapacitation.

0:4:52.700 --> 0:4:54.410

Sophie Moiese Room

Graduate and undergraduate students.

0:4:54.840 --> 0:5:2.730

Sophie Moiese Room

And whereas people of color, especially Native American women, experience violence, unwanted sexual contact or abuse at a much higher rate than other groups.

0:5:3.160 --> 0:5:9.510

Sophie Moiese Room

And whereas statistics tell us how many people are harmed, but talking to a survivor reveals the true impact of this violence.

0:5:9.930 --> 0:5:13.480

Sophie Moiese Room

Loss of safety and trust and sometimes even the loss of hope.

0:5:13.820 --> 0:5:20.160

Sophie Moiese Room

And whereas the goal of this month is not merely awareness, but prevention of sexual harassment, abuse and assault.

0:5:20.330 --> 0:5:32.940

Sophie Moiese Room

And whereas prevention means stopping sexual violence before it happens, by changing norms that allow it to exist in the 1st place, ranging from attitudes, values and behaviors to laws, institutions and social norms.

0:5:33.410 --> 0:5:40.160

Sophie Moiese Room

And whereas prevention is everyone's job, and all of us can help create safe environments by intervening to stop behavior, promote.

0:5:40.700 --> 0:5:41.100

Sophie Moiese Room

Hello.

0:5:41.110 --> 0:5:56.670

Sophie Moiese Room

Excuse me, promoting healthy relationships and attitudes and believing survivors and connecting them to resources, and whereas we strongly support the efforts of national, state and local sexual assault prevention and response programs in their efforts to create safe, healthy communities.

0:5:57.120 --> 0:6:26.700

Sophie Moiese Room

Now, therefore, we, Andrea Davis, the mayor of City of Missoula, Dave Strohmeier, Onita Vero, Josh Slotnick Missoula County commissioners Seth Bodnar, president of the University of Montana, and Maggie Bell, president of the Associated Students of the University of Montana, do hereby continue to support the student Advocacy Resource Center at the University of Montana, the YWCA of Missoula project, beacon of All Nations Health Center, first step at Providence Saint Patrick Hospital, and make Your Move project at the Missoula City County Health Department.

0:6:26.710 --> 0:6:48.150

Sophie Moiese Room

Law enforcement agencies, including the Missoula Police Department, Missoula County Sheriff's Office, University of Montana Police Department, Missoula County Community Justice Department Special Victims Unit of the Missoula County Attorney's Office and City attorney's Office, and communities across the country complain and active role to prevent sexual violence, along with the United States government and the State of Montana.

0:6:48.200 --> 0:7:2.570

Sophie Moiese Room

We hereby proclaim April 2024 as sexual Assault Action Month in the city of Missoula and Missoula County, signed by Mayor Andrea Davis, President Bodner, President Maggie Bell, and your county commissioners.

0:7:4.210 --> 0:7:5.700

Sophie Moiese Room

Thank you, Juanita.

0:7:5.710 --> 0:7:8.330

Sophie Moiese Room

Is there any comment on this particular item?

0:7:8.370 --> 0:7:10.470

Sophie Moiese Room

OK, go ahead. Yes.

0:7:12.420 --> 0:7:30.350

Sophie Moiese Room

OK, I am actually speaking to this particular item, Commissioner Strohmeier, because I was on campus earlier today and I saw this article that some very gutsy, courageous people have a the sad job of both telling and then living and experiencing.

0:7:30.360 --> 0:7:33.70

Sophie Moiese Room

So as you guys are using words, I look at actions.

0:7:33.200 --> 0:7:40.350

Sophie Moiese Room

I was gonna talk about the jurisdictional challenges of trash, homeless, trash, the urban camp trash removal event.

0:7:40.360 --> 0:7:45.920

Sophie Moiese Room

I'm gonna be holding on April 8th, but I'm reminded for the record, if you could state your name, please.

0:7:45.930 --> 0:7:47.150

Sophie Moiese Room

My name is Travis Mateer.

0:7:47.160 --> 0:7:53.250

Sophie Moiese Room

My last name is spelled MATER and I'm here today with Virgil spelled Virgil.

0:7:53.300 --> 0:7:53.640

Sophie Moiese Room

OK.

0:7:53.650 --> 0:8:1.800

Sophie Moiese Room

And I'm here with Virgil to talk about the jurisdictional challenges of sexual assault reporting and homeless trash.

0:8:1.810 --> 0:8:9.510

Sophie Moiese Room

I think there's a common thread here as we create unsafe situations and I've been bringing attention to unsaved marginal living for many years.

0:8:9.520 --> 0:8:15.980

Sophie Moiese Room

As the former homeless outreach coordinator of the Poverello Center, I was just out by the river earlier today smoking a joint.

0:8:16.30 --> 0:8:16.940

Sophie Moiese Room

Legally, it was great.

0:8:16.950 --> 0:8:21.800

Sophie Moiese Room

It was nice cannabis and I saw some trash associated with with cannabis.

0:8:21.810 --> 0:8:25.290

Sophie Moiese Room

You guys are currently in like a little bit of an issue with the state with cannabis money.

0:8:25.300 --> 0:8:26.60

Sophie Moiese Room

Where is it going to go?

0:8:26.430 --> 0:8:29.230

Sophie Moiese Room

Uh, there's sexual assault money in jurisdictional issues.

0:8:29.240 --> 0:8:30.950

Sophie Moiese Room

Where does the sexual assault happening?

0:8:30.960 --> 0:8:32.30

Sophie Moiese Room

Where do you report it?

0:8:32.140 --> 0:8:41.340

Sophie Moiese Room

We are, what, 101215 years away from Jon Krakauer's book about this community and I am here to tell you there continues to be a passing of the buck when it comes to sexual assault.

0:8:41.410 --> 0:8:53.930

Sophie Moiese Room

There continues to be lived experiences that do not correlate with the ideals that you are trying to set up for our people living in our community, going to school, my little girl is 8 years old now, OK?

0:8:54.140 --> 0:8:55.990

Sophie Moiese Room

I told her she wasn't allowed to get any older.

0:8:56.0 --> 0:8:56.730

Sophie Moiese Room

She's defying me.

0:8:56.740 --> 0:8:58.300

Sophie Moiese Room

I think that's what kids do as they get older.

0:8:58.670 --> 0:9:0.620

Sophie Moiese Room

My oldest kid is 15 years old.

0:9:1.70 --> 0:9:3.20

Sophie Moiese Room

I'm going to be leaving this year.

0:9:3.290 --> 0:9:5.280

Sophie Moiese Room

OK, there's a poem here about.

0:9:5.340 --> 0:9:12.510

Sophie Moiese Room

Uh, well, there's it's about a lot of stuff, but I'm playing a little game with the city and with the county cause trash just goes down, the river goes everywhere.

0:9:12.660 --> 0:9:16.850

Sophie Moiese Room

I'm gonna be picking up trash on April 8th, and then I'm gonna be depositing that trash somewhere.

0:9:16.860 --> 0:9:19.950

Sophie Moiese Room

And if you solve the clues, you can figure out where and put a dumpster there.

0:9:20.340 --> 0:9:21.450

Sophie Moiese Room

But it's going to be a lot of fun.

0:9:21.460 --> 0:9:24.280

Sophie Moiese Room

I think the trash is going to be deposited on April 11th.

0:9:24.290 --> 0:9:27.90

Sophie Moiese Room

That's the day last year that Joey Thompson went missing.

0:9:27.400 --> 0:9:30.170

Sophie Moiese Room

OK, he showed up dead in the river in a different jurisdiction.

0:9:30.360 --> 0:9:34.90

Sophie Moiese Room

Where Sheriff Ryan Funk won't respond to my questions.

0:9:34.100 --> 0:9:37.440

Sophie Moiese Room

He just tells me to talk to Missoula, but they won't respond to me either.

0:9:37.450 --> 0:9:43.280

Sophie Moiese Room

So I don't want us as a community to treat human beings like trash on sexual assault victims like trash.

0:9:44.230 --> 0:9:48.620

Sophie Moiese Room

I think we can do better and I'm gonna help us do better by doing a little cleanup on April 8th.

0:9:48.630 --> 0:9:50.440

Sophie Moiese Room

So I ask people to join me.

0:9:50.450 --> 0:10:0.820

Sophie Moiese Room

I'm probably over my time, but I know you guys have a difficult job and I have had a lot of caffeine and I'm gonna go and be positive and productive and see if canvas stores want to support my efforts to clean up trash.

0:10:0.990 --> 0:10:3.520

Sophie Moiese Room

But the state imposes on them through stupid labeling.

0:10:3.890 --> 0:10:4.610

Sophie Moiese Room

Have a great day, guys.

0:10:5.670 --> 0:10:6.50

Sophie Moiese Room

Thank you.

0:10:7.160 --> 0:10:10.500

Sophie Moiese Room

Is there any other comment on this particular proclamation?

0:10:13.180 --> 0:10:14.0

Sophie Moiese Room

All right.

0:10:15.480 --> 0:10:25.830

Sophie Moiese Room

So just to give everyone a preview, and I suspect most of her, you are here for either the Western materials gravel pit use variance or the turzo farm use variance items.

0:10:26.260 --> 0:10:35.70

Sophie Moiese Room

But now is the opportunity in the agenda, if you have any other public comment that you'd like to offer, this is the time to do so.

0:10:35.180 --> 0:10:39.390

Sophie Moiese Room

And since there are a lot of folks here, I'd ask you to be as succinct as possible.

0:10:39.770 --> 0:10:43.710

Sophie Moiese Room

Try to keep your minutes, your comments to 3 minutes or less.

0:10:44.20 --> 0:10:49.950

Sophie Moiese Room

Hopefully your comments will actually be within the jurisdiction of what Missoula County has some authority over.

0:10:49.960 --> 0:10:57.720

Sophie Moiese Room

So we can't speak to NASA or national security issues per se, but there's lots of other things that you might be interested in.

0:10:58.130 --> 0:11:2.700

Sophie Moiese Room

And so is that Mister Everingham in the back, who raised his hand?

0:11:2.750 --> 0:11:3.500

Sophie Moiese Room

Come on up and.

0:11:5.490 --> 0:11:8.40

Sophie Moiese Room

Share your comments Dave Everingham.

0:11:9.250 --> 0:11:10.390

Sophie Moiese Room

I lived in Missoula my whole life.

0:11:11.740 --> 0:11:16.380

Sophie Moiese Room

I visited the Rock Creek Project counties doing a great job on showing up the peers out there.

0:11:16.840 --> 0:11:18.800

Sophie Moiese Room

Maclays is coming wrong along great.

0:11:18.810 --> 0:11:19.810

Sophie Moiese Room

I hike Marshall today.

0:11:19.820 --> 0:11:20.530

Sophie Moiese Room

It's beautiful.

0:11:21.160 --> 0:11:23.70

Sophie Moiese Room

I think you guys deserve a round of applause.

0:11:26.250 --> 0:11:26.920

Sophie Moiese Room

Thanks a lot.

0:11:26.930 --> 0:11:28.790

Sophie Moiese Room

We have 11 million in the bank and the county.

0:11:28.800 --> 0:11:32.930

Sophie Moiese Room

Everybody else is in the red, but Marshall's beautiful and thanks for all the good work on the bridges.

0:11:33.940 --> 0:11:34.570

Sophie Moiese Room

OK.

0:11:34.580 --> 0:11:36.150

Sophie Moiese Room

Thank you for that.

0:11:36.480 --> 0:11:40.520

Sophie Moiese Room

Any other public comment on anything that is not on the agenda today?

0:11:42.850 --> 0:11:46.750

Sophie Moiese Room

OK, that was the first and last round of applause we'll receive today.

0:11:46.830 --> 0:11:47.500

Sophie Moiese Room

Yeah.

0:11:47.550 --> 0:12:2.380

Sophie Moiese Room

OK, moving on, claims received as of March 19th, 2024 to March 27th, 2024 by the Commissioner's Office total four million \$133,632.78.

0:12:2.970 --> 0:12:21.110

Sophie Moiese Room

If you're interested in drilling down into what all of those claims actually were that added up to that amount, go to the electronic agenda for today's meeting and you can click on the link and see the claims over the course of the last well, actually, it's just not a full month 19 through the 27th.

0:12:21.580 --> 0:12:23.430

Sophie Moiese Room

We have two public hearings today.

0:12:23.440 --> 0:12:31.630

Sophie Moiese Room

The way these will work is each public hearing will begin with a staff report or a staff report update.

0:12:31.640 --> 0:12:40.850

Sophie Moiese Room

Since this first item related to a Western materials gravel pit, use variance request is a continuation of a public hearing that's already been open.

0:12:40.860 --> 0:12:42.530

Sophie Moiese Room

So we'll begin with staff report.

0:12:42.760 --> 0:12:48.600

Sophie Moiese Room

We'll then have an opportunity for the applicant or the applicants representative to make some comments.

0:12:49.770 --> 0:13:23.900

Sophie Moiese Room

Will be doing things a little bit differently with the first item for the Western materials, gravel pit use variance and that after the applicant has an opportunity to speak, there is going to be a dedicated opportunity for legal counsel of opponents of the project to say some words and hopefully that will uh create a more expeditious meeting so that that individual's legal counsel statement will cover other folks who might otherwise want to testify on their own.

0:13:23.910 --> 0:13:26.190

Sophie Moiese Room

So we're not here too many hours today.

0:13:26.790 --> 0:13:27.70

Sophie Moiese Room

Yeah.

0:13:27.560 --> 0:14:3.690

Sophie Moiese Room

We'll begin with the Western materials gravel pit use variants, and I should also say that one of the peculiarities with this item is that this involves first public hearing by the planning and Zoning Commission, and if the planning and Zoning Commission of which, uh, the Members are assembled here, if they decide to take action today, they will make a recommendation to the board of County Commissioners, which also are some of the same folks on the planning and Zoning Commission.

0:14:4.140 --> 0:14:7.930

Sophie Moiese Room

And then we'll deliberate and and take action.

0:14:7.940 --> 0:14:13.750

Sophie Moiese Room

Perhaps we're under no timing constraints today to take action on this item.

0:14:13.760 --> 0:14:21.980

Sophie Moiese Room

I see this mainly as an opportunity to gather additional input from the public and to hear other perspectives that we've not heard previously.

0:14:21.990 --> 0:14:26.940

Sophie Moiese Room

So the planning and zoning Commission may or may not take action today.

0:14:27.690 --> 0:14:35.380

Sophie Moiese Room

It's within their prerogative to do so, and the board of County Commissioners may or may not take action on that recommendation from the planning and Zoning Commission.

0:14:35.390 --> 0:14:41.180

Sophie Moiese Room

If that's not convoluted enough for all of you, I think we'll just leave it as is.

0:14:41.190 --> 0:14:45.380

Sophie Moiese Room

So with that, Jenny Dixon, would you like to provide a staff update?

0:14:45.490 --> 0:14:46.640

Sophie Moiese Room

Yes, thank you.

0:14:46.650 --> 0:14:48.620

Sophie Moiese Room

Good afternoon, commissioners.

0:14:48.630 --> 0:14:52.800

Sophie Moiese Room

Planning and zoning Commission, as Dave said, my name is Jenny Dixon.

0:14:52.810 --> 0:15:3.700

Sophie Moiese Room

I'm a planner for planning development sustainability from Missoula County and there was a hearing on this before the planning and Zoning Commission on February 22nd.

0:15:4.10 --> 0:15:6.950

Sophie Moiese Room

And what I'd like to do is share this.

0:15:9.790 --> 0:15:18.380

Sophie Moiese Room

I'm going to use the staff presentation from last the last hearing and just hit a few key highlights to bring you back up to speed.

0:15:19.210 --> 0:15:25.680

Sophie Moiese Room

Uh, and also just to let you know what has happened in the interim since the last hearing.

0:15:26.410 --> 0:15:29.160

Sophie Moiese Room

So I'm just going to jump ahead a little bit here.

0:15:29.210 --> 0:15:40.400

Sophie Moiese Room

So the variance this is a use variance request to expand the Western materials gravel pit at McLean Creek Rd and Old Highway 93.

0:15:40.410 --> 0:15:53.540

Sophie Moiese Room

I probably have a site, a site map right here you can see the location of that existing pit and their proposal is to expand westward onto the adjacent 60 some acres.

0:15:54.580 --> 0:16:3.60

Sophie Moiese Room

Uh, the variance request is based on several criteria from part what we call Part 1 zoning.

0:16:4.650 --> 0:16:29.750

Sophie Moiese Room

We kind of broke it into 3 distinct categories and there are findings in your staff report draft findings for you should you decide to adopt those findings that have given some basis for the staff recommendation for approval of the subject to conditions that address the three criteria that it will not be contrary to the public interest that there are special conditions.

0:16:30.680 --> 0:16:43.690

Sophie Moiese Room

Uh, that exist that may warrant approval of the variance and that little literal enforcement of the planning and zoning of the decision or the zoning, the decision of the planning and Zoning Commission will result in unnecessary hardship.

0:16:45.770 --> 0:17:9.820

Sophie Moiese Room

This is the boundary of the site with some identifying the features of of what you would see in a gravel operation and in the most recent packet of materials for you today there is a description from Western materials regarding their different equipment and plants, and and I'll let Western materials address all of that.

0:17:9.830 --> 0:17:27.530

Sophie Moiese Room

But what I can tell you is that with with expansion, if approved to go over here, these this equipment, asphalt plant wash plant concrete plant would not go in the area of expansion and would not move any further further South.

0:17:27.900 --> 0:17:31.350

Sophie Moiese Room

So they would remain here, or possibly a bit north.

0:17:32.220 --> 0:17:33.70

Sophie Moiese Room

I'm gonna skip.

0:17:35.330 --> 0:17:35.550

Sophie Moiese Room

Maybe.

0:17:39.370 --> 0:17:41.70

Sophie Moiese Room

Photos and.

0:17:43.50 --> 0:17:50.900

Sophie Moiese Room

Gonna take you to the uh mitigation that's proposed for this.

0:17:54.290 --> 0:17:55.330

Sophie Moiese Room

Hey, try that again.

0:17:59.140 --> 0:18:2.410

Sophie Moiese Room

The current zoning is ZD.

0:18:2.640 --> 0:18:7.630

Sophie Moiese Room

ZD 40, which allows residential development at one dwelling unit per five acres.

0:18:9.200 --> 0:18:25.120

Sophie Moiese Room

This area of expansion, which is West of the current mind area, I zoned with that ZD 40 and allows one per five and if sold is likely to probably develop according to that zoning.

0:18:25.640 --> 0:18:56.120

Sophie Moiese Room

And then upon reclamation, the expectation is that as would the area that's currently being mined with the

proposed mitigation by the applicant, should expansion be approved, they have proposed to place a 300 foot buffer separation on the North and South sides to allow for just keeping distance from adjacent properties and as well as potentially wildlife movement areas.

0:18:57.270 --> 0:19:26.150

Sophie Moiese Room

Upon reclamation of this 96 acres, again, if the variance is approved, this is what the development footprint would look like in the future with 40 up to 40 homes as allowed by zoning on these 40 acres, with the remaining 110 acres in permanently protected open land, we have recommended approval of this variance request subject to conditions.

0:19:26.220 --> 0:19:28.760

Sophie Moiese Room

And I'm gonna hop over to those.

0:19:28.930 --> 0:19:33.180

Sophie Moiese Room

I'm just gonna hit the highlights of those because we covered these in depth last time.

0:19:33.950 --> 0:19:44.630

Sophie Moiese Room

Recommended Recommendation for Berming dust control, Traffic Safety, noise control, hours of operation, location of processing equipment.

0:19:47.340 --> 0:20:4.860

Sophie Moiese Room

Uh, that 300 foot buffer and wildlife corridor that I mentioned and the and the future development plan to protect that 110 acres and permanently preserved open space and fencing to allow wildlife movement through those buffers.

0:20:4.870 --> 0:20:18.450

Sophie Moiese Room

Through those buffers also DEQ permit umm must be or must be retained with the with the prohibition of mining within 10 feet of groundwater.

0:20:21.160 --> 0:20:23.370

Sophie Moiese Room

What I also wanna touch upon is the.

0:20:26.600 --> 0:20:47.70

Sophie Moiese Room

The permit history that was brought up at the last hearing, I do believe the applicants have some information that they want to present about that, but I would just mention we had a brief half page description of kind of a summary of the permit history for this property and I'm happy to answer any questions about that.

0:20:47.340 --> 0:21:4.20

Sophie Moiese Room

Also a history just based on Missoulain articles relative to the adoption of ZD 40 back in the 70s and then umm we have also included in the new packet public comment that that we have received since the February 22nd hearing.

0:21:4.30 --> 0:21:14.320

Sophie Moiese Room

So you got a packet of of public comment with two petitions and a letter from the low low ranch prepared by Elizabeth Erickson, their attorney.

0:21:14.570 --> 0:21:27.300

Sophie Moiese Room

And then this packet contained additional public comment that we received on Missoula County Voice or by email as well as a third petition and as well as a letter from the Carlton Protection Trust.

0:21:28.380 --> 0:21:37.730

Sophie Moiese Room

Umm, representing the opposition opposition people in opposed to this project? Umm.

0:21:42.130 --> 0:21:46.350

Sophie Moiese Room

I think with that I will leave it so that there's plenty of time for comment.

0:21:46.360 --> 0:21:49.520

Sophie Moiese Room

And if you have questions about any of that, I'm happy to elaborate.

0:21:49.740 --> 0:21:50.340

Sophie Moiese Room

Thank you.

0:21:50.690 --> 0:21:50.890

Sophie Moiese Room

OK.

0:21:51.930 --> 0:21:52.860

Sophie Moiese Room

Thank you, Jenny.

0:21:52.930 --> 0:21:56.360

Sophie Moiese Room

Does the applicant or applicants representative want to say anything?

0:22:6.40 --> 0:22:6.860

Sophie Moiese Room

Thank you commissioners.

0:22:6.870 --> 0:22:7.470

Sophie Moiese Room

Thank you, Jenny.

0:22:7.520 --> 0:22:13.80

Sophie Moiese Room

Jamie Erbacher with WGM group for the record, not too much additional information to add today.

0:22:13.130 --> 0:22:18.20

Sophie Moiese Room

We did cover most of everything that we needed to last time as far as the.

0:22:19.910 --> 0:22:28.320

Sophie Moiese Room

Pit history, we are aware of a buy sell agreement that was entered into in 1970 and as part of that buy sell agreement.

0:22:28.330 --> 0:22:48.580

Sophie Moiese Room

It does note that gravel extraction can occur on this property, so I know that there was some concern that gravel extraction was not part of or did not was not included on this property prior to the zoning, but we do have that and can submit, can submit that per your request.

0:22:48.590 --> 0:22:53.970

Sophie Moiese Room

If you would like Jamie, has that been submitted previously, do we have not?

0:22:54.150 --> 0:22:55.690

Sophie Moiese Room

Yeah, please do provide that.

0:22:55.750 --> 0:22:56.230

Sophie Moiese Room

We can do that.

0:22:56.400 --> 0:22:56.550

Sophie Moiese Room

OK.

0:22:58.460 --> 0:23:4.690

Sophie Moiese Room

John, is there anything else you wanna add as far as put operations? Looking good.

0:23:5.70 --> 0:23:5.580

Sophie Moiese Room

OK.

0:23:5.640 --> 0:23:8.230

Sophie Moiese Room

But we are available to respond to any questions as they come up.

0:23:8.510 --> 0:23:8.960

Sophie Moiese Room

OK.

0:23:9.20 --> 0:23:9.500

Sophie Moiese Room

Thank you.

0:23:9.690 --> 0:23:10.200

Sophie Moiese Room

Thank you.

0:23:10.610 --> 0:23:16.770

Sophie Moiese Room

So now I wanted to give an opportunity for legal counsel from the Carlton Protection Trust.

0:23:17.640 --> 0:23:19.650

Sophie Moiese Room

I'm Graham copus.

0:23:20.440 --> 0:23:48.320

Sophie Moiese Room

Come on up and introduce yourself and share with us what you will and part of the discussion we had prior to this meeting is we want to uh, give 20 minutes to Mr Coppess to provide any statement or information he has, which again is intended to hopefully take the place of 20 or 30 individual folks coming up and saying exactly the same thing.

0:23:48.330 --> 0:23:52.200

Sophie Moiese Room

So, Mr Coppess, thank you all, Graham Kopas.

0:23:52.730 --> 0:23:55.120

Sophie Moiese Room

I'm an attorney with Ferguson and Kappas here in Missoula.

0:23:55.530 --> 0:23:58.320

Sophie Moiese Room

I specialized in environmental and natural resource law.

0:23:58.530 --> 0:24:12.450

Sophie Moiese Room

I'm here with my colleague Taylor Hagan today, who will be splitting our time for our presentation and we are here on behalf of the neighborhood as a whole, which has coalesced around new organization called the Carlton Protection Trust.

0:24:13.0 --> 0:24:27.380

Sophie Moiese Room

They are here to ask you to deny this variance request to protect their homes and their way of life here in Missoula County, Taylor is gonna walk you through what is the zoning district 40, how it was formed, the history of the area.

0:24:27.390 --> 0:24:35.10

Sophie Moiese Room

The mind site will walk you through a series of aerial photograph analysis and then a history of zoning compliance, or a lack thereof.

0:24:35.20 --> 0:24:41.890

Sophie Moiese Room

At this site, I'll then take over and we'll discuss some of the zoning law analysis applicable to this site.

0:24:42.0 --> 0:24:53.110

Sophie Moiese Room

And this case I also want to share with you a lot of what I have learned about the open cut disaster that is currently going on here in Montana as a result of House Bill 599.

0:24:53.580 --> 0:25:2.490

Sophie Moiese Room

Umm how that is implicated at this current site and really how it's left these citizens with very little recourse except for before you all here today.

0:25:2.880 --> 0:25:5.450

Sophie Moiese Room

So with that, I'm going to turn this over to my colleague Taylor.

0:25:5.460 --> 0:25:7.590

Sophie Moiese Room

And then we'll I'll be back up.

0:25:7.680 --> 0:25:8.250

Sophie Moiese Room

Thank you.

0:25:8.360 --> 0:25:8.660

Sophie Moiese Room

Thank you.

0:25:10.960 --> 0:25:11.430

Sophie Moiese Room

Taylor.

0:25:12.80 --> 0:25:14.460

Sophie Moiese Room

Alright, let's see.

0:25:14.510 --> 0:25:15.70

Sophie Moiese Room

Can you hear me?

0:25:16.330 --> 0:25:20.260

Sophie Moiese Room

You might need to pull that, close the top of it, then down.

0:25:20.570 --> 0:25:21.90

Sophie Moiese Room

Ohgi.

0:25:21.100 --> 0:25:22.560

Sophie Moiese Room

See can you hear me now?

0:25:22.610 --> 0:25:22.890

Sophie Moiese Room

Yeah.

0:25:22.900 --> 0:25:24.0

Sophie Moiese Room

OK, awesome.

0:25:24.10 --> 0:25:28.0

Sophie Moiese Room

Well, as Graham said, thank you for the opportunity to speak to you all today.

0:25:28.430 --> 0:25:49.300

Sophie Moiese Room

Umm I, as Graham said, I'm going to take you through some of the history of the mining site and and the chain of title for the property and some other relevant moments that we we find important and relevant to the decision ultimately on whether or not to grant this variance.

0:25:49.950 --> 0:25:51.320

Sophie Moiese Room

So if you don't, I don't know.

0:25:51.330 --> 0:25:53.600

Sophie Moiese Room

I think you have the PowerPoint.

0:25:53.890 --> 0:25:55.230

Sophie Moiese Room

Feel free to get that going.

0:25:59.220 --> 0:26:3.310

Sophie Moiese Room

So First off, as Graham said, we are here.

0:26:3.360 --> 0:26:13.180

Sophie Moiese Room

Ohh is the formatting is getting a little well we I'll speak into the mic.

0:26:13.240 --> 0:26:13.640

Sophie Moiese Room

Thank you.

0:26:13.770 --> 0:26:15.600

Sophie Moiese Room

Yeah, no problem.

0:26:16.130 --> 0:26:21.200

Sophie Moiese Room

OK, so ask US, Graham mentioned, we're here representing the Carlton Protection Trust.

0:26:21.290 --> 0:26:41.40

Sophie Moiese Room

They have recently formed their primary goals here are to promote and protect the residential character of the Carlton neighborhood, and obviously particularly to stop further expansion of the industrial gravel mining operation that is occurring currently in their residential neighborhood.

0:26:41.570 --> 0:26:42.920

Sophie Moiese Room

So if you want to go to the next slide.

0:26:44.760 --> 0:26:48.470

Sophie Moiese Room

So what is CCD 40 zoning District 40?

0:26:48.820 --> 0:26:52.750

Sophie Moiese Room

I'm sure you guys have already seen this before, but I do want to take our attention.

0:26:53.180 --> 0:26:58.790

Sophie Moiese Room

I know it's small here for the public, but to a few important aspects of this.

0:27:0.550 --> 0:27:1.620

Sophie Moiese Room

Resolution.

0:27:2.490 --> 0:27:7.470

Sophie Moiese Room

So first on the second page there the intent very clearly.

0:27:9.970 --> 0:27:16.860

Sophie Moiese Room

States that the intent of this residential zoning district was to create low density residential development.

0:27:17.560 --> 0:27:18.50

Sophie Moiese Room

Umm.

0:27:18.720 --> 0:27:23.450

Sophie Moiese Room

And you're seeing that currently in the southern portion.

0:27:24.140 --> 0:27:30.600

Sophie Moiese Room

I'm going to show some maps later that that shows where that residential neighborhood has been developed and what it looks like today.

0:27:31.530 --> 0:27:36.980

Sophie Moiese Room

Umm so similarly right below that you have permitted uses.

0:27:37.870 --> 0:27:44.450

Sophie Moiese Room

These include and only include single family residences, accessory buildings and parks and playgrounds.

0:27:47.490 --> 0:27:50.160

Sophie Moiese Room

Again, no mention of.

0:27:50.250 --> 0:27:52.220

Sophie Moiese Room

Well, again, let's go down.

0:27:52.230 --> 0:27:58.940

Sophie Moiese Room

So under that you'll see reference to existing nonconforming uses.

0:27:59.330 --> 0:28:4.740

Sophie Moiese Room

None of which mention the existence of any kind of industrial operation or gravel pit.

0:28:5.880 --> 0:28:14.290

Sophie Moiese Room

I believe there was a home for a youth home on the property and that became a point of contention during the zoning.

0:28:14.370 --> 0:28:17.180

Sophie Moiese Room

That was a preexisting nonconforming use.

0:28:17.190 --> 0:28:21.180

Sophie Moiese Room

That was included in the final zoning of this of this neighborhood.

0:28:22.730 --> 0:28:40.250

Sophie Moiese Room

Finally, at the bottom there you'll see a section related to the non to potential non conforming uses and this does very explicitly state that these non conforming uses shall be limited to their present size and not allowed to expand in any nature or form.

0:28:41.190 --> 0:28:49.700

Sophie Moiese Room

And finally, which brings us here before you today or the applicant, the power to grant any variance to these.

0:28:51.100 --> 0:29:2.780

Sophie Moiese Room

Provisions is vested solely in the board of County Commissioners, Umm, and we find that important because obviously there has been great expansion of this site throughout history.

0:29:4.590 --> 0:29:8.540

Sophie Moiese Room

Which has not come before the board of County Commissioners until now.

0:29:9.110 --> 0:29:10.720

Sophie Moiese Room

So if you wanna go to the next slide.

0:29:12.600 --> 0:29:19.930

Sophie Moiese Room

This is just kind of a road map of the head of the property of what we're about to get into in terms of the aerial photography.

0:29:22.560 --> 0:29:39.410

Sophie Moiese Room

Primary relevance in 1970 as the applicants representative just mentioned, this property passed from the Hearst family to John Felton and John Felton is known in Missoula as a developer.

0:29:39.470 --> 0:29:57.710

Sophie Moiese Room

He eventually went on to subdivide and develop the well known Mansion Heights neighborhood when he

passed his obituary, talked at length about his work in in residential development, also mentioning this property, describing it.

0:29:58.40 --> 0:30:5.200

Sophie Moiese Room

John bought 155 acres of land in 1969 with the intention of building a subdivision umm.

0:30:5.540 --> 0:30:17.50

Sophie Moiese Room

And so this property stayed in Felton's possession for about 20 years until it eventually passed in 1991 to Stanley Hendrickson.

0:30:17.60 --> 0:30:23.500

Sophie Moiese Room

The individual responsible for starting the mining operation in, at least insofar as what we see today.

0:30:25.790 --> 0:30:27.720

Sophie Moiese Room

So let's see here.

0:30:28.70 --> 0:30:29.150

Sophie Moiese Room

I can't see all of the.

0:30:32.60 --> 0:30:54.70

Sophie Moiese Room

And actually, after Hendrickson acquired the property, which felt and had subdivided at that time, again intending to continue residential uses of the property, Mr Hendrickson likewise subdivided A20 acre parcel into what we now know as the McLean Ranch, minor subdivision four or five acre parcels.

0:30:55.270 --> 0:30:55.930

Sophie Moiese Room

Umm.

0:30:56.470 --> 0:31:8.200

Sophie Moiese Room

And subsequent to that, Mister Hendrickson began to develop that mining operation which he passed on to the applicant Western materials between 2015 and 2019.

0:31:9.130 --> 0:31:15.470

Sophie Moiese Room

That residential portion was sold to another individual or family, umm.

0:31:15.660 --> 0:31:24.550

Sophie Moiese Room

And again, just to review some of the uses at that time, it has primarily been used for residential purposes.

0:31:25.0 --> 0:31:34.130

Sophie Moiese Room

The property in question, particularly from 1970 to 1991, was used for agricultural purposes, so it was paid.

0:31:34.140 --> 0:31:35.940

Sophie Moiese Room

You can see the irrigation on the property.

0:31:36.630 --> 0:31:55.340

Sophie Moiese Room

Umm, there is arguably one small acre or so of some digging going on, but certainly not any kind of commercial operation that we see today or that we see occurring starting in around 2001 to 2005 and onward.

0:31:55.790 --> 0:31:59.140

Sophie Moiese Room

So if you want to go to our next slide, we'll get into some of these aerals.

0:32:0.30 --> 0:32:3.340

Sophie Moiese Room

This is the oldest one we can get our hands on.

0:32:3.750 --> 0:32:14.520

Sophie Moiese Room

1955 you see to the South, there is no residential neighborhood there at the time it is, it is, you know hate it's fields, it's irrigated.

0:32:16.930 --> 0:32:30.80

Sophie Moiese Room

There is some ground disturbance in the southeast corner there, but again, nothing to indicate any kind of commercial operation or roads necessarily going out to it.

0:32:30.830 --> 0:32:35.100

Sophie Moiese Room

You do start to see to the right of.

0:32:35.150 --> 0:32:37.60

Sophie Moiese Room

I believe that's old Highway 93.

0:32:37.330 --> 0:32:43.480

Sophie Moiese Room

You can see the beginning of the Dennis Washington pit, which can it?

0:32:43.530 --> 0:32:49.200

Sophie Moiese Room

You'll see in the later aerials began to be developed in the 60s, I believe so.

0:32:49.210 --> 0:32:54.540

Sophie Moiese Room

If you wanna go to the next slide, you see pretty much the same thing 1966.

0:32:54.550 --> 0:33:1.120

Sophie Moiese Room

This is still owned by the hearse at the time they're using it for agricultural purposes.

0:33:1.390 --> 0:33:7.250

Sophie Moiese Room

Likewise, you can begin to see some residential neighborhood development to the South.

0:33:7.260 --> 0:33:8.560

Sophie Moiese Room

There in what where?

0:33:8.570 --> 0:33:10.510

Sophie Moiese Room

The location of the current neighborhood today.

0:33:12.990 --> 0:33:23.180

Sophie Moiese Room

Again, that pit or, you know, mound is still there, not anything like what we know it as today.

0:33:23.570 --> 0:33:27.480

Sophie Moiese Room

So if you wanna go to the next slide, unfortunately we can't.

0:33:28.820 --> 0:33:29.610

Sophie Moiese Room

Yeah.

0:33:30.260 --> 0:33:31.590

Sophie Moiese Room

Or just that next one there.

0:33:31.660 --> 0:33:31.910

Sophie Moiese Room

Yeah.

0:33:31.920 --> 0:33:32.650

Sophie Moiese Room

Perfect.

0:33:33.340 --> 0:33:33.790

Sophie Moiese Room

OK.

0:33:33.800 --> 0:33:37.810

Sophie Moiese Room

So we haven't been able to obtain any aerials from 1970.

0:33:38.840 --> 0:33:49.110

Sophie Moiese Room

But that said, if you switch back and forth between 1966 and 1982, it's pretty clear that there hasn't been much going on on the property.

0:33:49.120 --> 0:33:52.570

Sophie Moiese Room

It looks ultimately the same in that 20 year period of time.

0:33:52.820 --> 0:33:55.230

Sophie Moiese Room

If anything, that pit is now gone.

0:33:57.210 --> 0:34:00.540

Sophie Moiese Room

What would have conceivably been a minor?

0:34:00.550 --> 0:34:05.920

Sophie Moiese Room

Very small gravel pit, even for personal use, is now no longer there.

0:34:05.930 --> 0:34:14.700

Sophie Moiese Room

You can see Dennis Washington's pit has grown substantially at this time, and likewise the neighborhood has expanded considerably.

0:34:15.690 --> 0:34:31.340

Sophie Moiese Room

Umm, otherwise the property continues to be used for agricultural purposes, which likewise aligns with the subsequent permit applications submitted by Mr Hendrickson in the 90s.

0:34:31.350 --> 0:34:34.110

Sophie Moiese Room

So if you want to go to the next slide, it's also in the 80s.

0:34:34.630 --> 0:34:35.890

Sophie Moiese Room

Again, green.

0:34:36.770 --> 0:34:47.60

Sophie Moiese Room

No commercial mining operation occurring UM Mr Washington's pit is still there and the neighborhood looks basically the same.

0:34:48.410 --> 0:34:54.40

Sophie Moiese Room

So if you want to keep going, and again we've had zoning occurring in this time period.

0:34:54.50 --> 0:35:01.850

Sophie Moiese Room

So again, we don't have the aerial footage for it, but between 1966 and that 1982 aerial, that zoning was enacted.

0:35:03.350 --> 0:35:05.970

Sophie Moiese Room

OK, so 1995.

0:35:06.50 --> 0:35:22.150

Sophie Moiese Room

This is subsequent to Mr Hendrickson obtaining the property, obtaining a zoning compliance permit from the county, and likewise obtaining the first mining permit on record for this property in 1993.

0:35:22.440 --> 0:35:35.150

Sophie Moiese Room

That permit authorized Mr Hendrickson to A5 acre portion of property and allowed him to mine or bonded 3.5 acres of that five acres.

0:35:35.160 --> 0:35:42.500

Sophie Moiese Room

So if you actually take the aerial or the area of that pit, it is about 3.5 acres at this point in time.

0:35:43.420 --> 0:36:0.910

Sophie Moiese Room

Umm, so again, primarily the property is still in use as an agricultural potential future resident residential development, but you do not see the type of industrial mining operation that we are currently seeing today.

0:36:1.660 --> 0:36:11.850

Sophie Moiese Room

So if you want to go to the next slide 2005, this is looking more like what we know it as today and it is substantially larger at this time.

0:36:11.860 --> 0:36:15.750

Sophie Moiese Room

Mr Hendrickson was actually operating unpermitted by the DEQ.

0:36:17.110 --> 0:36:20.620

Sophie Moiese Room

His permit had expired in 2000.

0:36:20.630 --> 0:36:23.450

Sophie Moiese Room

He reapplied for the permit around 2001.

0:36:24.640 --> 0:36:27.380

Sophie Moiese Room

Allegedly, that paperwork was lost by the DEQ.

0:36:28.410 --> 0:36:29.170

Sophie Moiese Room

Umm.

0:36:29.550 --> 0:36:35.330

Sophie Moiese Room

But he continued to expand at this point now to about a 72 acre portion of property.

0:36:36.380 --> 0:36:42.590

Sophie Moiese Room

Umm, taking over that whole eastern half of of that section there?

0:36:42.680 --> 0:36:45.850

Sophie Moiese Room

Well, not section, but that piece of property.

0:36:46.830 --> 0:37:4.420

Sophie Moiese Room

Umm, again you see the residential development there, it maintains its residential character, but this mining operation is inching closer and closer and obviously growing exponent well growing considerably at this point in time.

0:37:4.730 --> 0:37:7.860

Sophie Moiese Room

So this next slide is our last aerial.

0:37:8.410 --> 0:37:15.340

Sophie Moiese Room

It essentially shows the pit as it looks today, 72 acres at this point in time.

0:37:15.350 --> 0:37:31.810

Sophie Moiese Room

Mr Hendrickson had been retroactively given or issued a permit for this site, so he operated unpermitted on this site, expanding the use for him about at least 2000 to 2009, when he was issued his permit.

0:37:32.700 --> 0:37:33.220

Sophie Moiese Room

Umm.

0:37:33.560 --> 0:37:42.150

Sophie Moiese Room

And so the next thing I want to take us through are just a few documents related to the initial permitting that Mister Hendrickson acquired.

0:37:42.160 --> 0:37:44.50

Sophie Moiese Room

So this is a plan of operation.

0:37:44.160 --> 0:38:3.950

Sophie Moiese Room

Again, I apologize, it's so small, but the primary thing I wanna draw our attention to here is that is the second point and in in that section he lists the existing uses of the property and I can't read it off of that, but.

0:38:5.590 --> 0:38:15.180

Sophie Moiese Room

He listed as used for grazing and irrigated grain farming when he initially applied for this permit in 1993.

0:38:16.970 --> 0:38:17.470

Sophie Moiese Room

Umm.

0:38:17.610 --> 0:38:20.720

Sophie Moiese Room

So if you wanna go to the next slide, OK.

0:38:20.730 --> 0:38:33.240

Sophie Moiese Room

So this is the zoning compliance form that Mister Hendrickson obtained from the county and that was required when he went to obtain his initial mining permit in 1993.

0:38:33.890 --> 0:38:40.840

Sophie Moiese Room

And the primary thing I want us to be looking at is the attestation.

0:38:40.850 --> 0:38:49.80

Sophie Moiese Room

So at the very end there, Mr Hendrickson attest that this this property is not located within an area zoned residential.

0:38:50.990 --> 0:38:56.800

Sophie Moiese Room

This was again, we would argue, a nonconforming use.

0:38:57.750 --> 0:38:58.480

Sophie Moiese Room

UM.

0:38:58.510 --> 0:39:6.800

Sophie Moiese Room

At the time, I would say likely should have been issued or gone under review for a variance request at this point in time.

0:39:7.50 --> 0:39:21.210

Sophie Moiese Room

Instead, he represented that he was in compliance, that this area was not zoned, and therefore was issued this zoning compliance form, which he later then used to obtain the 1993 mining permit.

0:39:22.850 --> 0:39:25.360

Sophie Moiese Room

This last slide or the next slide?

0:39:27.350 --> 0:39:44.130

Sophie Moiese Room

Is an opinion letter recommendation from the Missoula County Deputy attorney in 2008, when it was realized that Mister Hendrickson was operating and expanding this mine without a legitimate permit from the DEQ.

0:39:44.190 --> 0:39:51.40

Sophie Moiese Room

You, the letter acknowledges that he is operating on permitted.

0:39:51.150 --> 0:40:8.750

Sophie Moiese Room

It's sort of retroactively says at this point we beat the damage has been done, but the most important part of this letter from our perspective is the end of it, in which the deputy County Attorney observes, umm, that.

0:40:10.460 --> 0:40:24.20

Sophie Moiese Room

Or recommends rather that the groaning, or that the zoning compliance permit be granted, but with the provision that the permit, while allowing gravel extraction, is limited by the permit period and will lapse at the end of that period.

0:40:25.20 --> 0:40:39.920

Sophie Moiese Room

And I believe the permit period at the time was intended to lapse in 2020 UM and again, just further evidence that the whole goal, even though this was retroactively permitted.

0:40:39.970 --> 0:40:54.530

Sophie Moiese Room

The goal has been that it lapsed eventually, while in sooner than later, and again to restore the property to the residential nature that it was intended for and initially zoned by the community to be.

0:40:56.420 --> 0:41:9.550

Sophie Moiese Room

This was again prior to the 2009 permit being issued, but it was relevant in in Mr Hendrickson being able to obtain that 2009 permit.

0:41:9.560 --> 0:41:18.620

Sophie Moiese Room

And so far as this was his, uh, the recommendation that he be permitted umm it come in compliance with the zoning at the time.

0:41:19.170 --> 0:41:26.130

Sophie Moiese Room

So if you go to the next slide, umm, I'll just wrap up here again.

0:41:26.140 --> 0:41:28.630

Sophie Moiese Room

The history, it's it.

0:41:28.640 --> 0:41:29.130

Sophie Moiese Room

I don't.

0:41:29.140 --> 0:41:31.690

Sophie Moiese Room

I mean, it's pretty clear what was happening on the property.

0:41:31.700 --> 0:41:42.730

Sophie Moiese Room

When you look at the aerals and reviewing the documents, we are at this point left with, I would say 3 important questions.

0:41:43.420 --> 0:41:51.40

Sophie Moiese Room

The the first being whether the legal use actually did exist at the time of the adoption of the zoning ordinance.

0:41:53.390 --> 0:41:54.620

Sophie Moiese Room

Or the resolution.

0:41:54.630 --> 0:42:2.240

Sophie Moiese Room

ZD 401976 Mr Fulton again was intending the property to be subdivided.

0:42:2.610 --> 0:42:27.330

Sophie Moiese Room

The Missoulain articles referenced in the packet actually indicate that he was wanting to use the property as a mobile Home Park, which is why he expressed them disagreement and having his property included

the property at the time one still was intended to be low density residential and he wanted it to be higher density, at least on the portion of the property that he owned.

0:42:27.620 --> 0:42:49.830

Sophie Moiese Room

At no point in time in 1976, when he was a part of these Commission meetings, did he represent or request that this be removed from the zone in order to operate a gravel mine or pit the discussion of a gravel mine or pit did not occur until 1991 or 1993, when Mr Hendricks and obtained the property.

0:42:50.930 --> 0:42:56.720

Sophie Moiese Room

So secondly, I think it's important to consider whether the use was abandoned.

0:42:56.730 --> 0:42:58.130

Sophie Moiese Room

You, you know, even if we do.

0:43:0.890 --> 0:43:2.110

Sophie Moiese Room

Even if you.

0:43:2.870 --> 0:43:8.700

Sophie Moiese Room

UM, except that that the use was in existence in 1976.

0:43:8.910 --> 0:43:26.560

Sophie Moiese Room

The aerials from 1980, the early 1980s into mid 1980 very clearly show periods of non use and currently and at the time if you are not using your non conforming use for 180 days, that nonconforming use is lapsed.

0:43:26.570 --> 0:43:37.510

Sophie Moiese Room

So I think it's pretty clear that he also likely abandoned that use Mr Felton prior to selling the property to Mr Hendrickson in 1991.

0:43:38.460 --> 0:44:3.460

Sophie Moiese Room

And finally, whether it was ever the intent of the original user, Felton, at the time of the adoption of the zoning in 1976 to develop a large scale gravel mining operation, all records from this time period seem to indicate no, that he wanted to place a mobile Home Park there at best, or otherwise developed a property as a subdivision.

0:44:5.540 --> 0:44:6.960

Sophie Moiese Room

And so those are the thoughts.

0:44:6.970 --> 0:44:10.120

Sophie Moiese Room

I'll leave you with and I will turn it over to Graham.

0:44:12.110 --> 0:44:14.130

Sophie Moiese Room

Thank you Taylor and Graham.

0:44:14.140 --> 0:44:19.600

Sophie Moiese Room

You're out about 20 minutes already, so I will give you a little bit more time.

0:44:19.870 --> 0:44:20.660

Sophie Moiese Room

Thank you.

0:44:21.210 --> 0:44:22.100

Sophie Moiese Room

I appreciate it.

0:44:22.110 --> 0:44:30.520

Sophie Moiese Room

We will be quick and like you said, this is on behalf of a large number of people that are not commenting so that we can present to you all and we do appreciate it.

0:44:30.910 --> 0:44:38.810

Sophie Moiese Room

So if we deploy PowerPoint Brac up and we'll just go to the next slide and that entire history is relevant, why?

0:44:39.80 --> 0:44:41.710

Sophie Moiese Room

Because of zoning law that exists.

0:44:41.940 --> 0:44:50.670

Sophie Moiese Room

And so we wanna look at an analysis of the zoning law based on that history that we just saw because it has implications for what we're doing today.

0:44:50.980 --> 0:44:54.890

Sophie Moiese Room

So what is an existing non conforming use?

0:44:54.900 --> 0:45:3.450

Sophie Moiese Room

Well, Blacks Law Dictionary says it's a land use that is in use at the time that is impermissible at the time that a zoning district is created.

0:45:3.910 --> 0:45:4.510

Sophie Moiese Room

OK.

0:45:4.640 --> 0:45:20.650

Sophie Moiese Room

And that applies both in nature and in scope, so it's important for us to think about as we look through those aerial images and the history that we just talked about, what was the scope of any use and the nature of that use that existed at the time that the zoning law was created.

0:45:20.860 --> 0:45:24.330

Sophie Moiese Room

Well, photographs are not subject to opinion.

0:45:24.340 --> 0:45:27.900

Sophie Moiese Room

They are factual representations of something that happened.

0:45:28.130 --> 0:45:30.900

Sophie Moiese Room

This is not somebody's recollection or attestation.

0:45:30.910 --> 0:45:50.820

Sophie Moiese Room

It is a fact of record that we can establish what is viewed in a photograph is not those photographs unequivocally identify that if anything, there was less than two, three acres that was being mined at the time and that's gonna be based off of somebody saying that there was some disturbed part of that ground.

0:45:51.30 --> 0:46:1.190

Sophie Moiese Room

We could argue about whether that's true or not true, but the fact is that it was a very, very, very small parcel of land that was identified on those photographs as being disturbed.

0:46:1.200 --> 0:46:8.540

Sophie Moiese Room

The vast majority of the area that is currently identified as a nonconforming use was not being used in that way.

0:46:8.550 --> 0:46:9.920

Sophie Moiese Room

The nature was not there.

0:46:9.930 --> 0:46:16.940

Sophie Moiese Room

It was used as an irrigated field and that is undisputed, and the record before you, so we can go to the next slide.

0:46:19.210 --> 0:46:28.560

Sophie Moiese Room

So what we've just established is that there is no preexisting nonconforming use for a large scale industrial gravel mine covering 80 acres that exist there today.

0:46:28.740 --> 0:46:55.720

Sophie Moiese Room

So abandonment then also becomes important, as Miss Hagan described, because there was a period of time also identified in the factual record where that use cease to exist and we can see that by looking at the photographs that gravel disturbance that arguably was there is then covered back over for a period of time and that has to be based on those photographs for at least two years, which more than meets the 180 day definition required for an abandonment.

0:46:55.730 --> 0:46:58.430

Sophie Moiese Room

An abandonment we can go to the next slide.

0:47:1.810 --> 0:47:6.70

Sophie Moiese Room

So what about expansion of a non conforming use?

0:47:6.80 --> 0:47:10.270

Sophie Moiese Room

Well, Missoula County has recognized that vested interest passed with ownership.

0:47:10.280 --> 0:47:16.610

Sophie Moiese Room

So where you have an existing nonconforming use that passes through the chain of title, that continues to the successor in interest.

0:47:17.520 --> 0:47:20.650

Sophie Moiese Room

However, the property owner may not expand.

0:47:20.660 --> 0:47:22.40

Sophie Moiese Room

That and why is that?

0:47:22.50 --> 0:47:27.650

Sophie Moiese Room

Well, because that's an increased burden on an established protected area under the zoning law.

0:47:27.740 --> 0:47:31.410

Sophie Moiese Room

And so, for example and I, I'm not sure why these slides got cut off.

0:47:31.420 --> 0:47:46.280

Sophie Moiese Room

Hopefully they're not for you all, but Missoula County has looked at an idea of a business, a restaurant business in which they said if you pass this business, this nonconforming business to a successor in interest, that's fine.

0:47:46.290 --> 0:48:8.540

Sophie Moiese Room

You can continue to operate in that way, but you can't add additional tables and you can't add additional seating area and basically expand the scope of what the burden is on the neighborhood, because in recognition that this is nonconforming by definition with what the citizens and that the government here has enacted for this area and go to the next slide.

0:48:17.220 --> 0:48:27.400

Sophie Moiese Room

So again, this is because there is a basic premise and zoning law, which is that the presumption at zoning ordinances are to be strictly construed in favor of enforcement.

0:48:28.980 --> 0:48:38.830

Sophie Moiese Room

These are fundamental issues which mean that when we go through the process of zoning, we do that for a reason that citizens initiate Part 1 zoning for a reason.

0:48:38.840 --> 0:48:43.430

Sophie Moiese Room

Governments initiate Part 2 zoning for a reason, and that's for sound growth policy.

0:48:43.440 --> 0:48:52.540

Sophie Moiese Room

This county Commission is well aware of that, and to grant a variance from that is to be the exception, not the rule of course.

0:48:52.760 --> 0:49:5.900

Sophie Moiese Room

And it's supposed to be based on a series of good reasons, and that's going to be a sort of equitable balancing of the interest between those seeking nonconforming uses and those seeking to present to protect the conforming use.

0:49:6.130 --> 0:49:7.220

Sophie Moiese Room

OK, we can go to the next slide.

0:49:9.980 --> 0:49:24.330

Sophie Moiese Room

So Missoula County has regulations on this as you guys are all aware, the the zoning regulations established unequivocally that a proposed variance will not authorize a use that is not already authorized in the district.

0:49:24.440 --> 0:49:34.650

Sophie Moiese Room

That's a double negative, which essentially means that you can't authorize a nonconforming use if the basically the zoning district allows for that somewhere else.

0:49:35.200 --> 0:49:42.740

Sophie Moiese Room

If there are special conditions that exist at the site that are unique to the property, would surely I know the applicant has explained to you that there are here.

0:49:43.590 --> 0:49:47.360

Sophie Moiese Room

Obviously, we disagree and I'll share some more on that later.

0:49:47.670 --> 0:49:53.260

Sophie Moiese Room

But granting the variance also has to be not injurious to the neighborhood, and that's a public interest component.

0:49:53.270 --> 0:49:56.80

Sophie Moiese Room

And that's exactly the opposite of what is happening here.

0:49:56.290 --> 0:49:56.820

Sophie Moiese Room

Next, please.

0:49:59.90 --> 0:50:5.740

Sophie Moiese Room

And this is the the inverse or the reverse way of saying just that it must not be contrary to the public interest.

0:50:5.750 --> 0:50:14.600

Sophie Moiese Room

Literal enforcement must not have resulted this unnecessary hardship, and that the spirits of the ordinance must be observed and substantial justice done next.

0:50:19.0 --> 0:50:31.310

Sophie Moiese Room

OK, so at this height we have a residentially zoned area where there was no nonconforming use that existed at the time that the zoning district was established or at least a very small one.

0:50:31.320 --> 0:50:40.410

Sophie Moiese Room

If we want to entertain that concept so there is bad precedent that it could be established here that will be established here.

0:50:40.540 --> 0:50:52.10

Sophie Moiese Room

We essentially allow this nonconforming use to not only have grown over the length of time that it was never supposed to have grown, but also now to give the stamp of approval of this Commission on doubling it.

0:50:52.360 --> 0:50:57.750

Sophie Moiese Room

And that is where the context of this history comes in.

0:50:57.760 --> 0:50:59.910

Sophie Moiese Room

From this site I think.

0:51:1.890 --> 0:51:12.140

Sophie Moiese Room

We have to think about the fact that we have a Community here of individuals and folks who have investment backed expectations in the property which they purchased.

0:51:12.210 --> 0:51:14.20

Sophie Moiese Room

They know they purchased zone property.

0:51:14.30 --> 0:51:20.530

Sophie Moiese Room

They moved their families there because they know they have zoned properties and there is no there.

0:51:20.950 --> 0:51:28.600

Sophie Moiese Room

Well, there is no good reason to allow this to continue to grow from what has been illegal from the beginning.

0:51:28.790 --> 0:51:55.570

Sophie Moiese Room

And I think that's that's important for us all to recognize that there has been a burden that's been imposed on these neighbors since the time that this thing became illegal in the first place in 1993, when we got the first mining permit that was associated at this site, the applicant conveyed specifically to DEQ as an outright falsehood, that this conformed with the zoning for this neighborhood.

0:51:55.900 --> 0:52:7.870

Sophie Moiese Room

I I mean, I I don't know how else to say it, but there was a certification that was made to the Department of Environmental Quality that this area either wasn't zoned or that it complied with the zoning and that is just out and out false.

0:52:8.310 --> 0:52:15.710

Sophie Moiese Room

And so there is factual inaccuracy which underlies the entire history of this site.

0:52:16.80 --> 0:52:28.410

Sophie Moiese Room

And that then was recognized by the Missoula County Attorney's Office in 2009 when it issued what essentially is an advisory opinion about this site where they said this thing needs to die.

0:52:28.500 --> 0:52:31.80

Sophie Moiese Room

But there are some equitable considerations.

0:52:31.90 --> 0:52:37.70

Sophie Moiese Room

As far as it's been in existence for a period of time, nobody has said anything about it thus far.

0:52:37.240 --> 0:52:42.370

Sophie Moiese Room

And so why don't we just let it die naturally on its own when this permit expires in 2020?

0:52:43.340 --> 0:52:47.130

Sophie Moiese Room

And that's the opposite of what we're here talking about today.

0:52:47.140 --> 0:52:49.110

Sophie Moiese Room

We're not talking about the death of this thing.

0:52:49.120 --> 0:52:58.830

Sophie Moiese Room

We're talking about the growth of it and so we're talking about an increased burden on a neighborhood of residences, their children and their family, all who are enduring pollution.

0:52:58.840 --> 0:53:10.760

Sophie Moiese Room

That's associated with this site and this isn't this isn't an activity like a restaurant that we looked at in some of the other examples where there is no harm to neighbors that result from the activity.

0:53:11.650 --> 0:53:15.680

Sophie Moiese Room

This isn't an issue of just merely traffic and noise.

0:53:15.690 --> 0:53:23.350

Sophie Moiese Room

We're talking about water pollution and air pollution, and in the information that we've sent to you in in my.

0:53:24.990 --> 0:53:30.700

Sophie Moiese Room

Fight with the state of Montana over the last year over the open cut Mining Act.

0:53:30.710 --> 0:53:36.210

Sophie Moiese Room

I have lot learned a lot that I want to share with you all about the negative impacts of these projects.

0:53:37.790 --> 0:53:56.40

Sophie Moiese Room

If we look at any of the environmental assessments that are conducted by Montana DEQ and Association with these projects, they all identify hydrocarbon pollution that is either from fuel spills that are from chemicals that are involved in the asphalt plant making process.

0:53:56.50 --> 0:54:1.440

Sophie Moiese Room

Those fumes are then wafting in the air and going into children's lungs and neighbors.

0:54:1.740 --> 0:54:25.910

Sophie Moiese Room

And then we have dust that is ubiquitously have problem with these sites as well and and that is why the legislature amended the open cut mining law to make it easier for companies to get these permits because under the governor's red tape initiative, they wanna cut government regulation to make it easier for companies to increase their profit margin.

0:54:26.960 --> 0:54:27.290

71b57162-e702-4211-8e9a-ecea382ce8bb

No.

0:54:26.100 --> 0:54:27.360

Sophie Moiese Room

And that is what this is.

0:54:28.830 --> 0:54:29.880

71b57162-e702-4211-8e9a-ecea382ce8bb

Hola. Hi.

0:54:29.940 --> 0:54:38.110

Sophie Moiese Room

Increase issue and that's because these sites for any callers online or on the phone, please mute yourself.

0:54:39.990 --> 0:54:40.330

Sophie Moiese Room

Go ahead.

0:54:39.640 --> 0:54:40.370

71b57162-e702-4211-8e9a-ecea382ce8bb

Oops, sorry.

0:54:41.30 --> 0:54:44.250

Sophie Moiese Room

Apologies, no problem and I know I'm going on my time.

0:54:44.260 --> 0:54:45.710

Sophie Moiese Room

No, no, continue.

0:54:45.870 --> 0:54:48.60

Sophie Moiese Room

These sites really are ubiquitous.

0:54:48.390 --> 0:54:52.240

Sophie Moiese Room

DEQ has a GIS mapping site which I encourage you all to go look at.

0:54:52.250 --> 0:54:56.10

Sophie Moiese Room

You can look at all of the pending and currently existing mining sites.

0:54:56.270 --> 0:55:4.980

Sophie Moiese Room

Almost every single one of the cases that I'm now involved in these companies own additional mine sites within several miles of the new one that they're applying for.

0:55:5.150 --> 0:55:8.760

Sophie Moiese Room

There simply is no supply side issue that exists.

0:55:8.770 --> 0:55:10.770

Sophie Moiese Room

Here we are not running out of gravel.

0:55:11.160 --> 0:55:20.610

Sophie Moiese Room

This is about increasing profit margin for the company and there is no guarantee that that profit margin is being passed on to homeowners that are building new sites.

0:55:20.780 --> 0:55:24.760

Sophie Moiese Room

Of course we need gravel for our roads and our bridges and our homes.

0:55:24.770 --> 0:55:37.570

Sophie Moiese Room

That's not at issue, but what is is a narrative that's being pushed by the gravel mining industry that I can see that is that we need this to be as cheap as possible.

0:55:37.940 --> 0:55:38.510

Sophie Moiese Room

Why?

0:55:38.620 --> 0:55:45.910

Sophie Moiese Room

Well, they say that it's because they're gonna pass that on to consumers and cheaper homes and cheaper products, but that's not what the financials show.

0:55:46.60 --> 0:56:4.210

Sophie Moiese Room

And if we're gonna use an economic argument to convince this Commission to advance a variance from a residential neighborhood, I suggest that they should be able to put forward some evidence to you that that economic gain is going to be passed on to the end consumer, the home buyer or the citizen, not into the company's pocketbook.

0:56:4.400 --> 0:56:5.740

Sophie Moiese Room

And that's exactly what we see.

0:56:6.120 --> 0:56:8.880

Sophie Moiese Room

That data is in the memorandum that my office sent to you.

0:56:9.90 --> 0:56:13.500

Sophie Moiese Room

We looked at recent financials from publicly traded companies here in Missoula County.

0:56:13.510 --> 0:56:21.610

Sophie Moiese Room

That's knife River, among others, and those profits are going straight into the shareholders pockets, which is fine.

0:56:21.620 --> 0:56:23.560

Sophie Moiese Room

That's what corporations are designed to do.

0:56:23.770 --> 0:56:42.140

Sophie Moiese Room

But that is not what zoning is designed to do, and really the last thing that I want to leave you with here is that the sponsor of House Bill 599, which eviscerated all Environmental Protection from the open cut Mining Act.

0:56:42.410 --> 0:56:51.320

Sophie Moiese Room

Basically, in response to public outcry about the proliferation of these sites, has said that zoning is the tool that exists to stop these mines.

0:56:51.730 --> 0:57:2.190

Sophie Moiese Room

The open cut mining Act no longer gives DEQ discretion to regulate things like public health, water quality impacts, traffic, noise, dust.

0:57:2.200 --> 0:57:8.30

Sophie Moiese Room

Those concerns, I'm litigating these cases now in our Lee and Clearwater Junction.

0:57:8.40 --> 0:57:18.680

Sophie Moiese Room

Also in Missoula County and Gallatin County and Madison County, across the state and I, I am here to tell you that Montana DEQ is rubber stamping these permits left and right.

0:57:18.840 --> 0:57:27.670

Sophie Moiese Room

They're being issued within 10 days of the time that they're being submitted by the applicants, and there is no environmental oversight that's happening.

0:57:28.20 --> 0:57:34.740

Sophie Moiese Room

And So what is the solution for people to stop these things from happening in their own neighborhood and next to their homes?

0:57:35.120 --> 0:57:41.510

Sophie Moiese Room

And as you can see there on the screen the quote from the bill sponsor is that zoning is the fix.

0:57:42.20 --> 0:57:49.610

Sophie Moiese Room

Zoning is the only tool that exists for citizens to have an effect on the outcome of these mining projects next to their home.

0:57:49.980 --> 0:58:4.240

Sophie Moiese Room

If we go in my clients litigating these issues and District Court at the Montana Supreme Court and before the Board of Environmental Review is a bottomless pit of administrative law that does not yield results for the citizens.

0:58:4.480 --> 0:58:34.10

Sophie Moiese Room

It's unfortunate, but this is the first group of people that I have represented that have an opportunity to

utilize zoning as a tool to say this is not what we want for our neighborhood and this is not what we want for our families and that's what my clients are asking you to do here today is to protect their interest and their home and their community to stop the expansion of what has been in a legal site from the beginning, from the get go, to not put the Commission stamp of approval on something that should have been.

0:58:34.360 --> 0:58:47.340

Sophie Moiese Room

Rejected long ago, and while we can't correct the wrong today of 40 years of history of illegal activity at this site, what we can do is not stop it from doubling in size going forward.

0:58:47.650 --> 0:58:52.520

Sophie Moiese Room

And with that, we respectfully request that you deny this variance request and I appreciate your time.

0:58:53.430 --> 0:58:54.530

Sophie Moiese Room

Thank you, Mr Coppess.

0:59:1.160 --> 0:59:15.250

Sophie Moiese Room

So for those who have been waiting patiently online or on the phone, and we'll come back to the room here, if there's any additional public comment, I'd like to give folks online using Microsoft Teams or on the phone and opportunity to comment.

0:59:15.760 --> 0:59:24.400

Sophie Moiese Room

So please use the raise hand function and we'll call on you in the order in which you raise your hand or unmute yourself and introduce yourself.

0:59:25.700 --> 0:59:27.70

Sophie Moiese Room

Anyone online or on the phone?

0:59:33.470 --> 0:59:33.630

Gerald Reynolds

Hello.

0:59:33.370 --> 0:59:34.310

Sophie Moiese Room

OK.

0:59:34.590 --> 0:59:35.300

Sophie Moiese Room

Yes.

0:59:35.310 --> 0:59:36.340

Sophie Moiese Room

Is this a Mr Reynolds?

0:59:36.920 --> 0:59:37.780

Gerald Reynolds

Yes, speaking.

0:59:37.310 --> 0:59:38.80

Sophie Moiese Room

Yes. Speak.

0:59:38.330 --> 0:59:39.100

Sophie Moiese Room

Yeah, go ahead.

0:59:39.110 --> 0:59:40.610

Sophie Moiese Room

If you would like to make it public, comment.

0:59:41.310 --> 0:59:48.960

Gerald Reynolds

Yeah, just simply the alleged 1970 buy sell agreement.

0:59:51.600 --> 0:59:52.900

Gerald Reynolds

It's not a mandate.

0:59:53.900 --> 0:59:56.770

Gerald Reynolds

It's only an agreement between the seller and the buyer.

0:59:57.500 --> 1:0:2.880

Gerald Reynolds

It does not authorize nonconforming industry.

1:0:3.710 --> 1:0:4.150

Gerald Reynolds

Thank you.

1:0:6.260 --> 1:0:6.600

Gerald Reynolds

Thank you.

1:0:5.760 --> 1:0:6.950

Sophie Moiese Room

Thank you, Mr Reynolds.

1:0:7.880 --> 1:0:8.140

Gerald Reynolds

OK.

1:0:7.20 --> 1:0:8.880

Sophie Moiese Room

Anyone else online or on the phone?

1:0:13.450 --> 1:0:17.80

Sophie Moiese Room

OK, coming back here to the courthouse and the Sophie Moiese room.

1:0:17.90 --> 1:0:19.380

Sophie Moiese Room

Is there anyone who would like to offer public comment?

1:0:20.360 --> 1:0:26.810

Sophie Moiese Room

Come on up and folks, please be as succinct as possible and begin by stating your name for the record.

1:0:26.900 --> 1:0:28.490

Sophie Moiese Room

Hi, my name is Sarah Johnson.

1:0:29.20 --> 1:0:31.30

Sophie Moiese Room

Let me just tell you a little about who I am.

1:0:31.40 --> 1:0:32.670

Sophie Moiese Room

So I am a nurse by background.

1:0:32.820 --> 1:0:34.950

Sophie Moiese Room

I've been in the healthcare industry for 21 years.

1:0:35.0 --> 1:0:35.920

Sophie Moiese Room

It's a long time.

1:0:36.160 --> 1:0:46.690

Sophie Moiese Room

I've been a farmer in organic farming for about 15 and I currently lead the award winning, nationally recognized Environmental Stewardship program at a nearby local hospital.

1:0:47.60 --> 1:0:55.780

Sophie Moiese Room

So health and people's health has kind of my bread and butter looking at how human health intersects with environmental health is what I've been doing for a very long time.

1:0:55.930 --> 1:1:0.170

Sophie Moiese Room

And what I've learned in that I'm also part of the alliance and nurses for how the environment you've already heard from me.

1:1:0.180 --> 1:1:18.640

Sophie Moiese Room

So you kind of already heard some of this, but what I've done with that organization is look at how industry impacts the health of the communities that live nearby and what we see and what has been stated here today is that air quality people that live next to industry have poor health outcomes.

1:1:18.650 --> 1:1:29.320

Sophie Moiese Room

They have more respiratory illnesses, more cardiovascular illness, psychological health issues if they're water quality is degraded, there is that issue as well.

1:1:29.510 --> 1:1:40.550

Sophie Moiese Room

And so when you're considering this and you're considering unnecessary hardship in the zoning, this the unnecessary hardship will come and it will come like over time.

1:1:41.760 --> 1:1:49.880

Sophie Moiese Room

My children today have a 2 year old and six year old and the unnecessary harm will build up over their lifetime as their continued to be exposed to umm.

1:1:50.280 --> 1:1:52.880

Sophie Moiese Room

The effects of this mining operation? Umm.

1:1:55.330 --> 1:2:9.100

Sophie Moiese Room

It's very hard for me to speak when I talk about my children and my neighbor's children and what might happen to them if this pit is expanded, they will grow up next to it, half a mile away, with poor air quality and a potential for our water source to be polluted.

1:2:9.190 --> 1:2:22.620

Sophie Moiese Room

And what will they do about our water source if they pollute it, that cannot be fixed easily and unnecessary hardship on people if their water source is polluted or if they have higher incidences of asthma.

1:2:22.630 --> 1:2:30.600

Sophie Moiese Room

If their child has to go to the emergency room in the middle of the night because suddenly we have a wildfire in our air, quality is poor anyway and you have particulates that you can't see.

1:2:30.610 --> 1:2:32.780

Sophie Moiese Room

But they're being exposed and I heard that.

1:2:33.550 --> 1:2:36.890

Sophie Moiese Room

Ohh, what's your materials wants to use water to help mitigate that?

1:2:37.540 --> 1:2:38.30

Sophie Moiese Room

Umm.

1:2:38.320 --> 1:2:56.470

Sophie Moiese Room

Water is a very valuable resource and I know when I purchased my farm I took a very long time searching for land with water rights because water is such a scarce resource and I am only able to use a certain amount on my property and with this I don't have any.

1:2:56.480 --> 1:3:2.510

Sophie Moiese Room

They don't have a certain limit to how much water they can use, and if they're using our water that we all share.

1:3:2.620 --> 1:3:15.0

Sophie Moiese Room

And they're using it to mitigate the dust that they're causing, and they're using copious amounts of it that that, in my opinion, is causing unnecessary hardship when Montana is facing hotter, drier summers, increased periods of drought.

1:3:15.950 --> 1:3:20.420

Sophie Moiese Room

We're having lower snowpacks, or aquifer has a potential for less refill.

1:3:20.550 --> 1:3:26.980

Sophie Moiese Room

It's concerning to me and I think that there's unnecessary hardship that cannot be mitigated if you vote yes on this variance.

1:3:27.450 --> 1:3:37.200

Sophie Moiese Room

So I I strongly oppose it as a healthcare professional, as a mother, as a farmer, as a Community member, not just for my health, but for the health of those that are most vulnerable around me.

1:3:37.290 --> 1:3:37.690

Sophie Moiese Room

Thank you.

1:3:38.150 --> 1:3:38.550

Sophie Moiese Room

Thank you.

1:3:40.560 --> 1:3:42.980

Sophie Moiese Room

Anyone else like to share their thoughts?

1:3:47.550 --> 1:3:48.10

Sophie Moiese Room

Come on up.

1:3:55.20 --> 1:3:55.890

Sophie Moiese Room

Hi, commissioners.

1:3:55.900 --> 1:3:56.610

Sophie Moiese Room

Hi everybody.

1:3:56.820 --> 1:4:2.170

Sophie Moiese Room

My name is Elida Browksi and I'm a neighbor and I agree with everything, Mr Cox said.

1:4:2.180 --> 1:4:8.930

Sophie Moiese Room

I really appreciate that presentation and when we're here on February 22nd, there is a group that went just before us of neighbors.

1:4:8.940 --> 1:4:12.990

Sophie Moiese Room

And your answer to them to protect against subdivision was zoning.

1:4:13.380 --> 1:4:26.680

Sophie Moiese Room

That is what our legs that we have to stand on and I really hope that you guys hear that our zoning is what we have to fight this fight and if that is the answer for other citizens, we hope that it is our answer too.

1:4:27.600 --> 1:4:29.670

Sophie Moiese Room

Umm, thank you so much.

1:4:29.680 --> 1:4:30.510

Sophie Moiese Room

Appreciate you all.

1:4:30.900 --> 1:4:31.260

Sophie Moiese Room

Thank you.

1:4:32.520 --> 1:4:33.930

Sophie Moiese Room

Additional public comment.

1:4:33.940 --> 1:4:36.470

Sophie Moiese Room

Anyone else like to share their thoughts?

1:4:41.120 --> 1:4:43.850

Sophie Moiese Room

Going once, going twice.

1:4:43.910 --> 1:4:45.840

Sophie Moiese Room

Ohh yes, we have a taker.

1:4:45.850 --> 1:4:46.250

Sophie Moiese Room

Come on up.

1:4:50.150 --> 1:4:52.720

Sophie Moiese Room

I'm Louis Hartz and I live in the neighborhood.

1:4:53.440 --> 1:4:57.400

Sophie Moiese Room

Umm, I think there's a great great presentation.

1:4:57.470 --> 1:5:28.780

Sophie Moiese Room

I think it laid out a lot of things that you need to think about, and I think the most damning thing is that this gravel pit was put in illegally by the original owner of the gravel pit that he out and out lied by saying that it was outside of the zoning district that it was in, and that in itself I think should disqualify any expansion.

1:5:30.110 --> 1:5:37.350

Sophie Moiese Room

And the other thing is I'm not as part of their variance request.

1:5:37.420 --> 1:5:40.660

Sophie Moiese Room

One of the things that they want to do is be able to do night operations.

1:5:42.830 --> 1:6:0.960

Sophie Moiese Room

It said I believe in there that they want to have the ability to run night operations at the gravel pit, which there's basically gonna affect all of our sleep because if you've ever lived next to a gravel pit, you'll know that they're not exactly a quiet enterprise.

1:6:1.820 --> 1:6:5.750

Sophie Moiese Room

Some I would urge you to vote against the variance.

1:6:5.900 --> 1:6:6.280

Sophie Moiese Room

Thank you.

1:6:7.580 --> 1:6:8.0

Sophie Moiese Room

Thank you.

1:6:9.430 --> 1:6:10.710

Sophie Moiese Room

Additional public comment.

1:6:14.640 --> 1:6:24.700

Sophie Moiese Room

OK, seeing none, we'll close the public hearing and open it up for some discussion and questions on the part of the planning and Zoning Commission.

1:6:26.120 --> 1:6:27.30

Sophie Moiese Room

Josh, thanks.

1:6:27.500 --> 1:6:27.970

Sophie Moiese Room

So I had.

1:6:28.20 --> 1:6:29.770

Sophie Moiese Room

I had two, so go for it.

1:6:29.780 --> 1:6:39.890

Sophie Moiese Room

So the first one for Jenny and this you could explain to all of us, everyone here the difference between part one and Part 2 zoning and how variance fits in with those two types of zoning.

1:6:42.450 --> 1:6:48.300

Sophie Moiese Room

You bet, essentially answering dabrowski's question of zone yourself and the difference.

1:6:49.420 --> 1:6:50.170

Sophie Moiese Room

This is owned.

1:6:50.180 --> 1:6:51.630

Sophie Moiese Room

It's Part 1 zoning.

1:6:51.820 --> 1:6:52.450

Sophie Moiese Room

It yeah.

1:6:52.960 --> 1:6:57.110

Sophie Moiese Room

Explain the difference between part one and Part 2 and and how a variance plays in OK.

1:6:57.940 --> 1:7:7.620

Sophie Moiese Room

So the zoning that applies to this property, it falls under a section of law that is the kind of a predecessor to to Part 2 that.

1:7:9.300 --> 1:7:30.280

Sophie Moiese Room

Was utilized quite a bit back in the 50s, sixties, 70s, somewhat in the 80s and 90s and then really weak it has, it is not used often at all or at all and it's a it's a very brief ambiguous description of how you create a development pattern.

1:7:30.410 --> 1:7:44.130

Sophie Moiese Room

If there is a a majority of the land owners that want to create zoning and often was written by those folks and so not only is a section of law related to Part 1 zoning.

1:7:46.690 --> 1:7:54.230

Sophie Moiese Room

Ambiguous, but then often the zoning district has very few regulations to give guidance.

1:7:55.460 --> 1:8:26.130

Sophie Moiese Room

The section of law, part one on that talks about variances and we've gone through that criteria, those three points of the criteria does not eliminate the opportunity for use variance, which is the case here, that they can request a use variance Part 2 zoning, which we're variances do not come to this body, they go to the county Board of adjustment, uses different review criteria and does not allow use variants.

1:8:26.400 --> 1:8:39.900

Sophie Moiese Room

So when people come to us and ask, you know, we want to zone or when you suggest we think you should zone, we're talking about modern part to zoning because of the extreme difficulty of implementation of Part 1 zoning.

1:8:42.50 --> 1:8:47.660

Sophie Moiese Room

That those are the primary differences, I guess in the variance world.

1:8:47.810 --> 1:8:48.240

Sophie Moiese Room

Thanks.

1:8:48.290 --> 1:8:50.830

Sophie Moiese Room

Next question for Mr Coppess, please.

1:8:55.40 --> 1:8:58.590

Sophie Moiese Room

First, thanks a lot for a clear and well ordered presentation.

1:8:59.40 --> 1:9:5.340

Sophie Moiese Room

Appreciate that you mentioned a permit that was supposed to die at 2020.

1:9:5.470 --> 1:9:6.540

Sophie Moiese Room

Can you revisit that?

1:9:6.550 --> 1:9:6.700

Sophie Moiese Room

I'm.

1:9:6.710 --> 1:9:9.350

Sophie Moiese Room

I'm worried I'm not using the right language to describe what it was.

1:9:9.360 --> 1:9:9.970

Sophie Moiese Room

Who did it?

1:9:10.30 --> 1:9:10.640

Sophie Moiese Room

Et cetera.

1:9:11.210 --> 1:9:11.700

Sophie Moiese Room

Yeah.

1:9:11.710 --> 1:9:33.570

Sophie Moiese Room

So that was based on the 2009 Mozilla Deputy County Attorney's memorandum that was in this slide show and what it based that that was my terminology, but that is the opinion that exists in that County attorney's advisory opinion where it says essentially there's a latches issue here, which is an equitable doctrine.

1:9:33.580 --> 1:9:35.320

Sophie Moiese Room

And I'm sorry, I don't know what that is.

1:9:35.830 --> 1:9:44.520

Sophie Moiese Room

Basically, there's a recognition that the site had been existing and operating, which at that time in 2009 nobody disputes that that was occurring.

1:9:44.880 --> 1:9:51.700

Sophie Moiese Room

And So what they basically were saying is, well, we have a non conforming use here.

1:9:51.760 --> 1:10:15.210

Sophie Moiese Room

The review of the history of this site shows that it has been beset with abnormalities for lack of a better term from its inception, but the permit that exists for the mining license, the underlying mining permit from Montana DEQ, was set to expire in 2020, and so the County Attorney says well, based on its existing use, nobody's complained about it thus far.

1:10:15.280 --> 1:10:17.170

Sophie Moiese Room

Let's just let this thing die.

1:10:17.220 --> 1:10:18.330

Sophie Moiese Room

And then it'll go away.

1:10:18.340 --> 1:10:37.390

Sophie Moiese Room

The nonconforming use will cease to exist and it will in essence, deal with itself, and that could have happened, but that's not what happened and we're here today because not only is the nonconforming use going to continue, but it is being proposed to double in size.

1:10:38.320 --> 1:10:43.530

Sophie Moiese Room

So in 2020, did whoever was operating the pit apply for a new permit, correct?

1:10:44.760 --> 1:10:46.240

Sophie Moiese Room

And what year was it?

1:10:46.250 --> 1:10:48.430

Sophie Moiese Room

We said 2009, I'm sorry if I'm getting these.

1:10:48.700 --> 1:11:4.390

Sophie Moiese Room

Yeah, the the Missoula County Attorney's opinion was in 2009 and my understanding of the history of that document, which is not entirely clear, is that so, as Miss Hagen explained in 2001 or in 2000, the original underlying DQ mining permit ended.

1:11:4.910 --> 1:11:12.830

Sophie Moiese Room

And so that was what basically created a period of time in which there was no license associated with this site.

1:11:12.840 --> 1:11:19.990

Sophie Moiese Room

And I guess the record shows that or there is mention in the record that they applied for it, but DEQ lost it.

1:11:20.600 --> 1:11:23.570

Sophie Moiese Room

But that's literally what it seems like happened.

1:11:23.800 --> 1:11:27.410

Sophie Moiese Room

Either way, there wasn't a permit on site for a period of time.

1:11:27.460 --> 1:11:29.110

Sophie Moiese Room

Somehow that came to the county attorneys.

1:11:30.200 --> 1:11:32.800

Sophie Moiese Room

Uh desk in 2009.

1:11:32.810 --> 1:11:38.570

Sophie Moiese Room

My guess is that that's because there was this recognition that there was no permit for this site.

1:11:38.640 --> 1:11:46.810

Sophie Moiese Room

So when you ask for a mining permit for DEQ from DEQ, you have to check a box or fill out a form that says this site.

1:11:47.40 --> 1:12:0.410

Sophie Moiese Room

I certify that this site complies with local zoning and so in order to get that you need a statement from a county official, which is what we saw in the original 1993 permit application as well.

1:12:0.830 --> 1:12:14.100

Sophie Moiese Room

And so at that time, my guess is what they were trying to clean the record up on this thing, get a new

mining permit, insight from the period of time that it was lost and they needed a statement from Missoula County that this complied with the zoning.

1:12:14.550 --> 1:12:20.540

Sophie Moiese Room

And at that time, the County Attorney looked at it and said this does not comply.

1:12:20.600 --> 1:12:21.870

Sophie Moiese Room

This is screwed up.

1:12:22.520 --> 1:12:26.170

Sophie Moiese Room

This should not have happened this way, but it did.

1:12:26.220 --> 1:12:43.170

Sophie Moiese Room

And out of a sense of equity, which is basically equitable consideration for the fact that something has been occurring for a period of time and that there is some expectation that continues with use over time that we should just let this continue until it dies on its own in 2020.

1:12:43.510 --> 1:12:43.890

Sophie Moiese Room

OK.

1:12:43.950 --> 1:12:44.360

Sophie Moiese Room

Thank you.

1:12:44.370 --> 1:12:50.570

Sophie Moiese Room

And that's really the problem is that these sites you can continue to up them, you can continue to apply.

1:12:50.580 --> 1:13:5.350

Sophie Moiese Room

And so, while before the Commission here is a variance request that is connected to an underlying mining site, which would continue for decades into the future, that could be continued and continued, and it could be expanded and expanded.

1:13:5.500 --> 1:13:13.150

Sophie Moiese Room

And every time we actually allow this thing to grow a little more and continue for longer, it becomes harder to stop it in the future.

1:13:13.560 --> 1:13:14.410

Sophie Moiese Room

Do we have?

1:13:14.420 --> 1:13:19.230

Sophie Moiese Room

Do we have the document the the references that end date of 2020?

1:13:19.240 --> 1:13:20.270

Sophie Moiese Room

Do we have that permit?

1:13:20.280 --> 1:13:21.720

Sophie Moiese Room

It's not in our packet, is it?

1:13:22.100 --> 1:13:23.820

Sophie Moiese Room

Could you come on up to the microphone please?

1:13:27.0 --> 1:13:29.570

Sophie Moiese Room

Send it to you guys, could could you repeat that again?

1:13:29.580 --> 1:13:35.430

Sophie Moiese Room

I said I can probably send you a copy, but really what happened is that in 2009 they were issued a permit.

1:13:35.440 --> 1:13:55.960

Sophie Moiese Room

The the second permit, 2681, I believe subsequently they applied for, I believe currently their own amendment four and each time they apply for an amendment they change the site location or the amount and also potentially the period of time at which reclamation shall occur.

1:13:56.180 --> 1:14:8.100

Sophie Moiese Room

And so last and my understanding is that currently, or at least under 2681, amendment four, that reclamation date is now in 2045.

1:14:8.290 --> 1:14:10.810

Sophie Moiese Room

But again, what to Mr Cop's point?

1:14:12.170 --> 1:14:16.320

Sophie Moiese Room

The DEQ is gonna do something separate than what?

1:14:16.330 --> 1:14:18.0

Sophie Moiese Room

Missoula County is gonna do so.

1:14:18.10 --> 1:14:38.680

Sophie Moiese Room

The DEQ is gonna continue to approve these amendments essentially indefinitely, so the 2008 or 9 letter that initially led to the 2009 permitting stated at that time that we should let this thing die when the permit you know, already provides it should die.

1:14:38.840 --> 1:14:44.210

Sophie Moiese Room

And I can confirm that whether that's 2020, I that's pulling that from my memory right now.

1:14:44.460 --> 1:14:55.710

Sophie Moiese Room

So but yeah, sorry, I don't mean to interrupt you that letter in 2009 acknowledged that whoever put in for the permit had said that this complies with zoning when it actually didn't.

1:14:55.800 --> 1:14:56.290

Sophie Moiese Room

Yes.

1:14:56.340 --> 1:14:58.780

Sophie Moiese Room

So in 2020, what happened?

1:14:58.790 --> 1:15:2.90

Sophie Moiese Room

Cause the zoning hadn't changed, the activity hadn't changed.

1:15:2.180 --> 1:15:8.360

Sophie Moiese Room

So imagine the activity is still not in compliance with the zoning and someone applied for a new permit in 2020.

1:15:9.790 --> 1:15:10.980

Sophie Moiese Room

I believe there are applying.

1:15:10.990 --> 1:15:15.350

Sophie Moiese Room

They have been in conversation with you now, or at least for the last few years.

1:15:15.360 --> 1:15:22.320

Sophie Moiese Room

And then ultimately decided that a zoning, another zoning compliance permit was not gonna meet the criteria.

1:15:22.390 --> 1:15:24.880

Sophie Moiese Room

So they were operating without a permit after 2020.

1:15:24.930 --> 1:15:31.460

Sophie Moiese Room

I no because, well, I don't know the zoning compliance permit, whether or not that expired ever.

1:15:31.690 --> 1:15:37.560

Sophie Moiese Room

It's just that when they went to expand, I guess I'd have to, I mean, I have to.

1:15:37.570 --> 1:15:42.220

Sophie Moiese Room

I wasn't talking about zoning compliance over the years or I wasn't talking about zoning compliance.

1:15:42.230 --> 1:15:45.200

Sophie Moiese Room

If I understand or and I totally could have it wrong and you guys are attorneys.

1:15:45.500 --> 1:15:47.860

Sophie Moiese Room

Obviously not so complicated.

1:15:47.910 --> 1:15:53.200

Sophie Moiese Room

It sounds like a permit from the DEQ was applied for in 2009.

1:15:53.790 --> 1:16:0.440

Sophie Moiese Room

Or issued, issued and whoever had applied for this permit had said yes, it complies with zoning.

1:16:0.450 --> 1:16:1.910

Sophie Moiese Room

When actuality, it didn't.

1:16:2.290 --> 1:16:9.260

Sophie Moiese Room

Well, and then the County Attorney said, you know what, to get it, we're just gonna let this thing die in 2020.

1:16:9.470 --> 1:16:13.250

Sophie Moiese Room

So in in 20, 2020 in 2020, did someone apply for a new permit?

1:16:13.260 --> 1:16:14.900

Sophie Moiese Room

Because here we are four years later.

1:16:15.330 --> 1:16:15.820

Sophie Moiese Room

Yeah.

1:16:15.830 --> 1:16:25.700

Sophie Moiese Room

So in 2020, I believe they're still operating under the old permits because the reclamation date had already been amended to 2045 by that point.

1:16:25.870 --> 1:16:35.170

Sophie Moiese Room

Now they're coming asking, and I believe they've already gotten the OR working towards getting this now amended for expansion with the DEQ.

1:16:35.220 --> 1:16:39.50

Sophie Moiese Room

But part of that is that they want to expand into these additional 60 acres.

1:16:39.410 --> 1:16:46.830

Sophie Moiese Room

So you don't need a new permit as long as you haven't hit the reclamation date or or changing the use and what the and.

1:16:46.840 --> 1:17:2.510

Sophie Moiese Room

And again, that's what Mr Trump is saying is that without county intervention, either, you know revoking

that permit or otherwise not granting a further variance of the permit because again, this has never been before a board for a variance review.

1:17:2.700 --> 1:17:8.130

Sophie Moiese Room

This is received a zoning compliance permit at each stage that it's been allowed to continue.

1:17:8.380 --> 1:17:11.650

Sophie Moiese Room

And so in 2008, what happened?

1:17:11.760 --> 1:17:20.70

Sophie Moiese Room

My understanding again the fact pattern is very convoluted and so we're still working to piece apart how exactly we even got to this point.

1:17:20.200 --> 1:17:40.380

Sophie Moiese Room

But to the best of my understanding, what happened is that in 2008 it became clear that they had been operating without a permit since at least 2001, when they applied for 2861, or for that initial permit to expand the operation to 72 acres at that point in time, they saw it or the county.

1:17:40.720 --> 1:18:2.80

Sophie Moiese Room

The Office of Planning and Grants sought an opinion from the County Attorney on whether or not to grant or to permit the zoning compliance form or permit to allow Mr Hendrickson to obtain the DEQ permit to expand the operation, which he subsequently did get in 2009.

1:18:2.760 --> 1:18:12.330

Sophie Moiese Room

So in 2008, the County Attorney essentially just offered an opinion saying the zoning appears to preclude this activity.

1:18:12.640 --> 1:18:28.460

Sophie Moiese Room

That said, it's been ongoing now for however many years that out of equity of the parties were going to retro or one, and likewise for whatever reason, the DEQ was also operating as though it were permitted.

1:18:28.520 --> 1:18:38.380

Sophie Moiese Room

And I think my understanding is that that's because he had posted a bond for those 72 acres, but the permit for whatever reason was never actually issued.

1:18:38.630 --> 1:18:44.680

Sophie Moiese Room

So the DEQ treated it as a permitted mine, even though there was no permit.

1:18:45.210 --> 1:18:59.480

Sophie Moiese Room

And in that period of time, then it became when they were reviewing their bonded the bonded acreage for mining, they realized that ohh, this property actually never got a permit, went back to Mr Hendrickson and said you need to get a permit for this property.

1:18:59.610 --> 1:19:12.0

Sophie Moiese Room

He then applied for a zoning compliance permit from the Office of Planning and grants, at which time they sought the county attorney's opinion on whether or not this use was actually in compliance.

1:19:12.620 --> 1:19:33.70

Sophie Moiese Room

So at that time, the County Attorney issued his opinion that, no, the it's not in in compliance with the zoning, but out of equity and because the DEQ seems to retro seems to be retroactively granting this permit, we're going to say this is the last time you get a zoning compliance permit.

1:19:33.590 --> 1:19:41.630

Sophie Moiese Room

And part of that also was to issue for the future a zoning compliance permit for the reclamation of the property as well.

1:19:41.930 --> 1:19:44.360

Sophie Moiese Room

So for for the filling in of that pit.

1:19:44.430 --> 1:19:45.60

Sophie Moiese Room

Thank you.

1:19:45.210 --> 1:19:49.750

Sophie Moiese Room

Sorry, it's called just to follow on on the question.

1:19:49.920 --> 1:19:59.650

Sophie Moiese Room

So John, John Hart, and that's why you said Missoula County deputy County Attorney, I didn't write that letter though.

1:19:59.700 --> 1:20:2.100

Sophie Moiese Room

OK, OK, so so.

1:20:4.290 --> 1:20:10.500

Sophie Moiese Room

Have there been points recognizing that there is a decades long history that has gotten us to where we are today?

1:20:11.860 --> 1:20:15.280

Sophie Moiese Room

Were there points where a decision?

1:20:17.510 --> 1:20:21.920

Sophie Moiese Room

Threshold should have been here before the board of County Commissioners.

1:20:21.980 --> 1:20:29.810

Sophie Moiese Room

A decision should have been before the board of County Commissioners and it was not A and is that even germane today?

1:20:33.930 --> 1:20:44.520

Sophie Moiese Room

I can't say that definitively that there should have been a public process that was overlooked or skipped or or or side stepped in the past.

1:20:44.810 --> 1:20:56.330

Sophie Moiese Room

What I can say is that you know, it might have been a good idea at some point in time in the past to have had some kind of a a public hearing about.

1:20:58.840 --> 1:21:6.320

Sophie Moiese Room

The mining permits that were applied for in the past, but I can't say yes based on this statute.

1:21:6.420 --> 1:21:8.840

Sophie Moiese Room

This is what you should have happened.

1:21:12.100 --> 1:21:15.530

Sophie Moiese Room

That's not helpful, but that's about as much help as I can be.

1:21:16.240 --> 1:21:19.210

Sophie Moiese Room

We capture go. Uh.

1:21:21.380 --> 1:21:22.350

Sophie Moiese Room

Sure.

1:21:22.360 --> 1:21:23.470

Sophie Moiese Room

And just a moment, Sir.

1:21:23.720 --> 1:21:24.390

Sophie Moiese Room

Go ahead.

1:21:24.680 --> 1:21:24.890

Sophie Moiese Room

Yeah.

1:21:24.900 --> 1:21:30.350

Sophie Moiese Room

So John should help should something have happened in 2020 that didn't.

1:21:30.880 --> 1:21:34.750

Sophie Moiese Room

Should some some action should have been taken, this thing's gonna die in 2020.

1:21:34.760 --> 1:21:36.430

Sophie Moiese Room

What what should have happened then?

1:21:36.760 --> 1:21:37.750

Sophie Moiese Room

I I don't know.

1:21:37.810 --> 1:21:43.10

Sophie Moiese Room

I I would like to hear I I think that the the applicant needs to answer some of these questions.

1:21:43.620 --> 1:21:46.840

Sophie Moiese Room

I you know, I wasn't part of that application process.

1:21:49.890 --> 1:21:50.580

Sophie Moiese Room

They have.

1:21:50.650 --> 1:21:59.100

Sophie Moiese Room

They have had a permit to mine on 72 acres, you know, since around 2009.

1:21:59.630 --> 1:22:2.820

Sophie Moiese Room

But I mean, you know, we heard Miss Heggan talk about this.

1:22:2.910 --> 1:22:5.400

Sophie Moiese Room

They might be on their 4th Amendment now.

1:22:5.450 --> 1:22:7.460

Sophie Moiese Room

I don't know how these amendments work.

1:22:7.530 --> 1:22:19.970

Sophie Moiese Room

I'm not an expert on on open cut mining or Title 85, but the applicant could certainly tell us at this meeting or a subsequent meeting, you know what has happened.

1:22:20.700 --> 1:22:23.290

Sophie Moiese Room

Sense they have owned the mine.

1:22:23.480 --> 1:22:29.320

Sophie Moiese Room

I'm wondering on that amendment, did they check the box that said, yes, this is in compliance or not?

1:22:31.450 --> 1:22:32.80

Sophie Moiese Room

With the zoning.

1:22:34.690 --> 1:22:35.260

Sophie Moiese Room

I don't know.

1:22:35.310 --> 1:22:47.880

Sophie Moiese Room

Well, we we heard, we heard that there was a 1993 at a stasia at a station that the property was not zoned residential and I'm not sure what has transpired since then, Jenny.

1:22:50.490 --> 1:22:51.120

Sophie Moiese Room

Thank you.

1:22:52.30 --> 1:23:1.840

Sophie Moiese Room

When we when the county zoning Office, became aware in 2008 that a permit had been sitting on the desk at DEQ for 6 1/2 years.

1:23:3.870 --> 1:23:20.940

Sophie Moiese Room

There, there was a lot of a lot of angst and I have a an analysis written up here where it took us about a year and a half to kind of come to some conclusions which ultimately was the result of that Mike Sehested letter from the County Attorney's office.

1:23:21.370 --> 1:23:33.340

Sophie Moiese Room

But the summary was the gravel pit has received zoning compliance twice before, once in 1993, where it was acknowledged as a nonconforming use.

1:23:33.350 --> 1:24:2.340

Sophie Moiese Room

Based on that small amount of activity and what we got was then in 1999, a handwritten note from our county Attorneys office that says I have reviewed the zoning compliance permit for the gravel extraction for JTL, which was it was who is doing it in 99 and they are a legal non conforming use that was required to be newly permitted under the change in the law.

1:24:2.740 --> 1:24:9.880

Sophie Moiese Room

Please sign the zoning compliance permit so that was in 99, so twice the the planning department was.

1:24:11.730 --> 1:24:12.190

Sophie Moiese Room

Umm.

1:24:12.710 --> 1:24:27.340

Sophie Moiese Room

Encouraged by the county Attorney's office in there, you know, with their knowledge of law and mining, mining law and based on zoning law, that it was illegal, nonconforming use that that it was in fact a zoning compliant.

1:24:27.410 --> 1:24:34.0

Sophie Moiese Room

Now, whether there was, whether that's in fact true and the case is made here are compelling.

1:24:35.60 --> 1:24:35.380

Sophie Moiese Room

Umm.

1:24:36.100 --> 1:24:44.130

Sophie Moiese Room

By the time it came to us again for the third time, 6 1/2 years later, after they submitted to DEQ for their expansion is 72 acres.

1:24:44.540 --> 1:24:45.830

Sophie Moiese Room

That's when we were told.

1:24:45.900 --> 1:24:56.950

Sophie Moiese Room

I recommend you issue the permit for the for that umm period up until and I thought it was 2045 but I guess it could be 2020 and and just a SEC.

1:24:57.20 --> 1:25:2.610

Sophie Moiese Room

Umm we when we issue zoning compliance we it doesn't expire.

1:25:3.340 --> 1:25:13.880

Sophie Moiese Room

I mean, if it's not, if it like when we issued zoning compliance in 2009, it was to do that use could continue until whenever the expiration is on the DEQ side of things.

1:25:15.240 --> 1:25:21.390

Sophie Moiese Room

And so if there was a 2020 expiration and then it was extended to 2045, which I think it was.

1:25:21.840 --> 1:25:22.690

Sophie Moiese Room

So there was no.

1:25:22.700 --> 1:25:27.840

Sophie Moiese Room

So nothing happened in 2020 that you need to worry that other than maybe from the DEQ side of things.

1:25:27.850 --> 1:25:28.110

Sophie Moiese Room

Yeah.

1:25:28.180 --> 1:25:39.830

Sophie Moiese Room

And I guess just to be clear that Mister Sehested's letter says that it will lapse at the end of that period is limited by the permit period and will lapse at the end of that period.

1:25:39.840 --> 1:25:42.370

Sophie Moiese Room

And he is talking about the DEQ permit there.

1:25:42.530 --> 1:25:49.670

Sophie Moiese Room

So he's basically saying when the mining permit for this thing guys, this issue goes away and we should just let that happen.

1:25:50.280 --> 1:25:54.770

Sophie Moiese Room

So it does seem like maybe he was talking about 2045 at that point of time.

1:25:55.20 --> 1:26:5.750

Sophie Moiese Room

But I think what we're really talking about is a cascade of errors that occurred maybe just out of simple mistake, which happens starting back in 1993.

1:26:5.840 --> 1:26:16.760

Sophie Moiese Room

That mistake, then, is perpetuated by the fact that it's a permanent mistake is what we just heard, that the zoning noncompliance then essentially is self fulfilling and forever and ever.

1:26:16.930 --> 1:26:21.140

Sophie Moiese Room

And it was all based on a misstatement of truth at the outset.

1:26:21.390 --> 1:26:31.860

Sophie Moiese Room

And so essentially we have a situation here that becomes a self fulfilling prophecy of a misstatement of fact and truth that is then applied incorrectly.

1:26:31.960 --> 1:26:42.600

Sophie Moiese Room

That, then is perpetuated for A3 decade period of time and how has being applied as the rationale to double in size, something that never should have existed in the 1st place?

1:26:42.950 --> 1:26:43.520

Sophie Moiese Room

Thank you.

1:26:43.590 --> 1:26:43.960

Sophie Moiese Room

Thank you.

1:26:43.970 --> 1:26:48.80

Sophie Moiese Room

Mr Coppess, I'd like to get to representative Western materials.

1:26:53.760 --> 1:26:54.270

Sophie Moiese Room

Thank you.

1:26:54.320 --> 1:26:55.330

Sophie Moiese Room

My name is Mike Smith.

1:26:55.340 --> 1:27:0.360

Sophie Moiese Room

I'm with WGM and I represent Western materials on this and I just was hoping to provide some clarity.

1:27:2.100 --> 1:27:3.70

Sophie Moiese Room

Ohh, commissioners lot.

1:27:3.80 --> 1:27:6.450

Sophie Moiese Room

Nick had noted that a lot of these issues were DEQ issues.

1:27:6.900 --> 1:27:10.250

Sophie Moiese Room

My job is to do go through the permitting process with the EQ.

1:27:10.260 --> 1:27:12.250

Sophie Moiese Room

Some very, very familiar with how they operate.

1:27:13.120 --> 1:27:21.450

Sophie Moiese Room

One thing that I would like to point out from the DEQ's point of view, there's a lot of discussion about the permit expiring and ending at a certain date.

1:27:22.60 --> 1:27:28.30

Sophie Moiese Room

The way that the DEQ permits these permits, you cannot put on your permit application.

1:27:28.40 --> 1:27:29.590

Sophie Moiese Room

I want this permit to last forever.

1:27:30.140 --> 1:27:34.90

Sophie Moiese Room

Clearly that wouldn't be a good choice for for keeping things in compliance.

1:27:34.100 --> 1:27:47.810

Sophie Moiese Room

What they do is they make you put a date on it and they they say, tell me why, you know, this sounds like a good time and usually it's like we can't tell what's going to happen with the industry, with the, with building needs and forever.

1:27:47.900 --> 1:28:3.190

Sophie Moiese Room

But we see a need for the next 10-15 twenty years and the plan by the DEQ by making them put a date on the end, requires that applicant or operator to go back when that date is closed and asked to be continued.

1:28:3.660 --> 1:28:13.130

Sophie Moiese Room

So while it's called and and and and on the on the application itself, and to this day, and even on the old ones, it says estimated date of reclamation.

1:28:13.140 --> 1:28:14.620

Sophie Moiese Room

When do you think you might be done?

1:28:14.990 --> 1:28:30.40

Sophie Moiese Room

So we say, well, we think we're gonna be done now, but it is typical and very common practice almost to a tee that unless these pits are single use, which you might find in the middle of the state for an extension of a highway, once that highway is done there not to have any more need there.

1:28:30.50 --> 1:28:37.810

Sophie Moiese Room

So then those pits will close a pit where development continues and is a continuing need and this is continuing requirements would have the gravel.

1:28:38.20 --> 1:28:44.850

Sophie Moiese Room

These pits are often extended and by putting that date on there, the DEQ then has control over what you do.

1:28:45.0 --> 1:28:53.330

Sophie Moiese Room

It allows them, most importantly to them to increase the bond because bond prices always go up, so they want to make sure that, as the DEQ, they have control.

1:28:53.340 --> 1:28:58.390

Sophie Moiese Room

If the operator walks away, they have enough money in their bond to reclaim that pit.

1:28:58.880 --> 1:29:0.290

Sophie Moiese Room

So the expiration date?

1:29:1.300 --> 1:29:7.810

Sophie Moiese Room

Umm in in this in this in the one that was a granted in 2015, I think.

1:29:7.820 --> 1:29:8.530

Sophie Moiese Room

Or 2014?

1:29:9.680 --> 1:29:10.40

Sophie Moiese Room

Umm.

1:29:10.280 --> 1:29:10.870

Sophie Moiese Room

When, when?

1:29:10.880 --> 1:29:19.760

Sophie Moiese Room

When that was, uh, set at 2045, the plan has always been with this bit and with many others like it.

1:29:19.990 --> 1:29:23.780

Sophie Moiese Room

When that day gets close, we will reevaluate if there's a continued need.

1:29:23.870 --> 1:29:38.810

Sophie Moiese Room

There's a continued viability, and if we need to expand extend that date for the DEQ and if you have any questions I can answer, yeah, I I have some questions that might take us in a slightly different direction, but go ahead.

1:29:38.820 --> 1:29:40.570

Sophie Moiese Room

So what is the date then?

1:29:40.700 --> 1:29:59.840

Sophie Moiese Room

It 2020 or 2045 that you're referencing well, I I believe in the in Stan Hendrickson's original one in 2009, I

think he identified 2020 when it was uh renewed and I believe 2014 or 15 that date was then identified as 2045.

1:30:0.170 --> 1:30:10.590

Sophie Moiese Room

So that I don't think anyone argues that that permit was certainly accepted and treated as valid the, the, the one that says 2045 now the one that they're trying to that we are trying to expand.

1:30:11.80 --> 1:30:18.460

Sophie Moiese Room

So currently the date of planned of of estimated reclamation finishing is 2045.

1:30:18.830 --> 1:30:19.170

Sophie Moiese Room

Thanks.

1:30:21.280 --> 1:30:22.110

Sophie Moiese Room

Yeah, thanks.

1:30:22.180 --> 1:30:27.510

Sophie Moiese Room

So you said 2014, you thought there was an amendment, an extension applied for, yes.

1:30:27.810 --> 1:30:34.50

Sophie Moiese Room

So in that application here is there are box that gets checked that says we're in compliance with zoning.

1:30:34.850 --> 1:30:42.570

Sophie Moiese Room

We had the as as Genie pointed out, that the Zoning compliance certificate from the previous permit, that was the one that Michael had said.

1:30:42.580 --> 1:30:44.300

Sophie Moiese Room

Hey, it's so here's that.

1:30:44.400 --> 1:30:44.810

Sophie Moiese Room

Yes, him.

1:30:46.30 --> 1:30:50.800

Sophie Moiese Room

So I had once you have that, we wouldn't have to get every other time another time.

1:30:50.810 --> 1:31:1.630

Sophie Moiese Room

So we we said it was, it was in this permit, we're now transferring to this permit, but requested again if it if it wasn't, if it was compliant zoning, then it was compliant with zoning.

1:31:1.640 --> 1:31:2.590

Sophie Moiese Room

Now, as as any point.

1:31:6.620 --> 1:31:8.520

Sophie Moiese Room

OK, I've got a couple other questions.

1:31:8.530 --> 1:31:13.980

Sophie Moiese Room

You you may or may not be the the right person from Western materials to answer this, but I'll do my best.

1:31:14.330 --> 1:31:26.780

Sophie Moiese Room

Umm, what is the unnecessary hardship that literally literal enforcement of of the the zoning would would create?

1:31:26.890 --> 1:31:28.790

Sophie Moiese Room

And definitely not the person who has that question.

1:31:31.20 --> 1:31:31.320

Sophie Moiese Room

I'm good.

1:31:32.60 --> 1:31:34.120

Sophie Moiese Room

Alan, are you on the call here?

1:31:35.630 --> 1:31:37.920

Sophie Moiese Room

Ellen McCormick is our legal counsel.

1:31:39.920 --> 1:31:40.760

Sophie Moiese Room

I think he was on.

1:31:42.610 --> 1:31:43.790

Sophie Moiese Room

Alan, are you out there?

1:31:47.700 --> 1:31:48.500

Sophie Moiese Room

I see him.

1:31:53.490 --> 1:31:54.210

Alan F. McCormick

I am out here.

1:31:53.820 --> 1:31:55.660

Sophie Moiese Room

I am OK.

1:31:55.670 --> 1:32:5.70

Sophie Moiese Room

Mr McCormick, what is the unnecessary hardship that brings us here today to contemplate this variance, request a large.

1:32:4.220 --> 1:32:20.850

Alan F. McCormick

Well, largely the unnecessary hardship is that gravel exists or gravel exists and it's not possible to continue to seek gravel and gravel is being built upon and so they resource exists there.

1:32:20.900 --> 1:32:38.960

Alan F. McCormick

The gravel exists there and the only thing that's preventing its extraction, given that the permitting has been available and and is certainly likely to continue and by permitting mean the DQ is that the only thing that's preventing it from occurring is the zoning restrictions.

1:32:38.970 --> 1:32:41.270

Alan F. McCormick

And so the zoning are creating a hardship.

1:32:41.310 --> 1:32:45.330

Alan F. McCormick

And you can liken it to, uh, classic hardship cases.

1:32:45.660 --> 1:32:46.520

Alan F. McCormick

You've got a lot.

1:32:46.530 --> 1:32:53.190

Alan F. McCormick

That's 150 feet wide, but the the zoning has a 200 foot setback or something like that.

1:32:53.400 --> 1:33:14.200

Alan F. McCormick

Obviously, a strict interpretation of it means you can't use your lot because of the setback is eliminating all use of it and then set instance the gravel resource that was being being taken here is inaccessible because of the the restriction against the further extraction of gravel.

1:33:14.550 --> 1:33:25.360

Alan F. McCormick

So variances exist specifically to prevent situations like this where you can demonstrate there's that there's a hardship, a hardship could be overcome.

1:33:25.370 --> 1:33:38.90

Alan F. McCormick

In my previous example, by changing the size of the lot, for example, well, we can't move the gravel and gravel exist where it exists and therefore the hardship exists solely because of the strict letter of the law is not allowing access to it.

1:33:39.40 --> 1:33:47.910

Sophie Moiese Room

OK, before we go on, I know Tyler Gernandt Missoula County Treasurer has a question, but just another follow on Alan.

1:33:47.970 --> 1:34:4.220

Sophie Moiese Room

So talk to us a little bit about gravel in Missoula County, my understanding and and I might be erroneous in this, is that there's still 20 years worth of gravel in the the the current footprint of the mining operation.

1:34:5.60 --> 1:34:5.700

Sophie Moiese Room

Uh.

1:34:6.180 --> 1:34:15.240

Sophie Moiese Room

If if this was not allowed to expand, what sort of impact would that have on on construction?

1:34:17.160 --> 1:34:20.570

Sophie Moiese Room

Abundance or supply of gravel in Missoula County?

1:34:21.60 --> 1:34:22.950

Sophie Moiese Room

Is this the only this?

1:34:23.50 --> 1:34:27.810

Sophie Moiese Room

This clearly is not the only gravel pit in Missoula County or in western Montana.

1:34:28.300 --> 1:34:29.850

Sophie Moiese Room

But what?

1:34:30.200 --> 1:34:37.820

Sophie Moiese Room

What impact would be predicted to occur if this variance was not allowed?

1:34:39.740 --> 1:34:57.430

Alan F. McCormick

That's probably a question that could be addressed by Mike and John Kappas and and myself in different ways the analysis of variance and hardship is specific to the the particular landowner and the regulations affecting that landowner.

1:34:57.800 --> 1:35:5.570

Alan F. McCormick

And so it's it's a little outside the bounds of the analysis to say, well, we have gravel somewhere else.

1:35:5.630 --> 1:35:12.160

Alan F. McCormick

And so you should, as a landowner, not be entitled to extract the gravel on your site.

1:35:12.250 --> 1:35:20.50

Alan F. McCormick

But the practical answer to your question is that this gravel happens to be fairly it.

1:35:20.600 --> 1:35:22.10

Alan F. McCormick

I was gonna say fairly unique.

1:35:22.20 --> 1:35:23.490

Alan F. McCormick

That's a weird phrase.

1:35:23.500 --> 1:35:24.130

Alan F. McCormick

It is unique.

1:35:24.910 --> 1:35:35.780

Alan F. McCormick

Yeah, it's sort of to a certain extent upon crushing and extraction, it meets current public work standards for gravel and not a lot of the resources elsewhere do that.

1:35:36.630 --> 1:35:39.700

Alan F. McCormick

And so it's been a very valuable resource.

1:35:39.710 --> 1:35:42.760

Alan F. McCormick

It's also it's got a good proximity to town, of course.

1:35:42.770 --> 1:35:54.300

Alan F. McCormick

We understand that knife River is now trucking and gravel from tarkio that increases cost and increases cost of construction and makes it more difficult to obtain.

1:35:54.530 --> 1:36:0.610

Alan F. McCormick

Doesn't help the county's climate goals when you're having to increase transportation and the CO2 from that.

1:36:1.150 --> 1:36:6.640

Alan F. McCormick

And so we've got a resource that is very good quality that meets public work standards here.

1:36:7.20 --> 1:36:8.720

Alan F. McCormick

That is an existing pit.

1:36:8.760 --> 1:36:10.230

Alan F. McCormick

You don't have to move the equipment.

1:36:10.280 --> 1:36:12.70

Alan F. McCormick

You don't have to move the location.

1:36:12.540 --> 1:36:19.210

Alan F. McCormick

The DQ permitting is in place and the like, and so it's a it's a resource that's ready and available.

1:36:19.220 --> 1:36:20.170

Alan F. McCormick

That's right there.

1:36:20.220 --> 1:36:22.310

Alan F. McCormick

And of course, as I've mentioned, you can't move it.

1:36:22.320 --> 1:36:31.260

Alan F. McCormick

So there are a lot of cost savings associated with allowing the resource to be extracting where it is and that's sort of the nature of this.

1:36:31.330 --> 1:36:40.990

Alan F. McCormick

I I know John and Mike can speak more of the specific cost per for instance the the cost of tonnage to to move it from a place like tarkio and like.

1:36:41.980 --> 1:36:43.490

Sophie Moiese Room

But Eleanor, what?

1:36:43.500 --> 1:36:47.260

Sophie Moiese Room

I heard you first say is that that is, even though I've.

1:36:47.270 --> 1:36:51.420

Sophie Moiese Room

I've heard that argument a number of times, articulated by others.

1:36:51.430 --> 1:36:55.320

Sophie Moiese Room

That's not germane to the unnecessary hardship.

1:36:57.720 --> 1:37:7.630

Alan F. McCormick

I think that's right because the hardship criteria is applied specifically to the parcel that's being impacted by the the the the regulations.

1:37:7.970 --> 1:37:12.550

Alan F. McCormick

And so, you know, you could say, well, sure, there's 20 years of gravel left there.

1:37:12.560 --> 1:37:14.10

Alan F. McCormick

So do you really have a hardship?

1:37:14.20 --> 1:37:23.270

Alan F. McCormick

But you know the county itself is doing 20 and 20 year planning efforts and longer planning efforts of those next phases of growth and like.

1:37:23.280 --> 1:37:28.990

Alan F. McCormick

And so when you're looking at construction resources like this, you've got to look in a much larger horizon.

1:37:29.370 --> 1:37:53.920

Alan F. McCormick

There's also the opportunity to protect the resource from some other type of development, such as residential development, so that you can you have the ability to extract it before it's built over and gone, and so the but the parcel is, you know, the the criteria has to be applied to is it an unreasonable hardship for this particular parcel and this particular landowner within this zoning district?

1:37:54.540 --> 1:37:58.170

Alan F. McCormick

Uh, you know that because of the zoning district did not exist.

1:37:58.440 --> 1:38:5.410

Alan F. McCormick

You would not have the power to regulate it and and you would not have the power to accept the mitigation and the conditions that are upon it.

1:38:5.420 --> 1:38:5.770

Alan F. McCormick

So.

1:38:6.60 --> 1:38:20.70

Alan F. McCormick

So in a weird way, there's a there's a real benefit to having this in the zoning district, where you have those powers because certainly at alternative would be to remove it from the zoning district and the variance would not be needed.

1:38:20.420 --> 1:38:26.140

Alan F. McCormick

But of course, then you'd lose the ability to accept mitigation measures pursuant to a zoning variance.

1:38:26.910 --> 1:38:27.780

Sophie Moiese Room

Thank you, Tyler.

1:38:29.520 --> 1:38:30.40

Sophie Moiese Room

Thank you.

1:38:30.50 --> 1:38:32.730

Sophie Moiese Room

And Alan, this is directed to you too.

1:38:32.960 --> 1:38:39.40

Sophie Moiese Room

Well, I'm in terms of the hardship, I'm having a little bit of a struggle with this sense that this is not.

1:38:39.450 --> 1:38:44.500

Sophie Moiese Room

That's the Western materials doesn't own this site right now.

1:38:44.510 --> 1:38:45.320

Sophie Moiese Room

It is owned by.

1:38:45.330 --> 1:38:46.510

Sophie Moiese Room

I don't know how to say their.

1:38:46.520 --> 1:38:53.720

Sophie Moiese Room

I think it's labyrinths, and so they're in a buy sell that I presume is contingent on this variance being approved.

1:38:55.130 --> 1:38:58.680

Sophie Moiese Room

So at the moment, the hardship seems speculative because they don't even own the property.

1:38:58.690 --> 1:39:1.80

Sophie Moiese Room

Is there a hardship to the Labin goose or is there?

1:39:1.90 --> 1:39:6.120

Sophie Moiese Room

What are the standards that were that we're looking at in terms of the hardship and who actually currently owns the property?

1:39:6.490 --> 1:39:7.120

Sophie Moiese Room

Thanks, Alan.

1:39:8.20 --> 1:39:10.320

Alan F. McCormick

Yeah, that's that's a good question, Tyler.

1:39:10.920 --> 1:39:34.910

Alan F. McCormick

And and certainly the way this worked and and part of the the process was, you know, land owners typically gain an interest in real property by executing a purchase and sale agreement which allows them entitled them to then seek the the approvals that they need to to use the property in the manner that they they deem most important in them.

1:39:35.60 --> 1:39:37.50

Alan F. McCormick

So it's very common that we are.

1:39:38.310 --> 1:39:56.860

Alan F. McCormick

Executing purchase and sale agreements right now and and think about the all the area out there by the build grant all all of that land is being sold on a on a purchase and sale contract that has a condition in it that says a conditioned to closing is that we are successfully able to obtain the entitlements.

1:39:56.950 --> 1:40:13.50

Alan F. McCormick

And so you put in the all of those purchase and sale agreements, a clause that obligates the landowner to sign whatever documents are necessary to demonstrate that you know the the the landowner is accepting and willing and appreciates the effort to get the entitlements.

1:40:13.390 --> 1:40:23.150

Alan F. McCormick

And then because the the because in this instance Western has executed the purchase and sale agreement, they have an interest in the property that entitles them to pursue this.

1:40:27.290 --> 1:40:31.190

Sophie Moiese Room

I might follow up with just one question, which is somewhere in the record.

1:40:31.200 --> 1:40:48.570

Sophie Moiese Room

I noticed that it looked like and I could be because I'm reading a transcript of a of the prior meeting that I wasn't at, but that the Libyan goose were looking at originally to develop this residentially and then somehow there was somehow they got connected with Western materials to expand the gravel pit.

1:40:48.700 --> 1:40:49.970

Sophie Moiese Room

Do you know the history of that?

1:40:49.980 --> 1:40:51.230

Sophie Moiese Room

And is that something you can speak to?

1:40:52.610 --> 1:40:54.640

Alan F. McCormick

I I do know some of that history.

1:40:54.650 --> 1:41:5.420

Alan F. McCormick

The Libyan goose have also explored gravel extraction on their property over the years, and there's a there's a real benefit to doing it in concert with Western.

1:41:5.810 --> 1:41:12.380

Alan F. McCormick

If each one of them pursue gravel operations themselves, they've gotta have a set back from their respective operations.

1:41:12.390 --> 1:41:28.570

Alan F. McCormick

That creates some weird head wall issues and and basically sort of wipes out half the ability to extract gravel because of these setbacks and the like, and so I know that they have talked over the years with the county about a particular variance for themselves.

1:41:28.800 --> 1:41:36.650

Alan F. McCormick

They talked with Western about joining operations and the like, and this arrangement is what made most sense to most efficiently.

1:41:37.370 --> 1:41:41.450

Alan F. McCormick

It it continued to extract the gravel in the manner that it's been done.

1:41:44.880 --> 1:41:45.690

Sophie Moiese Room

Thank you, Anita.

1:41:46.920 --> 1:41:48.50

Sophie Moiese Room

I don't know Shane or Jenny.

1:41:48.60 --> 1:41:57.200

Sophie Moiese Room

Can you speak to the uniqueness of of the geology or hydrology or the direction of this proposed expansion?

1:41:58.560 --> 1:41:58.930

Sophie Moiese Room

Umm.

1:41:59.60 --> 1:42:0.760

Sophie Moiese Room

And that's the quality of the gravel.

1:42:1.50 --> 1:42:3.810

Sophie Moiese Room

Shane, or maybe even more appropriately, the applicant.

1:42:5.50 --> 1:42:7.500

Sophie Moiese Room

But would the applicant like to speak to this?

1:42:8.130 --> 1:42:25.890

Sophie Moiese Room

And but I mean, I can only tell you and repeat what has been repeated several times, that it and it's in the staff report, there's a finding about the different kinds of materials that are all found on this site that are kind of the whole broad range of construction materials that are needed at a close location to Missoula, the Missoula Valley.

1:42:27.830 --> 1:42:29.260

Sophie Moiese Room

Yeah, well said.

1:42:29.480 --> 1:42:35.790

Sophie Moiese Room

That's sounds umm we have done test pits in that all that entire area.

1:42:35.900 --> 1:42:50.270

Sophie Moiese Room

So we it's not like we're guessing what we think is there, we have some good indications, umm, the geology obviously just down that hill is is likely to be because of the glacial sediments that came down and brought a lot of the stuff there millions of years ago.

1:42:50.880 --> 1:42:52.950

Sophie Moiese Room

It's going to be similar, but Jenny's right.

1:42:52.960 --> 1:42:59.10

Sophie Moiese Room

The quality of the gravel is such that it's unique in that you can.

1:43:0.910 --> 1:43:8.640

Sophie Moiese Room

Process it to get to meet certain specifications that are required by department, transportation, DEQ, different sections.

1:43:8.650 --> 1:43:32.180

Sophie Moiese Room

DQ also have certain specifications that are hard to meet and as as an engineer, we often have to shop around to try and find where we're going to get our sources for for special projects, for certain kinds of septic systems, or if certain structural requirements are for the safety of the building that you might be putting up are necessary to meet.

1:43:32.940 --> 1:43:33.550

Sophie Moiese Room

Does that answer?

1:43:34.910 --> 1:43:35.460

Sophie Moiese Room

So I guess.

1:43:37.450 --> 1:43:41.170

Sophie Moiese Room

If you just wanna hang on momentarily going back to you, Alan McCormick.

1:43:41.180 --> 1:43:53.110

Sophie Moiese Room

So in light of what you said earlier in light of what we just heard as far as the type of material here again, is it even germane whether this is this is unique?

1:43:55.320 --> 1:44:0.680

Sophie Moiese Room

Aggregate or or material or not to determine unnecessary hardship.

1:44:3.390 --> 1:44:17.650

Sophie Moiese Room

If there were 20 or 30 pits across Missoula County just like this, that produced this sort of material, does that make any difference for determining unnecessary hardship as you're reviewing the criteria for?

1:44:19.370 --> 1:44:19.970

Sophie Moiese Room

A variance.

1:44:21.780 --> 1:44:24.810

Alan F. McCormick

No, I wouldn't say it's specifically germane.

1:44:24.820 --> 1:44:28.670

Alan F. McCormick

I mean it's it's it's I component of all of these questions, right?

1:44:28.820 --> 1:44:45.20

Alan F. McCormick

I mean it, it certainly the focus needs to be on whether this landowner can utilize the land in a in a reasonably practical manner and or can they meet the the criteria for a variance.

1:44:45.250 --> 1:44:55.660

Alan F. McCormick

And so, you know, the fact that there might be 20 other pits you having this gravel out there does not does not require you or obligate you in any fashion to check the box.

1:44:55.670 --> 1:44:58.380

Alan F. McCormick

No, because that isn't part of the criteria.

1:44:58.390 --> 1:45:8.910

Alan F. McCormick

The criteria is do these specific zoning regulations specifically impact this property in a way that a variance makes sense?

1:45:9.30 --> 1:45:10.240

Alan F. McCormick

That's that's the question.

1:45:10.720 --> 1:45:30.250

Alan F. McCormick

It's it's just sort of on, you know, on it's it's an extra indicator just like, you know, Mr Coppess mentioned that the history of the pits and was, you know, important information to sort of factor into things, even though that history is not germane because we have a different owner.

1:45:30.320 --> 1:45:34.120

Alan F. McCormick

And there is an operating pit there and latch is absolutely does apply.

1:45:34.880 --> 1:45:48.830

Alan F. McCormick

Umm, but in this instance you know that's the the fact that there aren't 30 other pits producing this kind of gravel, certainly ways towards the equities of fighting a hardship in this instance.

1:45:49.510 --> 1:45:51.320

Sophie Moiese Room

Alan, is there any difference?

1:45:51.850 --> 1:46:17.30

Sophie Moiese Room

I guess explain to me what the difference would be if we are if we were today looking at a 72 acre landfill that over time has gotten to the size that it is in a residential zoning district, would you be making the same argument that it would be an unnecessary, unnecessary hardship for the property owner to expand a a solid waste dump?

1:46:21.40 --> 1:46:33.780

Alan F. McCormick

If it would be the kind of I I'm I'm not quite understanding from your question whether you're suggesting a change in use, and certainly a change in use would have a different set of criteria sociated with it.

1:46:33.790 --> 1:46:35.350

Alan F. McCormick

If you're, if you're switching.

1:46:34.510 --> 1:46:41.570

Sophie Moiese Room

I guess what I'm suggesting, Alan, is the expansion of a use that's legally non conforming.

1:46:48.630 --> 1:46:48.870

Alan F. McCormick

Sure.

1:46:41.580 --> 1:46:50.330

Sophie Moiese Room

And I was just trying to pick an example that might be more readily seen as objectionable, but is similar to what's being proposed.

1:46:52.320 --> 1:47:0.700

Alan F. McCormick

Yeah, I mean I again it's it's more of a focus on the history of what's been there is the use changing or not is the resource there.

1:47:1.170 --> 1:47:6.40

Alan F. McCormick

I mean, we all know that a landfill has a very specific criteria for where it can go.

1:47:6.100 --> 1:47:19.950

Alan F. McCormick

There aren't a whole lot of places that that we're going to meet current EPA requirements for a landfill, so that that does factor into the equities of whether it's, you know, objectionable or not or whether it makes sense in a in a bigger picture.

1:47:19.960 --> 1:47:26.830

Alan F. McCormick

And I don't try not to be a typical attorney and and just go on wax poetic forever.

1:47:26.840 --> 1:47:41.490

Alan F. McCormick

But there is a lot of planning law out there about not ignoring things that exist, and there's an Ash Grove cement plant case where a neighborhood plan went in and didn't even mention the Ash Grove Cement plan existed.

1:47:41.500 --> 1:47:42.530

Alan F. McCormick

It was as if it was.

1:47:42.540 --> 1:47:52.720

Alan F. McCormick

It was gone and and the result of that litigation was that the Supreme Court recognized that you can't, you just can't ignore that some of these things exist and hope that they go away.

1:47:53.200 --> 1:47:54.610

Alan F. McCormick

And that was not zoning laws.

1:47:54.620 --> 1:48:4.590

Alan F. McCormick

So I'm not trying to directly equate that, but there is an analogy here that when you've got a pit that's of this size that's been operating for decades, latches absolutely applies.

1:48:4.700 --> 1:48:26.570

Alan F. McCormick

And it is where the resource is and you know you you could say to a landowner who to revert back to my original example, if you've got a lot that's 150 feet wide but subjected to a 200 foot setback, the criteria for don't zoning doesn't require you to say, but wait a minute, there's 400 other lots.

1:48:26.580 --> 1:48:27.870

Alan F. McCormick

You could just go by.

1:48:28.800 --> 1:48:29.280

Alan F. McCormick

No.

1:48:29.290 --> 1:48:39.610

Alan F. McCormick

You apply the criteria specifically to that parcel and that context, and and you don't analyze whether there might be some other other solution, like buying another lot.

1:48:40.670 --> 1:48:41.980

Sophie Moiese Room

Thank you, Jenny.

1:48:41.990 --> 1:48:43.70

Sophie Moiese Room

You have something?

1:48:43.110 --> 1:48:55.590

Sophie Moiese Room

Yes, the kind of continue this this line of discussion about the criteria and hardship, your draft findings and and when the applicant came and spoke with me initially in July of last year.

1:48:56.260 --> 1:49:6.540

Sophie Moiese Room

Umm, because there the criteria address these these three issues I asked them to address all three because I think.

1:49:7.310 --> 1:49:16.590

Sophie Moiese Room

And there is a there and in your draft findings show this, there's a stronger case to be made for potential public benefit and special conditions.

1:49:16.740 --> 1:49:44.200

Sophie Moiese Room

And the hardship argument is 1 where I asked them to really make the case, and as Alan has explained here to you today that that is their proposed hardship or asserted hardship, I should say we really keyed in more on public benefit and special conditions and probably would suggest that we add that the hardship criteria or findings in from Alan should you decide to approve it.

1:49:45.270 --> 1:49:45.710

Sophie Moiese Room

Thank you.

1:49:47.310 --> 1:49:47.560

Sophie Moiese Room

Yeah.

1:49:47.570 --> 1:49:47.860

Sophie Moiese Room

Go ahead.

1:49:47.870 --> 1:49:50.880

Sophie Moiese Room

Josh and I haven't forgotten the gentleman in the back.

1:49:50.890 --> 1:49:51.160

Sophie Moiese Room

Who?

1:49:51.170 --> 1:49:54.940

Sophie Moiese Room

I had some new information he wanted to share with us.

1:49:55.930 --> 1:49:58.480

Sophie Moiese Room

Is this for Mike or I was gonna ask Mr Capas.

1:49:58.490 --> 1:49:58.920

Sophie Moiese Room

Thank you, Mike.

1:49:59.930 --> 1:50:1.310

Sophie Moiese Room

Mr We'll let you sit down for a second.

1:50:2.200 --> 1:50:5.410

Sophie Moiese Room

Opposed kappas, can I ask, Mr Kappas?

1:50:5.780 --> 1:50:7.470

Sophie Moiese Room

Yes, Mr Coppess, we'll get to you.

1:50:7.480 --> 1:50:7.930

Sophie Moiese Room

Sorry.

1:50:8.180 --> 1:50:8.590

Sophie Moiese Room

Yeah.

1:50:8.600 --> 1:50:11.980

Sophie Moiese Room

So no problem if we could just pull back up our PowerPoint.

1:50:12.270 --> 1:50:13.0

Sophie Moiese Room

Sorry.

1:50:13.430 --> 1:50:16.60

Sophie Moiese Room

And if you could pull that mic up close, it's hard to hear.

1:50:16.70 --> 1:50:17.0

Sophie Moiese Room

Yes, please go ahead.

1:50:17.70 --> 1:50:23.510

Sophie Moiese Room

So you said earlier that when folks bought places here, they did this with their zoning in mind.

1:50:25.100 --> 1:50:27.410

Sophie Moiese Room

Did I understand you correctly when you said that?

1:50:27.790 --> 1:50:29.960

Sophie Moiese Room

That they that they that zoning was important.

1:50:29.970 --> 1:50:31.430

Sophie Moiese Room

They bought this with zoning in mind.

1:50:32.60 --> 1:50:35.280

Sophie Moiese Room

Yeah, I if you want to ask the individuals, I don't want to speak on there.

1:50:35.290 --> 1:50:36.250

Sophie Moiese Room

I thought that you said that.

1:50:36.260 --> 1:50:37.640

Sophie Moiese Room

I did say that, yeah.

1:50:37.650 --> 1:50:50.620

Sophie Moiese Room

So I've spoken with several of my clients that have indicated that to me, but I guess if you have specific questions for them, I was just wondering if so somebody moves next to a gravel pit.

1:50:52.470 --> 1:50:54.580

Sophie Moiese Room

And they did this with zoning in mind.

1:50:54.990 --> 1:51:1.100

Sophie Moiese Room

That zoning says this is residential, but there's a gravel pit there and they chose to move there.

1:51:1.210 --> 1:51:2.850

Sophie Moiese Room

I wonder what the thought process was.

1:51:2.860 --> 1:51:8.320

Sophie Moiese Room

Process was, were people thinking well, eventually this gravel pits gonna go away because it's not zoned properly.

1:51:8.850 --> 1:51:23.810

Sophie Moiese Room

I'm just just an open question because for the most part I didn't understand that there are some folks that have lived there for 40 years and predate the gravel pit, but just generally looking out at the folks here that aren't that many people who are quite who are of that age.

1:51:23.820 --> 1:51:26.450

Sophie Moiese Room

So they would have voluntarily moved there.

1:51:26.520 --> 1:51:34.10

Sophie Moiese Room

Next, chose to move next to a gravel pit and did they do this with the understanding that, oh, it's not complying with zoning?

1:51:34.20 --> 1:51:38.730

Sophie Moiese Room

So at some point the zoning's gonna change, or do they move next to a gravel pit going alright?

1:51:38.740 --> 1:51:46.610

Sophie Moiese Room

I live next to a gravel pit and I understand that comes with a lot of the health consequences the nurse was describing and we see hands flying up in the back.

1:51:46.620 --> 1:51:50.550

Sophie Moiese Room

If you folks would just hang on a second, we'll take you in order here.

1:51:52.180 --> 1:51:52.630

Sophie Moiese Room

Yeah.

1:51:52.640 --> 1:51:52.930

Sophie Moiese Room

Yeah.

1:51:52.940 --> 1:51:54.150

Sophie Moiese Room

Hang on, folks.

1:51:54.640 --> 1:51:54.920

Sophie Moiese Room

Yeah.

1:51:54.930 --> 1:52:4.770

Sophie Moiese Room

And I I guess my short answer here is I was speaking to people that were not coming to this nuisance that people there were there, that preexisted the creation of this prior to 1993.

1:52:4.960 --> 1:52:5.590

Sophie Moiese Room

Yeah, OK.

1:52:5.600 --> 1:52:18.450

Sophie Moiese Room

And I'm thinking just given the age of people and it's hard to make those judgments from 100 feet away, but it would appear that many people moved their post 1993.

1:52:18.520 --> 1:52:24.430

Sophie Moiese Room

It was already a gravel pit and I was just trying to how how do you put that together if they moved there with zoning in mind?

1:52:24.680 --> 1:52:29.10

Sophie Moiese Room

But it was an active gravel pit and the zoning says one thing and the gravel pit says another.

1:52:29.250 --> 1:52:31.520

Sophie Moiese Room

I'll just wondering how people squared that well.

1:52:31.530 --> 1:52:36.840

Sophie Moiese Room

Yeah, that would be a classic coming to nuisance situation where you move next to something and then complain about it.

1:52:36.850 --> 1:52:39.130

Sophie Moiese Room

Yeah, that's not the situation that we're describing.

1:52:39.140 --> 1:52:54.520

Sophie Moiese Room

And so I like, I'm saying there are people that are multi generational families here that have inherited property or successors in interest to their parents that have all been here prior to this thing existing when it began as a tiny little remember, let's not forget three acre site, right.

1:52:54.950 --> 1:52:58.640

Sophie Moiese Room

And so actually, if we could just skip through to the end, we never got to.

1:52:58.770 --> 1:53:7.800

Sophie Moiese Room

I just want to respond to some of the uniqueness issues that you guys all just discussed and I had been moving quickly and didn't go to some of my slides to to not touch on all the topics for time.

1:53:8.310 --> 1:53:9.130

Sophie Moiese Room

So keep going.

1:53:10.20 --> 1:53:13.860

Sophie Moiese Room

You'll see there's a map and this is from the Missoula County Growth policy.

1:53:15.230 --> 1:53:23.620

Sophie Moiese Room

Keep right here and this is a mouth from the Missouri County growth policy that identifies gravel resources in Missoula County.

1:53:24.40 --> 1:53:28.120

Sophie Moiese Room

And as you can see, This site is not even identified on this map.

1:53:28.570 --> 1:53:36.680

Sophie Moiese Room

There are not locations West of Old 93 identified at this site, but there are thousands of other acres identified.

1:53:36.690 --> 1:53:49.840

Sophie Moiese Room

It's basically all of the alluvial areas of the greater Missoula area and for most of Missoula County and whether it's relevant or not, the fact of the matter is this material is ubiquitous.

1:53:49.850 --> 1:54:7.190

Sophie Moiese Room

It's available everywhere and these sites are popping up every single day, and so if we look at just the proliferation of new sites alone in the last year there, there isn't a shortage issue and there's no evidence that's been presented that any savings would be passed along to the citizens.

1:54:7.200 --> 1:54:8.90

Sophie Moiese Room

So thank you, Mr Kopp.

1:54:8.100 --> 1:54:9.240

Sophie Moiese Room

To be clear, you're you were.

1:54:9.250 --> 1:54:17.870

Sophie Moiese Room

You were telling me before that that most of the people that were multi generational, we're here before the gravel pit and the the nuisance arrived around them.

1:54:17.880 --> 1:54:21.10

Sophie Moiese Room

They didn't choose to move next to an existing gravel pit.

1:54:21.180 --> 1:54:22.230

Sophie Moiese Room

Is that where you're saying?

1:54:22.300 --> 1:54:27.770

Sophie Moiese Room

So I can't say that I have surveyed all of the citizens, but I would certainly.

1:54:27.820 --> 1:54:29.860

Sophie Moiese Room

That some of the folks here could speak to that.

1:54:31.70 --> 1:54:31.560

Sophie Moiese Room

Thank you.

1:54:31.610 --> 1:54:45.520

Sophie Moiese Room

So the way we're going to take it, I I know there's a a woman right up front who would like to maybe speak, and then I saw a hand on the right side of the room over here from a gentleman who wanted to share some additional information.

1:54:45.530 --> 1:54:47.800

Sophie Moiese Room

And I know I saw a hand over here also.

1:54:48.70 --> 1:54:50.100

Sophie Moiese Room

So let's begin right here.

1:54:50.110 --> 1:54:52.990

Sophie Moiese Room

First, if if you still want to speak OK.

1:54:55.650 --> 1:54:56.80

Sophie Moiese Room

Thank you.

1:54:56.90 --> 1:55:0.440

Sophie Moiese Room

I just had a couple things that I wanted to say, if you could state your name, please.

1:55:0.450 --> 1:55:3.130

Sophie Moiese Room

Yeah, Tory Fort, I'm a resident in ZD 40.

1:55:3.920 --> 1:55:24.720

Sophie Moiese Room

Umm, just to the gentleman who came up regarding the DEQ permit, he mentioned that the permits are just so when they get an amendment to a permit, the DEQ takes whatever was predecessing it and they use it to amend or to continue whatever permits.

1:55:25.50 --> 1:55:30.460

Sophie Moiese Room

Well, and he said every time that they come up, they don't have to necessarily bring in a zoning compliance form.

1:55:30.670 --> 1:55:47.800

Sophie Moiese Room

So the only zoning compliance form that they seem to have is the 1 from 1983 and that 1993 one when we saw it was not in compliance, it said it was basically a lie on the zoning compliance from the previous owner saying that this was non residential.

1:55:47.850 --> 1:55:50.350

Sophie Moiese Room

So it seems and maybe I'm wrong that the.

1:55:51.730 --> 1:55:57.610

Sophie Moiese Room

Zoning, or that the permits for all of these years have just been piggybacking on one that was a lie.

1:55:58.740 --> 1:56:7.850

Sophie Moiese Room

So and then I just had another comment about the 2008 document that was not found in the DEQ public record request.

1:56:7.860 --> 1:56:18.410

Sophie Moiese Room

So it didn't seem to be given to DEQ with all that information and in it it said that it would let it lapse after that time period.

1:56:18.420 --> 1:56:23.120

Sophie Moiese Room

Well, if we talk about 2008, the amendment was in 2014.

1:56:23.130 --> 1:56:31.230

Sophie Moiese Room

So it seems that the 2008 was referring to 2020 and not 2045 because they weren't talking about 2045.

1:56:31.320 --> 1:56:38.650

Sophie Moiese Room

In 2008, they were talking about 2020, so when he went in in 2014, he was an aunt.

1:56:38.780 --> 1:56:44.260

Sophie Moiese Room

The person who applied for it, then Hendrickson put in the DQ documents of a reclamation date of 2020.

1:56:45.920 --> 1:56:46.380

Sophie Moiese Room

Umm.

1:56:48.690 --> 1:57:6.150

Sophie Moiese Room

And yes, there are people who bought houses in the residential area with the zoning compliance in mind because it states clearly it's not unclear in the zoning ZD 40 resolution about nonconforming uses.

1:57:6.260 --> 1:57:7.150

Sophie Moiese Room

It's very clear.

1:57:7.200 --> 1:57:18.870

Sophie Moiese Room

It says they shall not change in size and scope, so when you buy a house and you think, well, it's going to, it's basically at its end and it's going to be reclaimed.

1:57:19.190 --> 1:57:28.370

Sophie Moiese Room

That's what you expect because at the time you don't realize that it was all piggybacked on things that were illegal in the 1st place. Umm.

1:57:31.740 --> 1:57:32.440

Sophie Moiese Room

I had one moment.

1:57:32.450 --> 1:57:33.980

Sophie Moiese Room

Now I'm losing my train of thought.

1:57:33.990 --> 1:57:52.270

Sophie Moiese Room

Ohh yes, I I remember Jenny mentioned earlier about this ZD 40 being something that was done in the 50s, sixties, 70s and it's not something we do today or I think it's very clear it's that's why we're here today is because it is something that's.

1:57:55.0 --> 1:58:0.270

Sophie Moiese Room

In the law, it's something that all the residents around have been, umm, adhering too.

1:58:0.280 --> 1:58:3.980

Sophie Moiese Room

That's why we have the Nice resident area that we do, residential area that we do.

1:58:4.900 --> 1:58:6.800

Sophie Moiese Room

There's not a lot of housing in Missoula.

1:58:6.810 --> 1:58:16.950

Sophie Moiese Room

It's hard to find nice places in Missoula and it's a beautiful neighborhood, and if the other gravel pit wasn't here, it's a wonderful area and I think it should stay that way.

1:58:17.180 --> 1:58:18.970

Sophie Moiese Room

And that's the way the people have intended it.

1:58:18.980 --> 1:58:20.130

Sophie Moiese Room

And there's generational people.

1:58:20.140 --> 1:58:21.630

Sophie Moiese Room

There's new people, there are kids.

1:58:22.200 --> 1:58:26.250

Sophie Moiese Room

I have a one year old little boy who's 700 feet from a proposed asphalt plant.

1:58:26.460 --> 1:58:29.870

Sophie Moiese Room

So I have everything concerned with this.

1:58:29.980 --> 1:58:30.510

Sophie Moiese Room

Thank you.

1:58:30.570 --> 1:58:32.270

Sophie Moiese Room

Thank you, Sir.

1:58:32.280 --> 1:58:32.890

Sophie Moiese Room

Come on up.

1:58:32.900 --> 1:58:35.500

Sophie Moiese Room

And we I yeah, that that would be you.

1:58:35.970 --> 1:58:41.500

Sophie Moiese Room

Uh, we typically don't take additional public comment after we close the public hearing.

1:58:41.510 --> 1:58:45.970

Sophie Moiese Room

We're making an exception today, so share of state, your name and share what your thoughts are.

1:58:46.90 --> 1:58:47.290

Sophie Moiese Room

I'm Alan fosh.

1:58:48.170 --> 1:58:52.350

Sophie Moiese Room

Umm, since our first and if you could pull that a little closer, Alan, that would be great.

1:58:52.790 --> 1:59:2.350

Sophie Moiese Room

Since meeting you folks the first time here a while back, I've run into eight other people that have been there for more than 25 years.

1:59:4.180 --> 1:59:6.700

Sophie Moiese Room

I've been there myself since 1966.

1:59:8.660 --> 1:59:15.220

Sophie Moiese Room

There was no pit to speak of until Western material came along.

1:59:15.770 --> 1:59:18.880

Sophie Moiese Room

There was a small pit I think was 3 1/2 acres.

1:59:20.710 --> 1:59:36.560

Sophie Moiese Room

And as far as as I was part of the group that put the zoning in to start with that zoning, we were told at that time that was gonna protect us.

1:59:38.490 --> 1:59:40.830

Sophie Moiese Room

We are going to have five acres per house.

1:59:43.290 --> 1:59:45.800

Sophie Moiese Room

And that is definitely not what's going on here.

1:59:49.540 --> 1:59:50.150

Sophie Moiese Room

That's all.

1:59:50.380 --> 1:59:50.910

Sophie Moiese Room

Thank you.

1:59:50.920 --> 1:59:51.690

Sophie Moiese Room

Thank you, Sir.

1:59:51.820 --> 1:59:52.590

Sophie Moiese Room

Gentlemen.

1:59:52.880 --> 1:59:53.570

Sophie Moiese Room

Yeah, right there.

1:59:53.580 --> 1:59:53.930

Sophie Moiese Room

Come on up.

1:59:57.900 --> 2:0:5.390

Sophie Moiese Room

Louis Arch is again, and I just wanted to reference your comment about, you know, moving next to a gravel pit.

2:0:5.500 --> 2:0:6.810

Sophie Moiese Room

I have.

2:0:6.880 --> 2:0:9.670

Sophie Moiese Room

I moved in to my property in 2007.

2:0:9.720 --> 2:0:16.0

Sophie Moiese Room

I have 5 acres and when I move there that gravel pit existed.

2:0:16.660 --> 2:0:21.910

Sophie Moiese Room

It was, I believe I had heard that it was permitted for 15 acres.

2:0:21.920 --> 2:0:42.650

Sophie Moiese Room

It was probably less that it was one man operation with one little Loader, 1 little Dozer, and I wonder how it's gotten this big and it's specifically said in our zoning that they that the gravel pit, that any non conforming appliance, any nonconforming uses would be not allowed to expand.

2:0:42.780 --> 2:0:48.350

Sophie Moiese Room

So my thought was gravel pits not going to get any larger than the 15 acres it's permitted for.

2:0:48.620 --> 2:1:1.60

Sophie Moiese Room

I found out recently that that was built on lies, but that's a whole another side, so I didn't move in here and and say that I moved next to a gravel pit.

2:1:1.70 --> 2:1:10.340

Sophie Moiese Room

Now I don't like it that gravel pit has been expanding since ever since I've moved there, and my understanding was it wasn't supposed to expand at all.

2:1:11.330 --> 2:1:11.760

Sophie Moiese Room

Thanks.

2:1:11.990 --> 2:1:12.620

Sophie Moiese Room

Thank you, Sir.

2:1:13.570 --> 2:1:15.200

Sophie Moiese Room

There was another hand back there.

2:1:15.670 --> 2:1:16.250

Sophie Moiese Room

Come on up, Sir.

2:1:22.930 --> 2:1:32.940

Sophie Moiese Room

Hi, I'm Kevin Sherman, and similar to the last gentleman, even though I'm an old guy, I just moved there about three years ago to McIntosh Manor.

2:1:32.950 --> 2:1:48.900

Sophie Moiese Room

So to address your question directly, when we did our due diligence about the area, of course we reviewed the CC and ours of the Macintosh Manor development, asked our realtor about the surrounding area, and knew that we had the McCrae ranch to the north of us.

2:1:49.190 --> 2:2:10.670

Sophie Moiese Room

And as we understood it, the land to the South of us was owned 5 acre rural residential and those factors all you know were considered before we bought where we did the two acres were on now the gravel plant did exist and I'm one of those guys that hates it when somebody moves in next to the railroad tracks and complains about trains.

2:2:11.740 --> 2:2:24.610

Sophie Moiese Room

But I was told probably the best information my realtor had, that the pit was relatively small and couldn't get any larger, and I can tell you just in the three years I've lived there, it's gotten considerably larger.

2:2:24.620 --> 2:2:37.630

Sophie Moiese Room

So, you know, had we known this and especially had we known that it could possibly double in its size of his now, umm, it definitely would have caused us to reconsider whether we wanted to live in that area or not.

2:2:37.640 --> 2:2:43.80

Sophie Moiese Room

You know, of course, the final decision would have gone to my wife, but we would have reconsidered it, you know?

2:2:43.430 --> 2:2:47.190

Sophie Moiese Room

And if I could just take a quick minute about this undue hardship.

2:2:48.220 --> 2:3:2.70

Sophie Moiese Room

You know, I have a successful business in the aviation industry, we're heavily regulated and and if I had a project in mind to expand my business and I thought it was going to be great.

2:3:2.580 --> 2:3:4.790

Sophie Moiese Room

But I ran it past the FA and they said no.

2:3:4.800 --> 2:3:7.260

Sophie Moiese Room

Sorry, that's you can't do that.

2:3:8.410 --> 2:3:20.180

Sophie Moiese Room

I would be disappointed that I couldn't expand my business that way, but I can't see where it cause any not only undue hardship, even any hardship to me, I still have a successful business that I'm running.

2:3:20.530 --> 2:3:28.20

Sophie Moiese Room

I just missed this potential for this opportunity that I saw, but unfortunately due to the regulations, I wasn't able to do it.

2:3:28.490 --> 2:3:44.100

Sophie Moiese Room

So I'm I think this it's a little dubious to say that there's an undue hardship here when in my mind, as a businessman, I can't see where there's any hardship whatsoever since the property isn't even currently owned, even though there's a an agreement.

2:3:44.110 --> 2:3:47.220

Sophie Moiese Room

Maybe it'd be like me having this idea for this project.

2:3:47.750 --> 2:3:52.630

Sophie Moiese Room

I have nothing invested in it yet, so when it's denied, I don't see where there's any hardship.

2:3:52.860 --> 2:3:53.250

Sophie Moiese Room

Nope.

2:3:53.260 --> 2:3:53.580

Sophie Moiese Room

Thanks.

2:3:53.590 --> 2:3:54.220

Sophie Moiese Room

Appreciate it.

2:3:54.630 --> 2:3:55.360

Sophie Moiese Room

Thank you, Sir.

2:3:55.450 --> 2:3:57.300

Sophie Moiese Room

Let's go back to the planning and zoning Commission.

2:3:57.310 --> 2:4:1.500

Sophie Moiese Room

Any additional questions today?

2:4:1.550 --> 2:4:7.230

Sophie Moiese Room

And yes, Tyler, I actually have two, one for Jenny.

2:4:7.400 --> 2:4:14.450

Sophie Moiese Room

My my first question is, it appears to me that there was also a gravel pit at one point on the other side of Hwy.

2:4:14.460 --> 2:4:20.120

Sophie Moiese Room

93 and that that, over the course of the zoning district grew and then was reclaimed as well.

2:4:20.670 --> 2:4:30.60

Sophie Moiese Room

Umm it also the record doesn't really reflect or indicate that there have been complaints from neighbors about these gravel pits that supposedly shouldn't have existed growing.

2:4:31.110 --> 2:4:41.480

Sophie Moiese Room

And I, you know, speaking from the experience of living in the city of Missoula, if I build a 6 1/2 foot fence, you know, I can be pretty certain that someone gonna complain about that extra half a foot.

2:4:41.900 --> 2:4:44.360

Sophie Moiese Room

And that's usually how zoning is enforced.

2:4:44.550 --> 2:4:53.110

Sophie Moiese Room

And so, has there been a history of any complaints from neighbors regarding the growth of these gravel pits, and if so, how did Missoula County handle it?

2:4:53.340 --> 2:4:54.20

Sophie Moiese Room

Or do you know that?

2:4:59.620 --> 2:5:10.90

Sophie Moiese Room

I am not aware of any citizen complaints about the gravel pit over the course of the 90s and the well until this recent project.

2:5:12.80 --> 2:5:27.960

Sophie Moiese Room

The the most complaint or or angst about it actually came from staff as we were grappling with this 6 1/2 year gap and the resulting you know, excavation of a site.

2:5:28.110 --> 2:5:34.210

Sophie Moiese Room

But during that time, I am not aware of any citizen complaints on the record.

2:5:34.820 --> 2:5:36.380

Sophie Moiese Room

Umm that we have.

2:5:38.980 --> 2:5:39.310

Sophie Moiese Room

Go ahead.

2:5:39.320 --> 2:5:46.950

Sophie Moiese Room

Tyler and I, just to be clear, I don't want that to sound like I am wanting like I really respect that.

2:5:46.960 --> 2:5:50.70

Sophie Moiese Room

You're not complaining about your neighbors all the time to Missoula County, so thank you.

2:5:52.80 --> 2:5:57.10

Sophie Moiese Room

The other question I had was I think for Mike from yeah, Mike, come on up.

2:6:2.990 --> 2:6:16.980

Sophie Moiese Room

So my Mike Smith, Mike, from what I understood from your earlier comments, the estimated reclamation point for the current permit is 2045, but that does not mean that that is when it will be reclaimed.

2:6:17.90 --> 2:6:21.940

Sophie Moiese Room

And likewise, the estimated reclamation point, if there is an expansion is 20.

2:6:21.950 --> 2:6:29.180

Sophie Moiese Room

What 70 something 20752075, but again, that doesn't necessarily mean that's when it will be reclaimed.

2:6:29.910 --> 2:6:35.380

Sophie Moiese Room

Can you speak to is there any hard dates on which reclamation would occur?

2:6:35.920 --> 2:6:39.740

Sophie Moiese Room

Or is there a hard date on which the applicant would be willing to reclaim?

2:6:42.20 --> 2:6:51.380

Sophie Moiese Room

Well, I I I won't speak for the for my client as far as committing him to that, but all I can point out is kind of what I said before.

2:6:52.650 --> 2:6:53.120

Sophie Moiese Room

When, when?

2:6:53.130 --> 2:7:3.990

Sophie Moiese Room

When we're looking at the at the final reclamation date, we can look at development patterns, growth patterns, uses limitations.

2:7:4.0 --> 2:7:11.220

Sophie Moiese Room

Sometimes these gravel pits are not like this one and they are actually limited more geologically, so you just basically run out of gravel.

2:7:11.450 --> 2:7:18.680

Sophie Moiese Room

So when you run out of gravel, you know when you've made your estimate and you run out of gravel on it and it's within that time you just reclaim and you walk away.

2:7:19.110 --> 2:7:25.810

Sophie Moiese Room

But like I said, more often than not the the expansion or the the date.

2:7:25.820 --> 2:7:35.230

Sophie Moiese Room

Like I said, the DEQ won't let me put if even if I think I can use this pic for 100 years, I can't put 2124 on it.

2:7:35.490 --> 2:7:43.760

Sophie Moiese Room

But I can put a date where I can where I can describe based on today's development patterns and uses and all that stuff.

2:7:44.140 --> 2:7:50.110

Sophie Moiese Room

Like I can say based on what we know right now in this snapshot of time, this gravel will last.

2:7:50.230 --> 2:7:51.850

Sophie Moiese Room

For at least 30 years.

2:7:52.20 --> 2:7:58.110

Sophie Moiese Room

So we can we can go out at least 30 years with that date or for the 2017, whatever the number is right now.

2:7:58.240 --> 2:8:0.50

Sophie Moiese Room

So that's how that data is selected.

2:8:0.440 --> 2:8:2.200

Sophie Moiese Room

I cannot say that there is a hard.

2:8:3.350 --> 2:8:24.940

Sophie Moiese Room

I can't guarantee that that date won't be expanded, extended extended, I guess is the point that I'm trying to make is that answer I think it kind of does, but I guess my follow-up would be under the existing permits, in theory it could extend another 30 years beyond 2045 with just what's there right now or is that something that's 2045 you have to reclaim?

2:8:25.30 --> 2:8:26.240

Sophie Moiese Room

No, no.

2:8:26.250 --> 2:8:30.380

Sophie Moiese Room

If 2045, we'll Fast forward with no changes.

2:8:30.450 --> 2:8:47.720

Sophie Moiese Room

Fast forward to 2040 for let's say if there's still more gravel in the pit and we and maybe, you know, construction is slowed down and we didn't use it as fast as we thought or we were able to, you know, find different uses or different veins of it or whatever.

2:8:48.520 --> 2:8:50.510

Sophie Moiese Room

Uh Orgo did go down deeper.

2:8:50.520 --> 2:8:52.640

Sophie Moiese Room

If we were, we're limited in this case by by Grandmother.

2:8:52.650 --> 2:8:57.410

Sophie Moiese Room

But if 2044 comes and there's still grab on the pit, I asked the DEQ.

2:8:57.600 --> 2:9:12.470

Sophie Moiese Room

I said I would like to extend the life of this permit for such and such a time, and they at that point it's it's when the DBQ takes an opportunity to say, OK, but we're gonna look at your bond and you may have to give us a whole bunch more money or less if it's part of it's been reclaimed.

2:9:12.680 --> 2:9:13.980

Sophie Moiese Room

Don't want to get too much in the weeds on that.

2:9:16.270 --> 2:9:16.780

Sophie Moiese Room

Thanks.

2:9:16.850 --> 2:9:21.630

Sophie Moiese Room

Uh, yeah, Josh and uh, we're gonna have some more discussion here.

2:9:21.640 --> 2:9:24.490

Sophie Moiese Room

I don't want to get into a bunch of back and forth at at this juncture.

2:9:30.600 --> 2:9:31.410

Sophie Moiese Room

OK, come on up.

2:9:34.680 --> 2:9:37.310

Sophie Moiese Room

I just want to to talk to you about the Washington.

2:9:37.880 --> 2:9:39.440

Sophie Moiese Room

Ohh sorry Tori Ford again.

2:9:40.630 --> 2:9:53.370

Sophie Moiese Room

So the DEQ does have the permits for the Washington gravel pit and it was discussed in the county commissioners journals in 1976 and they did go get a permit in 1976.

2:9:53.380 --> 2:10:5.720

Sophie Moiese Room

As these the zoning was being put into place, they had a reclamation date that they respected and they had a size that was clearly specified and it was respected.

2:10:6.30 --> 2:10:18.440

Sophie Moiese Room

So if we look look at the juxtaposition between the Washington pit and this other situation that we're in now, you can see that one was within the zoning and respected the zoning and everyone understood what was going to happen.

2:10:18.810 --> 2:10:21.0

Sophie Moiese Room

And the other one is obviously very convoluted.

2:10:21.640 --> 2:10:23.980

Sophie Moiese Room

Thank you, Josh, Mike.

2:10:30.250 --> 2:10:32.300

Sophie Moiese Room

Thanks right here, Josh.

2:10:32.930 --> 2:10:41.160

Sophie Moiese Room

So I can't remember if what I'm about to recite came from our first hearing or if it's from materials I read or conversations with Jenny.

2:10:41.170 --> 2:10:41.560

Sophie Moiese Room

It's all.

2:10:41.570 --> 2:10:42.360

Sophie Moiese Room

It's all in there.

2:10:42.370 --> 2:10:57.760

Sophie Moiese Room

It's just not quite segregated, so if I remember correctly, if you all were to get the zoning variance and expand, you would take additional mitigation measures on your existing 28 on your existing pit.

2:10:57.860 --> 2:11:7.460

Sophie Moiese Room

And what I remember hearing was larger berms, seeded berms 300, foot buffers, getting rid of the beep, beep, beep going backwards.

2:11:9.570 --> 2:11:14.700

Sophie Moiese Room

Taking measures on that existing pit that would increase the quality of life for neighbors.

2:11:14.890 --> 2:11:32.180

Sophie Moiese Room

And again, if I remember correctly, if you don't get the variance, you're not going to do those things and you are pledging to do all these things on the expansion and you wouldn't go into the expansion until 20 years or when or until the current pit is exhausted.

2:11:32.290 --> 2:11:35.700

Sophie Moiese Room

You wouldn't be doubling the size of active gravel mining.

2:11:35.710 --> 2:11:42.100

Sophie Moiese Room

You would just switch from one side to the next with these added mitigation measures and it looks like is that.

2:11:42.350 --> 2:11:43.160

Sophie Moiese Room

Is that correct?

2:11:44.150 --> 2:11:46.140

Sophie Moiese Room

Yes, come on up, Sir.

2:11:46.770 --> 2:11:50.500

Sophie Moiese Room

And if you could introduce yourself, yeah, all that again.

2:11:51.50 --> 2:11:51.720

Sophie Moiese Room

I was a joke.

2:11:51.730 --> 2:12:3.280

Sophie Moiese Room

It's sorry, John Kappas with western Umm, I mean, some of them are relation capus KAPPES little.

2:12:6.440 --> 2:12:23.0

Sophie Moiese Room

So some of the mitigation efforts we've already put in place, like the backup beepers when we heard that the neighbors were here and that we've got the silent noise, the mitigation for the wildlife corridors, we couldn't do that without the expansion.

2:12:23.50 --> 2:12:40.380

Sophie Moiese Room

So that's gonna be anything we can do like the signage we're we're doing that even without the expansion, but the the higher burns along the South that's gonna take place with the expansion, the wildlife corridors with the expansion.

2:12:40.830 --> 2:12:52.400

Sophie Moiese Room

We're also to your question about going into the new expanded area, the new expanded area will go into quicker than in the next 20 years.

2:12:52.410 --> 2:12:56.780

Sophie Moiese Room

And the reason why is we're given up the 20 acres to the north.

2:12:56.970 --> 2:12:57.380

Sophie Moiese Room

So.

2:12:57.450 --> 2:13:12.190

Sophie Moiese Room

So we're kind of shifting, we're not doubling in size, we're going from our initial application would have doubled in size, but with all the mitigation we've done, we're going from a 96 acre minable area to pardon me, 66 to 96.

2:13:12.200 --> 2:13:13.990

Sophie Moiese Room

So it's increasing about 45%.

2:13:18.190 --> 2:13:31.680

Sophie Moiese Room

I'll just I'll just add to that that John was talking about for giving up the N 15 acres will be reclaimed so that as you look from the South, if you look through the pit, you will see not a gravel pit.

2:13:31.690 --> 2:13:33.880

Sophie Moiese Room

You will see reclaimed final.

2:13:33.950 --> 2:13:38.760

Sophie Moiese Room

So the total amount of actively mined gravel doesn't change.

2:13:39.90 --> 2:13:39.760

Sophie Moiese Room

Is that correct?

2:13:39.770 --> 2:13:54.190

Sophie Moiese Room

Well, the the actual disturbed area will essentially slide to the left to the West, but because we're keeping the equipment in a certain area when I'm moving that any closer to the residences we have to that that has to remain part of that.

2:13:54.200 --> 2:13:55.510

Sophie Moiese Room

We can't reclaim that part of the pit.

2:13:55.600 --> 2:13:55.890

Sophie Moiese Room

Right.

2:13:55.900 --> 2:13:59.290

Sophie Moiese Room

But the part of the north that we're getting out of that will be reclaimed.

2:13:59.460 --> 2:14:3.290

Sophie Moiese Room

And as far as expansion to the West, it will not be a a leap.

2:14:3.380 --> 2:14:7.960

Sophie Moiese Room

It'll be a little bit and then you know mine it as as as you would think.

2:14:7.970 --> 2:14:16.530

Sophie Moiese Room

You know you've got a high wall, if you will, and you're digging into it as you move to the West, you don't strip the whole thing and then go down.

2:14:16.760 --> 2:14:20.160

Sophie Moiese Room

It's more this way as opposed to. Yeah.

2:14:20.270 --> 2:14:22.560

Sophie Moiese Room

So I'm thinking about the effects on the neighbors.

2:14:22.570 --> 2:14:24.70

Sophie Moiese Room

Would they have more?

2:14:24.110 --> 2:14:26.700

Sophie Moiese Room

Would there be more impact than there is now?

2:14:26.790 --> 2:14:30.130

Sophie Moiese Room

Is it the same impact as shifted it?

2:14:30.490 --> 2:14:39.240

Sophie Moiese Room

It's going to be the same impact, just longer into the future and what we're going to be able to do is I talked about last time.

2:14:39.250 --> 2:14:49.500

Sophie Moiese Room

And I think if you saw that when you were out on your tour, we had those, we had those piles on the north side that are sticking outside of the pit.

2:14:49.710 --> 2:15:1.880

Sophie Moiese Room

If we're able to do this expansion, we can keep all of our piles on the floor of the pit and the reason why is that north side we had to get up and mine from the top down versus we're just going to mine into the West.

2:15:1.990 --> 2:15:9.270

Sophie Moiese Room

And so our when you think about the berms all the way around, we won't have piles higher than those berms.

2:15:9.390 --> 2:15:10.730

Sophie Moiese Room

They will all sit in the floor.

2:15:12.160 --> 2:15:14.740

Sophie Moiese Room

So you won't see piles, you won't see piles.

2:15:16.340 --> 2:15:17.230

Sophie Moiese Room

Thank you.

2:15:17.710 --> 2:15:29.210

Sophie Moiese Room

So just as a check of time, we still have another public hearing today folks, that we need to get to and I don't know if I'm personally ready to make a decision today.

2:15:29.300 --> 2:15:44.810

Sophie Moiese Room

It's the prerogative of the planning and zoning Commission to either act on this today and move it on to the board of County Commissioners, or we can hold it here and give folks time to absorb what has been presented today in both oral and written fashion.

2:15:46.460 --> 2:15:50.770

Sophie Moiese Room

I thought I just wanted to hear from Shane and Tyler.

2:15:57.770 --> 2:16:3.500

Sophie Moiese Room

Yeah, Shane Stack, I guess I have a question before we answer, if that's OK.

2:16:3.570 --> 2:16:4.480

Sophie Moiese Room

Yeah, absolutely.

2:16:4.490 --> 2:16:17.880

Sophie Moiese Room

And folks are wondering, this kind of funky planning and zoning Commission thing is, is a feature of having the board of County Commissioners, the Chief Officer of Public Works.

2:16:18.190 --> 2:16:30.420

Sophie Moiese Room

We have our clerk and recorder and Treasurer, Tyler Gernand, and I think we are actually there's a spot for someone who is in this zoning district, but I don't believe that's filled.

2:16:30.550 --> 2:16:31.380

Sophie Moiese Room

Is that correct?

2:16:31.850 --> 2:16:34.360

Sophie Moiese Room

Yeah, and this is a statutory scheme.

2:16:34.370 --> 2:16:57.330

Sophie Moiese Room

The the legislature gave us this this opportunity to have this process back in the 50s and it it is awkward and there should be two citizens from any zoning district you citizen initiated zoning district anywhere in the county on this board.

2:16:57.470 --> 2:17:13.690

Sophie Moiese Room

Missoula County historically has had one, sometimes two members, but more recently we just cannot recruit citizens two citizens to be on this planning and zoning Commission.

2:17:13.700 --> 2:17:19.210

Sophie Moiese Room

So by law, it's composed of the five people that you just introduced, Dave.

2:17:19.260 --> 2:17:19.870

Sophie Moiese Room

OK.

2:17:20.400 --> 2:17:20.870

Sophie Moiese Room

Thank you.

2:17:20.880 --> 2:17:21.520

Sophie Moiese Room

Back to you, Shane.

2:17:25.190 --> 2:17:42.860

Sophie Moiese Room

Well, really this this comes from like the I guess the the points that have been made regarding the history of the existing gravel pit and I'm pondering to myself like, what if this variance wasn't being requested by Western, but like the Libyan goose for instance.

2:17:43.180 --> 2:17:47.0

Sophie Moiese Room

And they're no, there's no relation to the western pit.

2:17:49.260 --> 2:17:50.270

Sophie Moiese Room

How does you know?

2:17:50.320 --> 2:17:53.850

Sophie Moiese Room

I guess and I'm thinking and to my mind, you're in my mind.

2:17:53.860 --> 2:17:57.570

Sophie Moiese Room

Like, does that history really impact the request to the variance?

2:17:57.580 --> 2:18:2.330

Sophie Moiese Room

And that's my my question is like there's a lot of discussion about it and so that that's my question.

2:18:2.340 --> 2:18:3.800

Sophie Moiese Room

I don't know if anybody has an answer.

2:18:5.60 --> 2:18:6.30

Sophie Moiese Room

Excellent question.

2:18:6.260 --> 2:18:28.150

Sophie Moiese Room

Either Jenny or John Hart, that's actually something that we talked about as we looked at that language that has been mentioned a couple times in the zoning where it says legal, nonconforming uses may not be expanded and really kind of struggled with will, can they or can't they and and you know the advice from the attorney's office that you have to be able to request a variance.

2:18:28.160 --> 2:18:30.200

Sophie Moiese Room

So we kind of put ourselves in the minds of.

2:18:30.220 --> 2:18:40.630

Sophie Moiese Room

Alright, let's say it's not Western and it's somebody else's asking a for a use variance to put a gravel pit on the subject property.

2:18:40.900 --> 2:18:41.890

Sophie Moiese Room

They certainly could do that.

2:18:43.720 --> 2:18:53.480

Sophie Moiese Room

So the expansion piece of it, while while very important the it's it's not relevant to requesting the use variance.

2:18:55.680 --> 2:18:56.350

Sophie Moiese Room

Interesting.

2:18:56.840 --> 2:18:58.570

Sophie Moiese Room

John Hart, did you have anything to add to that?

2:18:59.860 --> 2:19:8.460

Sophie Moiese Room

I'm going to try and restate this just so I understand it, so it appears after all this listening and it's getting tired and it might say this poorly.

2:19:9.210 --> 2:19:11.840

Sophie Moiese Room

It appears after all this listening that.

2:19:13.630 --> 2:19:17.260

Sophie Moiese Room

The permits for this pit from the DQ were built on a lie.

2:19:18.370 --> 2:19:27.80

Sophie Moiese Room

Did somebody in the early 90s checked the box saying, Oh no, it conforms with the zoning and it didn't that that's all built on a lie and now?

2:19:29.370 --> 2:19:33.740

Sophie Moiese Room

A variance has asked for a different chunk of land, and it's kind of a shame pointed out.

2:19:33.750 --> 2:19:37.820

Sophie Moiese Room

What if it was a different person that had nothing to do with this previous pit?

2:19:37.830 --> 2:19:40.820

Sophie Moiese Room

It this is a different I'm gonna say 80 acres, is that right?

2:19:40.830 --> 2:19:41.510

Sophie Moiese Room

I don't get that wrong.

2:19:43.500 --> 2:19:44.180

Sophie Moiese Room

70 acres.

2:19:44.190 --> 2:19:44.810

Sophie Moiese Room

Sorry about that.

2:19:44.820 --> 2:19:46.430

Sophie Moiese Room

So there's 70 acres right here.

2:19:46.480 --> 2:19:47.930

Sophie Moiese Room

It doesn't conform with zoning.

2:19:48.160 --> 2:19:55.590

Sophie Moiese Room

I wanna mine gravel, so I'm asking for a zoning variance I can apply for a zoning variance and there's no law breaking by applying for a zoning variance.

2:19:55.840 --> 2:19:59.820

Sophie Moiese Room

Is that what's happening here, or are we in the active extending a lie?

2:20:2.300 --> 2:20:6.520

Sophie Moiese Room

To quit an open question from a non attorney, we're surrounded by attorneys here.

2:20:8.450 --> 2:20:9.60

Sophie Moiese Room

Very safe.

2:20:10.700 --> 2:20:12.530

Sophie Moiese Room

John Hart, well, I.

2:20:14.730 --> 2:20:16.50

Sophie Moiese Room

I don't think we should assume.

2:20:18.380 --> 2:20:19.510

Sophie Moiese Room

That it's a lie.

2:20:19.610 --> 2:20:30.700

Sophie Moiese Room

I mean, I I I won't deny that when you look at it, that is a very logical thing to conclude, but I don't think we should assume that it was built on a lie by mistake.

2:20:31.720 --> 2:20:33.610

Sophie Moiese Room

It was, yeah.

2:20:34.420 --> 2:20:38.760

Sophie Moiese Room

Let maybe a negligent representation.

2:20:40.950 --> 2:20:42.680

Sophie Moiese Room

But and.

2:20:45.640 --> 2:20:46.70

Sophie Moiese Room

I will.

2:20:46.80 --> 2:20:48.130

Sophie Moiese Room

Yeah, I I I understand.

2:20:48.140 --> 2:20:54.700

Sophie Moiese Room

I have children, so I I understand the difference between, umm, some of these nuances here. But.

2:20:57.600 --> 2:21:9.950

Sophie Moiese Room

I would love to be able to say and I have thought often in the past few weeks, that none of this history is relevant but you you've heard today that is very relevant to.

2:21:11.430 --> 2:21:29.740

Sophie Moiese Room

Those folks who are opposed to this pit and they think that it is something that you should consider and I'm not going to say that they didn't make a a an argument to that effect that that it it is something you got to consider.

2:21:30.150 --> 2:21:32.0

Sophie Moiese Room

So are we here.

2:21:32.70 --> 2:21:33.40

Sophie Moiese Room

But the the alright.

2:21:33.50 --> 2:21:40.110

Sophie Moiese Room

The other point I wanna make is I don't think there's any evidence in the record that Western materials has has.

2:21:41.780 --> 2:21:44.290

Sophie Moiese Room

Misrepresented anything.

2:21:44.600 --> 2:21:47.360

Sophie Moiese Room

And I mean, I think they they deserve some credit for.

2:21:49.880 --> 2:21:53.590

Sophie Moiese Room

It at least trying to do this the proper way.

2:21:53.780 --> 2:21:56.990

Sophie Moiese Room

This is probably the way that it should have happened in 1993.

2:21:57.0 --> 2:22:5.990

Sophie Moiese Room

It's probably the way that it should have happened in the early 2000s, and so, you know, let's give them some credit to for trying to do it the right way.

2:22:7.470 --> 2:22:11.470

Sophie Moiese Room

And treat them like a new applicant.

2:22:13.690 --> 2:22:27.740

Sophie Moiese Room

Tyler, I I will add just you know in terms of whether this was built on a lie or not, I don't, I guess I don't feel like that form alone gives us enough information to verify that largely because it is a form.

2:22:28.60 --> 2:22:37.20

Sophie Moiese Room

And so if anybody has ever tried to fill out a form with a government agency, oftentimes we don't allow you to make any changes to that form.

2:22:37.30 --> 2:22:56.310

Sophie Moiese Room

So if he, if whoever was applying for that Mister Hendrickson or whoever did it on his behalf, thought that he was a legal, nonconforming use, I could read that form to to say that now the expansion, I think, I mean my my opinion on that, the expansion beyond whatever that little corner was should have come before the board to get approved.

2:22:56.320 --> 2:23:5.540

Sophie Moiese Room

But I don't necessarily think that that form itself is demonstration of a giant lie that he, you know, manipulated his way into getting this.

2:23:5.650 --> 2:23:8.60

Sophie Moiese Room

I think there are other aspects that could be read into that.

2:23:8.310 --> 2:23:9.980

Sophie Moiese Room

That being said, I obviously don't know.

2:23:10.210 --> 2:23:12.820

Sophie Moiese Room

I don't know what was in his mind when he did that.

2:23:12.830 --> 2:23:20.340

Sophie Moiese Room

It's also entirely possible it was built on a lie, so so one further question, just just assuming a little thought experiment here.

2:23:20.350 --> 2:23:21.510

Sophie Moiese Room

So if we were to.

2:23:23.730 --> 2:23:38.620

Sophie Moiese Room

If we're the case that none of the ground out there was disturbed at all, no gravel operation whatsoever or any of these good folks who came to join us all afternoon here on a Thursday afternoon.

2:23:38.630 --> 2:23:50.420

Sophie Moiese Room

If if they were coming before us requesting a change in use it in order to mine gravel within ZD 40, would that be any heavier of a lift to?

2:23:52.460 --> 2:24:7.710

Sophie Moiese Room

To make the case for unnecessary hardship than what we are contemplating here today, so first of all, first let me just correct that what they would be asking for, not a change of use but a variance to the ZD 40 to allow gravel on a pristine piece of property.

2:24:7.720 --> 2:24:8.590

Sophie Moiese Room

Very good, right?

2:24:8.680 --> 2:24:13.830

Sophie Moiese Room

And, umm, our findings I believe would be the same.

2:24:13.940 --> 2:24:21.590

Sophie Moiese Room

And it's not just hardship, it's public benefit, special conditions, hardship, hardship being, I think the weakest link of the three.

2:24:23.170 --> 2:24:32.100

Sophie Moiese Room

But we tried in our draft staff reports, findings and the staff report to give a basis that there there are reasons to do it.

2:24:34.580 --> 2:24:39.30

Sophie Moiese Room

I don't think it would be any heavier lift than it is right now, which is OK not sure.

2:24:39.40 --> 2:24:44.180

Sophie Moiese Room

It's saying do you have to get all three or is it OK so?

2:24:46.40 --> 2:24:48.670

Sophie Moiese Room

Pleasure of the the Commission.

2:24:50.180 --> 2:24:55.800

Sophie Moiese Room

I I'm leaning towards holding it in the Commission, but Jane, what?

2:24:57.450 --> 2:25:7.80

Sophie Moiese Room

Not moving this forward in terms of a decision today or you could move it to the board of County Commissioners and this and you two would be off the hook.

2:25:7.90 --> 2:25:10.890

Sophie Moiese Room

Then in the future, meeting them off the hook.

2:25:13.260 --> 2:25:14.690

Sophie Moiese Room

Could I jump?

2:25:15.50 --> 2:25:15.650

Sophie Moiese Room

Yeah, go ahead.

2:25:15.660 --> 2:25:23.20

Sophie Moiese Room

Just let you know if you do decide to hold it, either in planning and zoning Commission or in the Commissioners, the next opportunity.

2:25:23.30 --> 2:25:32.590

Sophie Moiese Room

And I'd like to announce it today, a date certain so that we can then put it on Missoula County voice and not necessarily have to go back out and post and and legal ads and all of that.

2:25:32.600 --> 2:25:42.450

Sophie Moiese Room

So if you get to the point my suggested date is going to be April 25th at the earliest, and I haven't consulted with the applicant, but we can push it out further than that.

2:25:42.460 --> 2:25:50.990

Sophie Moiese Room

But no sooner than April 25th, Shane, like I, would just say, I'm fine waiting that another few weeks.

2:25:51.800 --> 2:25:52.340

Sophie Moiese Room

I don't know.

2:25:52.650 --> 2:25:57.400

Sophie Moiese Room

I'd I'd say I'm fine waiting and I'd say these are these are two of the smartest guys I know and I want them in on this.

2:25:57.460 --> 2:25:59.760

Sophie Moiese Room

So I'm sorry, dudes agreed. We don't.

2:25:59.770 --> 2:26:0.250

Sophie Moiese Room

You sucked.

2:26:0.260 --> 2:26:1.70

Sophie Moiese Room

I wouldn't have said that.

2:26:1.80 --> 2:26:6.270

Sophie Moiese Room

So so the question falls to Western in terms of scheduling.

2:26:16.880 --> 2:26:18.10

Sophie Moiese Room

Yes, that would be a Thursday.

2:26:19.680 --> 2:26:22.380

Sophie Moiese Room

Does that work or do we need to search for a different date?

2:26:27.260 --> 2:26:30.450

Sophie Moiese Room

I have a 6:00 o'clock on the 25th, so we got to wrap it up before then.

2:26:30.460 --> 2:26:31.120

Sophie Moiese Room

That's all I'm saying.

2:26:35.670 --> 2:26:38.370

Sophie Moiese Room

They would like another day, a different date.

2:26:38.380 --> 2:26:41.900

Sophie Moiese Room

OK, let's try again, May 2nd May 2nd.

2:26:49.900 --> 2:26:50.570

Sophie Moiese Room

OK.

2:26:50.880 --> 2:27:7.350

Sophie Moiese Room

We will recess this discussion of the planning and zoning Commission and reconvene this item for May 2nd, and we will endeavor to bring this to some conclusion on May 2nd.

2:27:7.820 --> 2:27:15.670

Sophie Moiese Room

I plead for a 2 minute and bio break and we will also take a recess of the board of County Commissioners at this time.

2:27:15.680 --> 2:27:21.320

Sophie Moiese Room

Thanks everyone for joining this super helpful information and has given us a lot of food for thought.

2:27:21.330 --> 2:27:21.920

Sophie Moiese Room

Thank you.

2:27:22.170 --> 2:27:23.940

Sophie Moiese Room

We'll be in recess momentarily.

2:35:8.370 --> 2:35:13.780

Sophie Moiese Room

How OK are we about ready to come back into order?

2:35:15.110 --> 2:35:15.930

Sophie Moiese Room

Jenny, Are you ready?

2:35:17.230 --> 2:35:18.170

Sophie Moiese Room

Yes, Sir.

2:35:18.180 --> 2:35:25.250

Sophie Moiese Room

We I we already OK, we are still meeting as the planning and Zoning Commission.

2:35:25.260 --> 2:35:40.510

Sophie Moiese Room

This next item is a use variance related to Turzo Farm and as with the past public hearing or the prior public hearing will begin with a staff report followed by an opportunity for the applicant or applicants representative to say a few words.

2:35:41.600 --> 2:35:53.890

Sophie Moiese Room

We will then have public comment and that will be followed by discussion among the members of the planning and Zoning Commission with a recommendation going to the board of County Commissioners for final decision.

2:35:53.950 --> 2:35:56.170

Sophie Moiese Room

So Jenny, thank you.

2:35:57.220 --> 2:36:0.470

Sophie Moiese Room

So this is a similar kind of a project.

2:36:0.540 --> 2:36:2.270

Sophie Moiese Room

That it is simpler, but it doesn't.

2:36:2.280 --> 2:36:6.410

Sophie Moiese Room

It's not without some complexity that I will try to be brief.

2:36:6.680 --> 2:36:10.400

Sophie Moiese Room

Try to get us out of here by 5, depending on on public comment but.

2:36:12.250 --> 2:36:24.940

Sophie Moiese Room

So this is a variance request in ZD 34 location location is 10380 Highway 10 E Terzo farm and Land Trust Inc applicants are here.

2:36:25.530 --> 2:36:28.300

Sophie Moiese Room

The property is located on.

2:36:28.530 --> 2:36:32.130

Sophie Moiese Room

This is a kind of a big picture where the property is so a.

2:36:32.180 --> 2:36:34.330

Sophie Moiese Room

But what I know is bad man flats.

2:36:34.340 --> 2:36:43.350

Sophie Moiese Room

I think it's Canyon Canyon golf course on East Missoula, W Riverside, the Highway 200 junction with Hwy.

2:36:43.360 --> 2:36:46.270

Sophie Moiese Room

10 and the site is about a mile and 1/2 down Hwy.

2:36:46.280 --> 2:36:47.570

Sophie Moiese Room

10 Hillsville area.

2:36:47.620 --> 2:36:48.850

Sophie Moiese Room

So still Bonner.

2:36:51.90 --> 2:37:1.320

Sophie Moiese Room

This is a little bit of closer look of the existing conditions on the site where I put two stars on the property that where the two existing homes are located.

2:37:2.610 --> 2:37:8.520

Sophie Moiese Room

This property is about 3027 to 30 acres.

2:37:8.620 --> 2:37:15.370

Sophie Moiese Room

Access from the private driveway here and goes up to those homes at the two stars.

2:37:17.980 --> 2:37:28.900

Sophie Moiese Room

The other thing I guess I would point out about this image is that it shows you the location, the context of this property adjacent to a subdivision, a subdivision here and here.

2:37:28.910 --> 2:37:31.40

Sophie Moiese Room

Shady Lane butchery lane.

2:37:33.300 --> 2:37:34.490

Sophie Moiese Room

And Hwy.

2:37:34.500 --> 2:37:41.330

Sophie Moiese Room

10 railroad and Interstate 90 and then, of course, Bonner Mountain.

2:37:41.340 --> 2:37:42.60

Sophie Moiese Room

What I what?

2:37:42.70 --> 2:37:48.940

Sophie Moiese Room

I call bot Bonner mountain steep slopes where this tree Daria is so the property.

2:37:48.950 --> 2:37:51.980

Sophie Moiese Room

As I said, is a Part 1 zoning district, just like the last one.

2:37:51.990 --> 2:37:53.270

Sophie Moiese Room

It's ZD 34.

2:37:54.770 --> 2:37:59.240

Sophie Moiese Room

The growth policy is rural, residential and small agriculture.

2:37:59.320 --> 2:38:5.870

Sophie Moiese Room

ZD 34, complies with that growth policy designation to the extent that the density.

2:38:8.590 --> 2:38:16.460

Sophie Moiese Room

In the ZD, 34 is 1 dwelling unit for 1/2 an acre and that is also consistent with that designation.

2:38:16.470 --> 2:38:17.940

Sophie Moiese Room

So there's there's that consistency.

2:38:18.750 --> 2:38:21.480

Sophie Moiese Room

Umm, it's out of the regulatory floodplain.

2:38:21.490 --> 2:38:32.200

Sophie Moiese Room

And as I mentioned earlier, access by Hwy 10 E the reason for the variance is in ZD 34 as in some other Part 1 zoning districts.

2:38:32.570 --> 2:38:54.880

Sophie Moiese Room

There's an allowance for a single family dwelling and a policy county planning department policy, which was recently formalized in an in an interpretation or an opinion that our office uses that really that just solidified and formalized that policy over many, many years.

2:38:55.170 --> 2:39:6.860

Sophie Moiese Room

Is that this reference to single family dwelling allows one dwelling per tract, and most often that makes sense because most people have like an acre or whatever.

2:39:7.110 --> 2:39:15.990

Sophie Moiese Room

In this case, because it's so large, the applicant is requesting a variance because they don't want to do necessarily transferable tracks.

2:39:16.0 --> 2:39:23.260

Sophie Moiese Room

They wanna do lease or rent rental models for for home occupancy.

2:39:23.550 --> 2:39:29.420

Sophie Moiese Room

So you can see down here below that the space and bulk requirement for the zone is 1/2 acre.

2:39:30.270 --> 2:39:33.570

Sophie Moiese Room

And this I'm gonna actually let me go to the next slide.

2:39:33.580 --> 2:39:34.840

Sophie Moiese Room

It might show it a little better.

2:39:34.880 --> 2:39:45.630

Sophie Moiese Room

They're proposing a future subdivision of this property where the outline and yellow is going to be a future lot 10 and I'm going to show you I'm actually this is what it's going to look like.

2:39:45.640 --> 2:39:46.870

Sophie Moiese Room

But let me show you here first.

2:39:47.730 --> 2:39:59.310

Sophie Moiese Room

Umm, so you can see where the existing homes are up here and there's going to be seven other homes kind of around around this area that will be 24 acres.

2:40:1.230 --> 2:40:15.100

Sophie Moiese Room

So that placing 9 homes on 24 acres meets the ZD, and so the hardship, special conditions and public benefit we felt were met here, because this would be allowed if they were creating individual lots for sale.

2:40:15.110 --> 2:40:18.490

Sophie Moiese Room

So this the land use would be the same, it's just the ownership model changes.

2:40:20.590 --> 2:40:28.110

Sophie Moiese Room

And the, you know, the special conditions and public benefit of that are we're in the toughest.

2:40:30.210 --> 2:40:34.10

Sophie Moiese Room

You know, housing affordability economy that we've experienced.

2:40:34.20 --> 2:40:38.430

Sophie Moiese Room

So we wanna try to provide all those different opportunities. Umm.

2:40:41.230 --> 2:40:52.920

Sophie Moiese Room

The proposed subdivision is going to come later so that we we told them that they needed to do this variance first to allow for the homes on as they imagine them to be placed on lot 10.

2:40:53.730 --> 2:41:14.100

Sophie Moiese Room

This driveway here existing serves these two homes will serve 2 new homes by Tree Lane will serve 4 new homes and then a new cul-de-sac with the subdivision will serve the 9th home as well as the other nine lots that will be for sale if the subdivision is approved.

2:41:15.50 --> 2:41:18.170

Sophie Moiese Room

This variance does not depend on that subdivision being approved.

2:41:19.500 --> 2:41:26.310

Sophie Moiese Room

Uh, so in approving this you are in effect allowing them to place up to 9 homes on the property, whether or not they subdivide.

2:41:26.780 --> 2:41:31.30

Sophie Moiese Room

And it's still a zone and compliant, but for that plurality.

2:41:33.320 --> 2:41:33.610

Sophie Moiese Room

Umm.

2:41:34.590 --> 2:41:51.340

Sophie Moiese Room

And so staff is recommending approval of placing 9 homes on this property through a variance and with a recommended motion here as well as condition of approval standard on all applications that they just secure all other necessary permits.

2:41:52.190 --> 2:41:54.80

Sophie Moiese Room

So just thanks.

2:41:54.90 --> 2:41:57.80

Sophie Moiese Room

That's great with the applicant or applicants representative.

2:41:57.90 --> 2:41:58.700

Sophie Moiese Room

Like to address this.

2:41:58.710 --> 2:42:0.770

Sophie Moiese Room

Come on up and please state your name for the record.

2:42:1.930 --> 2:42:3.640

Sophie Moiese Room

Hello, can you guys hear me?

2:42:3.710 --> 2:42:6.390

Sophie Moiese Room

Yes, my name is Michael Maine with imeg.

2:42:6.450 --> 2:42:15.770

Sophie Moiese Room

That's MAINEI see that I'm joined virtually by some of my coworkers and in person by the applicant, Jake Terzo, with Terzo Farm and land.

2:42:17.470 --> 2:42:25.900

Sophie Moiese Room

Today we are just seeking approval for the variance that would ultimately allow our our client to place multiple dwelling units on the property.

2:42:27.10 --> 2:42:31.680

Sophie Moiese Room

If approved, Jake has plans to propose a future subdivision as part of a future project.

2:42:32.110 --> 2:42:37.90

Sophie Moiese Room

Approval will allow our client to provide diverse housing stock to the Missoula market.

2:42:38.550 --> 2:42:39.940

Sophie Moiese Room

It is, as Jenny mentioned.

2:42:39.950 --> 2:42:46.130

Sophie Moiese Room

It is important to note that the subject property does currently have two existing dwellings on it.

2:42:48.440 --> 2:42:55.70

Sophie Moiese Room

And we really appreciate Jenny staff report and we're here to help answer any comments that we receive.

2:42:55.80 --> 2:42:55.780

Sophie Moiese Room

And thank you.

2:42:57.190 --> 2:42:58.120

Sophie Moiese Room

Thank you.

2:42:58.190 --> 2:42:59.490

Sophie Moiese Room

We ohh come on up.

2:43:3.70 --> 2:43:3.960

Sophie Moiese Room

Thank you, commissioners.

2:43:3.970 --> 2:43:5.140

Sophie Moiese Room

My name is Jake Turzo.

2:43:5.150 --> 2:43:6.800

Sophie Moiese Room

I'm at 1501 Saint Ann.

2:43:6.810 --> 2:43:7.150

Sophie Moiese Room

Drive.

2:43:8.200 --> 2:43:12.110

Sophie Moiese Room

Thank you for taking this time to review our request.

2:43:12.760 --> 2:43:13.240

Sophie Moiese Room

Thank you.

2:43:13.250 --> 2:43:19.30

Sophie Moiese Room

If we could hold on there for a second, I just wanted to explain to my own words why I was approaching this subdivision.

2:43:19.40 --> 2:43:25.340

Sophie Moiese Room

From this perspective, this is the the plot of land where I grew up.

2:43:25.510 --> 2:43:27.460

Sophie Moiese Room

My family's owned it since the early 70s.

2:43:29.230 --> 2:43:35.460

Sophie Moiese Room

The area that we're showing on there, that's the garden area, that's the most productive soil on the entire site.

2:43:36.50 --> 2:43:38.210

Sophie Moiese Room

It's an original alluvial plane.

2:43:38.220 --> 2:43:47.50

Sophie Moiese Room

The lower bench has streaks of topsoil, but it's mainly just cobbly sandy soil, so not not very productive.

2:43:48.570 --> 2:44:5.220

Sophie Moiese Room

Ask us how we know we we planted oats and other things there and just never had any success, but we've since done a number of soil profiles across the property and where we're proposing to to place homes on the one a lot.

2:44:5.230 --> 2:44:17.780

Sophie Moiese Room

Ten are in areas of the the poorest soil quality and we want to keep that central area open for residents and neighbors to do the kinds of things that we did when we were young.

2:44:17.790 --> 2:44:29.190

Sophie Moiese Room

Having 4H towns and Big Gardens and I'm currently one of the residents, has six mini goats and we've got a large orchard that everybody kind of shares in the maintenance and production of.

2:44:29.880 --> 2:44:37.130

Sophie Moiese Room

So I wanna keep having that type of use for the property and those kind of opportunities.

2:44:37.670 --> 2:44:45.810

Sophie Moiese Room

And I've spoken with probably about 1/3 of the surrounding property owners, and I've heard a number of good concerns.

2:44:46.460 --> 2:44:56.570

Sophie Moiese Room

A number of them I think I can address during the actual subdivision process and once we get past this variance approval, if if you approve it.

2:44:56.580 --> 2:45:4.810

Sophie Moiese Room

So I'd like the opportunity, if it's appropriate, to address any comments from the Community, if you'd like me to, but otherwise.

2:45:4.820 --> 2:45:6.50

Sophie Moiese Room

Thank you very much for your time.

2:45:6.500 --> 2:45:7.710

Sophie Moiese Room

Thank you, Mr Terzo.

2:45:8.80 --> 2:45:10.60

Sophie Moiese Room

Jenny, I did forget.

2:45:10.70 --> 2:45:17.190

Sophie Moiese Room

This reminded me there were two public comments that came in or that were added to your packet late.

2:45:17.200 --> 2:45:28.600

Sophie Moiese Room

Actually one of them was an email or a I'm sorry, I comment on Missoula County voice concerned about impacts of additional homes and particularly the the road impacts.

2:45:28.610 --> 2:45:39.10

Sophie Moiese Room

And then I got a call from someone who was unable to make comment online and asked me to convey to you concern about dust from driving on butchery lane Buttrees lane.

2:45:41.300 --> 2:45:50.230

Sophie Moiese Room

Those impacts to the roads can be addressed during the subdivision review process, which is they're intending to go through.

2:45:50.910 --> 2:45:51.300

Sophie Moiese Room

OK.

2:45:51.340 --> 2:45:51.880

Sophie Moiese Room

Thank you.

2:45:52.340 --> 2:45:53.650

Sophie Moiese Room

Let's take some public comment.

2:45:53.660 --> 2:45:56.870

Sophie Moiese Room

Is there anyone in the room who would like to comment on this proposal?

2:45:57.140 --> 2:45:57.560

Sophie Moiese Room

Come on up.

2:45:59.490 --> 2:46:0.720

Sophie Moiese Room

Hey, good afternoon commissioners.

2:46:0.730 --> 2:46:2.10

Sophie Moiese Room

My name is Jesse Ramos.

2:46:2.150 --> 2:46:9.540

Sophie Moiese Room

This is the first local government hearing I've been at since I got off Council two years ago, but I thought it was super important that I come down and speak.

2:46:10.210 --> 2:46:13.980

Sophie Moiese Room

Our house is actually the most effective property by far.

2:46:14.190 --> 2:46:17.60

Sophie Moiese Room

You can see us right there with the cursor.

2:46:17.70 --> 2:46:17.980

Sophie Moiese Room

Who's doing that?

2:46:18.150 --> 2:46:19.120

Sophie Moiese Room

Thank you very much.

2:46:19.350 --> 2:46:21.40

Sophie Moiese Room

So we're the most effective property.

2:46:21.150 --> 2:46:27.620

Sophie Moiese Room

Jake actually grew up in this house and then doing some circumstances that got kind of cut off a little bit.

2:46:27.630 --> 2:46:34.160

Sophie Moiese Room

So we bought it about two years ago and I just want to say that Jake has been nothing but the best neighbor we could have ever asked for.

2:46:34.170 --> 2:46:39.60

Sophie Moiese Room

I mean we share property, I mean we don't even really look at property lines.

2:46:39.70 --> 2:46:40.730

Sophie Moiese Room

We help each other take care of spots.

2:46:41.190 --> 2:46:46.440

Sophie Moiese Room

I mean, in all the developments that I've seen in my time and local government, I mean this is the most thoughtful 1.

2:46:46.450 --> 2:46:49.920

Sophie Moiese Room

Jake is asked for input from the neighbors as he's developed this.

2:46:49.930 --> 2:46:58.220

Sophie Moiese Room

He's been very communicative with us, with me and my wife and I just think that again, you guys hit the nail on the head that we have a shortage of housing in Missoula.

2:46:58.230 --> 2:47:1.960

Sophie Moiese Room

I'm sure, I mean, I would love to have this a part of me would love to have.

2:47:1.970 --> 2:47:9.80

Sophie Moiese Room

This is just an open field in that road right there goes on our property, but the end of the day, Jake has been great.

2:47:9.170 --> 2:47:13.580

Sophie Moiese Room

We need more housing here in Missoula, and this is gonna make the community better.

2:47:13.590 --> 2:47:17.20

Sophie Moiese Room

It's gonna open up housing opportunities for folks that cannot afford to live here.

2:47:17.30 --> 2:47:24.880

Sophie Moiese Room

I mean, I just saw something on online a couple weeks ago that Montana is number fifth in terms of average cost of housing in the entire United States.

2:47:24.890 --> 2:47:32.640

Sophie Moiese Room

And if we don't start doing something as a community and starting respecting private property rights and expanding housing supply, we're gonna be in a world of hurt.

2:47:32.650 --> 2:47:35.380

Sophie Moiese Room

People aren't gonna be afforded able to afford to live here anymore.

2:47:35.390 --> 2:47:37.730

Sophie Moiese Room

So I think that this is a wonderful development.

2:47:37.740 --> 2:47:41.420

Sophie Moiese Room

I can't speak highly enough for it, and I'm in firm support of it and I'm available for questions.

2:47:41.430 --> 2:47:42.410

Sophie Moiese Room

Thank you commissioners.

2:47:42.560 --> 2:47:43.290

Sophie Moiese Room

Thank you, Jesse.

2:47:43.660 --> 2:47:44.770

Sophie Moiese Room

Additional public comment.

2:47:44.780 --> 2:47:45.200

Sophie Moiese Room

Come on up.

2:47:50.610 --> 2:47:52.600

Sophie Moiese Room

Hi, my name is Teresa Trenary.

2:47:52.710 --> 2:48:2.790

Sophie Moiese Room

I live on Battery Lane and I also own property that abuts umm, the proposed subdivision on the NW corner.

2:48:3.850 --> 2:48:9.640

Sophie Moiese Room

Umm, I don't really object to this subdivision, but I see no reason for a variance.

2:48:10.780 --> 2:48:12.410

Sophie Moiese Room

This land can be subdivided.

2:48:13.10 --> 2:48:18.190

Sophie Moiese Room

I feel he's that the Minister turzo is just trying to avoid the cost of subdividing.

2:48:18.300 --> 2:48:19.730

Sophie Moiese Room

I've subdivided out there.

2:48:19.740 --> 2:48:21.10

Sophie Moiese Room

I paid the fees.

2:48:21.80 --> 2:48:25.190

Sophie Moiese Room

I went through the whole process, I didn't ask for any kind of variance.

2:48:25.240 --> 2:48:26.270

Sophie Moiese Room

He can, if he.

2:48:29.170 --> 2:48:36.830

Sophie Moiese Room

He wants to put rental houses up there, so essentially he is creating business income for himself.

2:48:37.980 --> 2:48:38.670

Sophie Moiese Room

Umm.

2:48:39.440 --> 2:48:41.190

Sophie Moiese Room

I've lived out there for 30 years.

2:48:41.200 --> 2:48:44.210

Sophie Moiese Room

My husband's family has lived out there since 1966.

2:48:44.220 --> 2:48:52.30

Sophie Moiese Room

It's already zoned one house per half acre and for the most part, that's the way the whole community is.

2:48:52.700 --> 2:48:54.250

Sophie Moiese Room

There might be a few exceptions.

2:48:54.260 --> 2:49:2.460

Sophie Moiese Room

There are a couple subdivisions, but in those subdivisions they also have community sewer community water.

2:49:3.280 --> 2:49:4.650

Sophie Moiese Room

Umm it's.

2:49:5.710 --> 2:49:19.840

Sophie Moiese Room

This is gonna have, well, the upper part I guess is all that we're talking about, but it looks like on the diagram, first of all, everything that was sent to us was pretty much horrible.

2:49:20.390 --> 2:49:22.840

Sophie Moiese Room

It didn't explain what the variance was.

2:49:23.710 --> 2:49:26.40

Sophie Moiese Room

The map was almost illegible.

2:49:26.230 --> 2:49:33.740

Sophie Moiese Room

The legend was cut off, and so you were kind of referred to look it up on your own.

2:49:34.270 --> 2:49:43.370

Sophie Moiese Room

So we did that and then it says on there for the seven homes that he wants to build, they're listed as cabins.

2:49:43.720 --> 2:49:46.190

Sophie Moiese Room

So that kind of concerned all of us.

2:49:46.200 --> 2:49:47.730

Sophie Moiese Room

Like what is a cabin?

2:49:48.550 --> 2:50:1.360

Sophie Moiese Room

Well, I talked to Mr Terzo earlier and he said a cabin would just be a small conventional house and I we said, well, how big because we don't want that to be a a recreational area.

2:50:2.30 --> 2:50:4.400

Sophie Moiese Room

You know where people would rent it for the night or something?

2:50:4.410 --> 2:50:7.510

Sophie Moiese Room

He assured me that that wasn't his plan, but.

2:50:10.390 --> 2:50:12.330

Sophie Moiese Room

I'm kind of losing my training here.

2:50:15.460 --> 2:50:21.700

Sophie Moiese Room

So I guess what I'm trying to say is we would like for him to follow the rules.

2:50:22.910 --> 2:50:24.660

Sophie Moiese Room

Go ahead and subdivide.

2:50:24.710 --> 2:50:26.10

Sophie Moiese Room

Pay for the subdivision.

2:50:26.20 --> 2:50:28.60

Sophie Moiese Room

This doesn't have to be developed at all.

2:50:28.130 --> 2:50:29.680

Sophie Moiese Room

And it's been like this for years.

2:50:29.690 --> 2:50:30.280

Sophie Moiese Room

It doesn't.

2:50:30.410 --> 2:50:44.250

Sophie Moiese Room

And as far as the community and housing, I know there's a terrible situation, but seven homes, Aberdeen Peltz Ville Montana is really not gonna put much of a dent in that problem.

2:50:45.510 --> 2:50:50.370

Sophie Moiese Room

Umm, so basically what I'm saying is we don't see a need for a variance.

2:50:51.90 --> 2:50:54.740

Sophie Moiese Room

This subdivision does not have to be there.

2:50:54.810 --> 2:50:57.660

Sophie Moiese Room

He can follow the rules of subdivisions.

2:50:57.670 --> 2:51:1.820

Sophie Moiese Room

Right now, he doesn't want to do that because he doesn't want to disturb his topsoil.

2:51:2.230 --> 2:51:6.140

Sophie Moiese Room

But I I guess it just doesn't seem fair.

2:51:7.550 --> 2:51:8.530

Sophie Moiese Room

I had to follow the rules.

2:51:10.890 --> 2:51:11.540

Sophie Moiese Room

OK.

2:51:11.590 --> 2:51:13.440

Sophie Moiese Room

You know, that's thank you.

2:51:13.650 --> 2:51:14.60

Sophie Moiese Room

Thank you.

2:51:14.70 --> 2:51:14.480

Sophie Moiese Room

Thank you.

2:51:15.70 --> 2:51:15.660

Sophie Moiese Room

Go ahead, Josh.

2:51:15.670 --> 2:51:16.660

Sophie Moiese Room

Just add one thing, ma'am.

2:51:17.950 --> 2:51:21.90

Sophie Moiese Room

I just want to add one thing where if you've subdivided, then you have lots.

2:51:21.100 --> 2:51:28.460

Sophie Moiese Room

You could sell those individual lots and Mr Terzo wouldn't be able to sell these as individual lots, so it's it's.

2:51:28.470 --> 2:51:31.240

Sophie Moiese Room

I'm just saying there, there, there's a little apples and oranges there.

2:51:31.670 --> 2:51:34.830

Sophie Moiese Room

It's all right, but he could sell if he subdivided.

2:51:36.860 --> 2:51:38.610

Sophie Moiese Room

Can't if he doesn't, right?

2:51:38.620 --> 2:51:41.360

Sophie Moiese Room

So I'm saying subdivide or do nothing.

2:51:41.420 --> 2:51:41.770

Sophie Moiese Room

OK.

2:51:41.860 --> 2:51:42.510

Sophie Moiese Room

Thank you.

2:51:42.570 --> 2:51:43.220

Sophie Moiese Room

OK, thank you.

2:51:45.200 --> 2:51:45.400

Sophie Moiese Room

Sir.

2:51:52.250 --> 2:51:56.550

Sophie Moiese Room

Bob Jordan, Bob Jordan and my wife Michelle back here.

2:51:57.160 --> 2:52:41.80

Sophie Moiese Room

We on the property right across from where the two proposals are there on the east side at 2045, but Tree Lane and uh, I'm not here to deprive them of any growth and progress of of his intentions here, but I'd like to assure that my the wells that we have there we'll still be sufficient in the years to come and stuff there for what he's kind of proposing there and the safety of the uh the area around there residents that are ready there the other community you know if we have uh we guys are paved Rd.

2:52:41.140 --> 2:52:50.640

Sophie Moiese Room

Where they have good access for the fire department, police patrolling or any sheriff's patrolling and stuff like that.

2:52:51.610 --> 2:52:58.100

Sophie Moiese Room

Uh is a big concern, especially, and I just found out about the cabins also and stuff there too.

2:52:58.110 --> 2:53:7.0

Sophie Moiese Room

And the fire department would definitely need something to access that back portion there where where his intentions are putting those.

2:53:7.10 --> 2:53:17.570

Sophie Moiese Room

So, uh, like I said, I I'd like to see more of it in writing rather than just the ersatz, that type thing so far.

2:53:17.580 --> 2:53:18.890

Sophie Moiese Room

So if I could.

2:53:18.960 --> 2:53:19.520

Sophie Moiese Room

Thank you.

2:53:19.630 --> 2:53:19.910

Sophie Moiese Room

Thank.

2:53:19.920 --> 2:53:20.590

Sophie Moiese Room

Thank you, Sir.

2:53:21.200 --> 2:53:24.150

Sophie Moiese Room

It looks like we have a hand up online, Rebecca.

2:53:28.20 --> 2:53:28.280

Sophie Moiese Room

Good.

2:53:27.610 --> 2:53:28.860

Rebecca Ramos

Good afternoon.

2:53:28.930 --> 2:53:30.520

Rebecca Ramos

Almost evening commissioners.

2:53:30.670 --> 2:53:32.300

Rebecca Ramos

My name is Rebecca Ramos.

2:53:32.310 --> 2:53:42.80

Rebecca Ramos

No relation to Jesse, although I do live in that house there at the bottom left of the map, between Shady Lane and Jesse's driveway there.

2:53:42.510 --> 2:53:55.0

Rebecca Ramos

So again, I also am not necessarily opposed to the project Mr Terzo came to my home and brought me a nice big map and had a conversation with me that I was grateful to have caught him and talked to him about it.

2:53:55.10 --> 2:53:58.0

Rebecca Ramos

I really appreciated that he came to talk to us one on one.

2:53:58.810 --> 2:54:6.820

Rebecca Ramos

Umm my concerns are also largely around well water and fire suppression and things like defensible space.

2:54:7.410 --> 2:54:15.520

Rebecca Ramos

I think that Mister Trump's project is wonderful and and I love the garden area and the passion that he clearly shows for this land.

2:54:15.530 --> 2:54:25.400

Rebecca Ramos

But when we talk about the zoning variance potentially changing the zoning for anyone who wishes to develop this land, say this project doesn't pan out, and then he needs to offload.

2:54:25.410 --> 2:54:26.160

Rebecca Ramos

This property.

2:54:26.370 --> 2:54:33.300

Rebecca Ramos

Well, then we're back at square one with someone who's authorized to put X number many of homes on the land, but without the same.

2:54:33.310 --> 2:54:36.260

Rebecca Ramos

Well intentioned plan that we're at now.

2:54:36.270 --> 2:54:52.990

Rebecca Ramos

So I guess most of those questions could be addressed in the subdivision, but again, I'd really like to know about well water and fire suppression plans for how having this many number of people on that lot, how that would impact us in the area.

2:54:53.340 --> 2:54:53.660

Rebecca Ramos

Thank you.

2:54:54.650 --> 2:54:55.340

Sophie Moiese Room

Thank you.

2:54:55.410 --> 2:54:56.710

Sophie Moiese Room

Additional public comment.

2:54:56.810 --> 2:54:57.240

Sophie Moiese Room

Come on up.

2:55:0.560 --> 2:55:5.610

Sophie Moiese Room

My name is Anna Gasner and I have the property on Battery Lane in the corner of the Little triangle lot.

2:55:5.620 --> 2:55:11.560

Sophie Moiese Room

There one of my concerns is with the well waters because my well.

2:55:13.620 --> 2:55:15.970

Sophie Moiese Room

Circle area based on the map that he provided.

2:55:16.490 --> 2:55:23.50

Sophie Moiese Room

Umm, looks like it's butting up right against the drainage area for the house that's supposed to go there, which concerns being alive.

2:55:23.590 --> 2:55:28.540

Sophie Moiese Room

I also have small kids who live in the area, or sorry, I'm nervous.

2:55:29.130 --> 2:55:32.140

Sophie Moiese Room

Small kids who live there and are outside playing all the time.

2:55:32.150 --> 2:55:56.500

Sophie Moiese Room

And my concern with if they are rentals that people don't necessarily take as good of care as if they own the property there and I worry about my kids and my pets and my animals and everything there and people polluting my well water there with stuff in there and their driveway is also going to be on my my well water areas.

2:55:56.510 --> 2:55:57.790

Sophie Moiese Room

So thank you.

2:55:58.140 --> 2:55:58.790

Sophie Moiese Room

Thank you.

2:55:59.500 --> 2:56:0.720

Sophie Moiese Room

Additional comment.

2:56:2.370 --> 2:56:3.90

Sophie Moiese Room

Come on up.

2:56:13.490 --> 2:56:14.70

Sophie Moiese Room

Aye.

2:56:14.150 --> 2:56:17.80

Sophie Moiese Room

My name is Jermaine ternary and I live on Battery Lane.

2:56:17.330 --> 2:56:19.340

Sophie Moiese Room

We've lived there for over 60 years.

2:56:19.350 --> 2:56:20.160

Sophie Moiese Room

We've built that house.

2:56:21.160 --> 2:56:30.890

Sophie Moiese Room

Umm we when we came Internet today we talked with Jesse for a while and and he answered some of my questions.

2:56:31.100 --> 2:56:35.170

Sophie Moiese Room

We we we did not receive anything on this property.

2:56:35.240 --> 2:56:36.350

Sophie Moiese Room

Any notice at all?

2:56:37.100 --> 2:56:40.490

Sophie Moiese Room

My daughter-in-law did and and told us about it.

2:56:40.640 --> 2:56:47.570

Sophie Moiese Room

So I looked it up and what I'm concerned of is that these have little houses are called cabins.

2:56:48.60 --> 2:56:55.430

Sophie Moiese Room

There are no restrictions, no regulations on what is, what kind of a place they build, he said.

2:56:55.440 --> 2:57:8.180

Sophie Moiese Room

He was going to build family homes, but he could build little tiny homes and I'm concerned the excess population on gravel roads.

2:57:8.730 --> 2:57:11.680

Sophie Moiese Room

I'm concerned what it does to our property rights.

2:57:11.950 --> 2:57:14.440

Sophie Moiese Room

I'm concerned about what it does to our wells.

2:57:14.450 --> 2:57:18.460

Sophie Moiese Room

Also, I'm I every every.

2:57:21.210 --> 2:57:34.820

Sophie Moiese Room

Uh plat out there has had to put in a uh, paved roads and we're putting more houses on a small property on gravel roads.

2:57:36.290 --> 2:57:37.660

Sophie Moiese Room

So thank you.

2:57:37.970 --> 2:57:41.300

Sophie Moiese Room

And also on the garden, I didn't know what the garden area means.

2:57:41.310 --> 2:57:44.820

Sophie Moiese Room

It it it's, it's not really identified very much, he said.

2:57:44.830 --> 2:57:52.970

Sophie Moiese Room

It's going to be a place for people to walk or place for people to have gardens and I said and and mostly weeds.

2:57:52.980 --> 2:57:55.420

Sophie Moiese Room

And he said, well, yeah, it's weeds right now.

2:57:55.550 --> 2:57:56.570

Sophie Moiese Room

What difference does it make?

2:57:57.730 --> 2:57:58.240

Sophie Moiese Room

Thank you.

2:57:58.310 --> 2:57:59.20

Sophie Moiese Room

Thank you.

2:57:59.410 --> 2:58:0.980

Sophie Moiese Room

Additional public comment.

2:58:0.990 --> 2:58:6.180

Sophie Moiese Room

Anyone else here in the room or online want to comment Sir?

2:58:11.950 --> 2:58:19.100

Sophie Moiese Room

My name is Andy Lukes and I'm I've lived on Buttrey Lane in a lot to the east.

2:58:19.210 --> 2:58:28.410

Sophie Moiese Room

Right next to the tenares, I agree with everything that has been said by the previous speakers.

2:58:28.920 --> 2:58:34.690

Sophie Moiese Room

I think the planning is a good first step.

2:58:34.860 --> 2:58:40.640

Sophie Moiese Room

I would like to see a a meeting with the torsos Jake.

2:58:42.230 --> 2:58:55.510

Sophie Moiese Room

Prior to any action that is taken here to talk about his plans, I think it was good that he talked to several in the neighbors, but if he would have got together.

2:58:56.180 --> 2:58:59.250

Sophie Moiese Room

Uh, and talk to everybody.

2:58:59.260 --> 2:59:5.150

Sophie Moiese Room

I think the process is would produce a better result, so that's my comment.

2:59:8.150 --> 2:59:8.820

Sophie Moiese Room

Thank you, Sir.

2:59:9.430 --> 2:59:10.800

Sophie Moiese Room

Additional comment.

2:59:10.890 --> 2:59:14.940

Sophie Moiese Room

Anyone in the room or joining virtually online?

2:59:18.240 --> 2:59:18.760

Sophie Moiese Room

Come on up.

2:59:19.500 --> 2:59:20.830

Sophie Moiese Room

Sorry, I do have one more thing.

2:59:21.640 --> 2:59:25.930

Sophie Moiese Room

One other thing that will definitely be impacted is the wildlife that comes through.

2:59:26.220 --> 2:59:33.120

Sophie Moiese Room

I know that those empty lots right now I see a lot of deer out there and a lot of wild turkeys that go through.

2:59:33.180 --> 2:59:42.400

Sophie Moiese Room

I just want to make sure that some of our diversity wildlife diversity gets taken care of during this process.

2:59:42.950 --> 2:59:43.290

Sophie Moiese Room

Thank you.

2:59:44.240 --> 2:59:45.620

Sophie Moiese Room

Any final public comment?

2:59:47.360 --> 3:0:0.830

Sophie Moiese Room

OK, let's close the public hearing and before we go to questions and comments from the planning and Zoning Commission, I wanted just a Jenny, if you could answer a process question.

3:0:0.840 --> 3:0:6.910

Sophie Moiese Room

There have been some comments about uh folks not knowing this was happening.

3:0:6.920 --> 3:0:18.160

Sophie Moiese Room

I'm assuming uh or could you describe the the public notice comments related to a proposed zoning, right petition like this we bet.

3:0:18.590 --> 3:0:36.700

Sophie Moiese Room

So the requirement out of state law which we try to go above and beyond, we notified adjacent property owners within 300 feet by mail on March 13 and that has to be at least 15 days prior to the hearing which it's April 4th.

3:0:36.710 --> 3:0:38.120

Sophie Moiese Room

So that's more than 15 days.

3:0:38.440 --> 3:0:42.660

Sophie Moiese Room

Also posted the property in three locations on March 15.

3:0:43.570 --> 3:0:51.260

Sophie Moiese Room

Legal ad was placed in the Missoulian on March 16 and 23, and the project was posted on Missoula County Voice page on March 11.

3:0:52.910 --> 3:1:13.400

Sophie Moiese Room

Like I said, we tried to go above and beyond the notice to make sure, and then I also provided the list of adjacent property owners to the applicant and they indicated that they were were considering or maybe

did go around to each of the homes that we were going to be notifying by mail to let you know about the project as well.

3:1:13.770 --> 3:1:14.430

Sophie Moiese Room

Thank you.

3:1:14.770 --> 3:1:15.400

Sophie Moiese Room

All right.

3:1:15.410 --> 3:1:16.570

Sophie Moiese Room

Josh, did you have a question?

3:1:16.580 --> 3:1:16.980

Sophie Moiese Room

Thanks.

3:1:17.190 --> 3:1:26.290

Sophie Moiese Room

Jenny, could you speak to the issue on wells, I you know briefly and then I'm going to turn it over to Mike or Joe or whoever wants to pick that up.

3:1:26.300 --> 3:1:36.690

Sophie Moiese Room

But I mean this if this doesn't come, I mean, I fully expect this to come in as a subdivision because this actually came to me first as a scoping meeting for a subdivision and I had to just play like timeout.

3:1:36.700 --> 3:1:42.220

Sophie Moiese Room

We we gotta deal with this issue 1st and then the plan is to come in with this subdivision as shown on the screen.

3:1:42.920 --> 3:1:43.260

Sophie Moiese Room

Umm.

3:1:45.190 --> 3:2:3.200

Sophie Moiese Room

As part of that subdivision review process, of course, we look at ad nauseam at water issues and septic and and all of that if it's comes in simply as a building permit, then the requirements are whatever is normally required for a building permit for water.

3:2:3.290 --> 3:2:8.340

Sophie Moiese Room

And I think, Mike, do you have information about the the, what you plan to do with it?

3:2:9.600 --> 3:2:11.250

Sophie Moiese Room

Mike, come on, Joe.

3:2:11.480 --> 3:2:13.430

Sophie Moiese Room

Joe, whoever like to speak to this?

3:2:17.350 --> 3:2:18.20

Sophie Moiese Room

Don't go.

3:2:18.110 --> 3:2:18.960

Sophie Moiese Room

I'll go at once.

3:2:20.850 --> 3:2:24.160

Sophie Moiese Room

I guess, Joe, would you be able to to help us on that at all?

3:2:24.900 --> 3:2:31.590

Joe M. Dehnert

Yeah, I can before the for the room gets any noise, the camera doesn't follow people, so I didn't know if Mike was walking up.

3:2:31.940 --> 3:2:33.250

Joe M. Dehnert

Joe, dinner, can you all hear me?

3:2:34.140 --> 3:2:34.280

Sophie Moiese Room

Yes.

3:2:36.180 --> 3:2:36.630

Joe M. Dehnert

Great.

3:2:36.880 --> 3:2:57.820

Joe M. Dehnert

I do work at Imeg and if the questions related to the process for building permit, you know, obviously subdivision review as Jenny mentioned, it has the primary view criteria, all the environmental assessments, everything that actually happens during that review, which we're not quite discussing at this point.

3:2:58.80 --> 3:3:4.370

Joe M. Dehnert

I haven't spoken directly with either the client or Mike about navigating the building permit process.

3:3:4.420 --> 3:3:10.260

Joe M. Dehnert

If this variance isn't approved, if the plan for the subdivision doesn't come to fruition.

3:3:10.480 --> 3:3:14.550

Joe M. Dehnert

That being said, the building permit process still requires a well and septic app.

3:3:14.660 --> 3:3:25.540

Joe M. Dehnert

It still has oversight from the DEQ, with Missoula County Health Department being the local reviewer, and there's all of the testing and and requirements that go along with that.

3:3:26.250 --> 3:3:34.540

Joe M. Dehnert

So it it's difficult to separate out these issues, I understand, but as an assurance to all the public comment I just heard.

3:3:36.810 --> 3:3:43.980

Joe M. Dehnert

Whatever the plan is, there is direct oversight at the state and local level to ensure that water quality and quantity are in place.

3:3:46.30 --> 3:3:46.580

Sophie Moiese Room

Thank you.

3:3:46.590 --> 3:3:50.20

Sophie Moiese Room

It just does not happen at this point in the process. Great.

3:3:49.700 --> 3:3:50.570

Joe M. Dehnert

That's right.

3:3:50.580 --> 3:4:0.230

Joe M. Dehnert

And it's very difficult to separate these two because you're looking at a plan and you're and you're thinking of these things, but we're not quite there yet.

3:4:0.240 --> 3:4:10.250

Joe M. Dehnert

As Jenny mentioned, scoping for subdivision resulted ultimately in this because of the umm singular tense in a 1970s zoning code.

3:4:11.670 --> 3:4:25.340

Sophie Moiese Room

And the water quality and and quantity issues that are going to be reviewed are impacts to those neighbors, to the, I mean, is that reviewed in that as part of that process?

3:4:25.350 --> 3:4:25.740

Sophie Moiese Room

How?

3:4:25.790 --> 3:4:28.230

Sophie Moiese Room

How is concerns addressed?

3:4:26.20 --> 3:4:28.690

Joe M. Dehnert

Yeah, that's correct.

3:4:28.700 --> 3:4:34.610

Joe M. Dehnert

So basically, and and Jenny probably has maybe more real time information.

3:4:34.620 --> 3:4:38.250

Joe M. Dehnert

There's a lot going on right now when it comes to environmental assessments in the state of Montana.

3:4:38.540 --> 3:4:43.670

Joe M. Dehnert

We're not gonna talk about broad water this afternoon, but in short, yes.

3:4:43.680 --> 3:5:2.790

Joe M. Dehnert

As part of the environmental assessment associated with any major subdivision in Missoula County, you have to address both impacts on the property and to a JSON properties and writ large in the area for things like water quality, water quality, wildlife even was mentioned.

3:5:2.800 --> 3:5:25.480

Joe M. Dehnert

All of those things are factored into really a different bucket of review and also is just a little side note for all the public that can hear me right now in the event that this does this deviation from the zoning code it is approved, there is another sweet of of public involvement that kicks off during subdivision review.

3:5:25.570 --> 3:5:29.500

Joe M. Dehnert

And that does mean a neighborhood meeting where you'll get to talk a lot more with Jake.

3:5:29.610 --> 3:5:36.940

Joe M. Dehnert

That does mean having another chance to discuss this or hear the discussions at planning board and ultimately before the Commissioners as well.

3:5:36.950 --> 3:5:43.850

Joe M. Dehnert

So there's a lot of things that the public gets to comment on, aside from a preliminary layout at this stage.

3:5:44.930 --> 3:5:47.180

Sophie Moiese Room

Thank you, Russians.

3:5:48.900 --> 3:5:49.290

Sophie Moiese Room

Yeah.

3:5:49.300 --> 3:5:52.210

Sophie Moiese Room

Tyler at 2 questions one.

3:5:52.300 --> 3:6:0.110

Sophie Moiese Room

The first one for Jenny, just to address one of the concerns, was that this we're approving, my understanding is we're approving this variance based on this plan.

3:6:0.120 --> 3:6:5.520

Sophie Moiese Room

So if the plan substantially deviated from this plan, there would not be a variance for it.

3:6:5.570 --> 3:6:6.270

Sophie Moiese Room

Or the idea.

3:6:6.340 --> 3:6:14.730

Sophie Moiese Room

In other words, the idea that we approve this and then somebody else comes along and does something totally different couldn't happen because this is approval for this plan.

3:6:14.740 --> 3:6:15.530

Sophie Moiese Room

Correct, Jenny.

3:6:15.540 --> 3:6:16.310

Sophie Moiese Room

Is that correct?

3:6:16.700 --> 3:6:17.430

Sophie Moiese Room

Yes.

3:6:17.630 --> 3:6:23.190

Sophie Moiese Room

And in general, yeah, there can be some shifts here and there, but effectively, yes.

3:6:24.620 --> 3:6:35.310

Sophie Moiese Room

And then my second one would be for Mr Terzo, which is one of the concerns I heard was regarding whether this would be basically, it sounds like air BNB, air, VRBO.

3:6:36.60 --> 3:6:39.50

Sophie Moiese Room

Are there any restrictions that you plan on placing on it?

3:6:39.60 --> 3:6:43.240

Sophie Moiese Room

Is there what assurance is can you provide that this isn't gonna be vacation rentals?

3:6:43.910 --> 3:6:46.130

Sophie Moiese Room

Uh, thank you for the question.

3:6:46.140 --> 3:6:47.680

Sophie Moiese Room

Again, Jake turzo.

3:6:48.710 --> 3:6:53.180

Sophie Moiese Room

I absolutely no intent to to do a VRBO or short term rental.

3:6:53.650 --> 3:6:56.600

Sophie Moiese Room

These are really designed for long term rentals.

3:6:56.990 --> 3:7:3.250

Sophie Moiese Room

Our our tenants on the farm have been, I mean some of them been there 1015 years, so long term.

3:7:4.550 --> 3:7:9.260

Sophie Moiese Room

And and that also ties in with the intended use for the common area, the garden area.

3:7:9.270 --> 3:7:14.780

Sophie Moiese Room

People that want to be able to and and want to have the opportunity to use a a productive space like that.

3:7:15.30 --> 3:7:20.990

Sophie Moiese Room

So I I'll make that assurance in whatever way we need to.

3:7:21.360 --> 3:7:21.700

Sophie Moiese Room

Thank you.

3:7:23.0 --> 3:7:24.250

Sophie Moiese Room

Thank you, Jenny.

3:7:24.660 --> 3:7:37.630

Sophie Moiese Room

To follow up on a question about fire or emergency response, egress or ingress, presumably similar to water, that is something that would be addressed at subdivision or building permit.

3:7:37.640 --> 3:7:38.850

Sophie Moiese Room

Is that correct?

3:7:38.920 --> 3:7:39.730

Sophie Moiese Room

That's correct.

3:7:39.740 --> 3:7:51.110

Sophie Moiese Room

And also as part of this project, we did contact all of the the agencies that we would normally contact and none of none of them had any adverse comment on this proposal, including fire.

3:7:51.280 --> 3:7:51.730

Sophie Moiese Room

Thanks.

3:7:51.860 --> 3:7:52.670

Sophie Moiese Room

Additional comment.

3:7:53.960 --> 3:7:57.100

Sophie Moiese Room

Or do you wanna pull up the the motion language again?

3:8:0.810 --> 3:8:7.150

Sophie Moiese Room

And presumably this is to recommend to the board of County Commissioners approval.

3:8:7.160 --> 3:8:8.10

Sophie Moiese Room

Yes, OK.

3:8:11.870 --> 3:8:12.950

Sophie Moiese Room

I would entertain a motion.

3:8:13.900 --> 3:8:15.990

Sophie Moiese Room

I guess I'm reading the yellow part.

3:8:16.60 --> 3:8:16.340

Sophie Moiese Room

No.

3:8:16.350 --> 3:8:18.590

Sophie Moiese Room

You would read the white part and and it would be.

3:8:18.600 --> 3:8:21.750

Sophie Moiese Room

I moved to recommend approval to my mistake there.

3:8:21.920 --> 3:8:38.970

Sophie Moiese Room

I moved to recommend approval of the request for a variance in zoning district #34 to allow for more than one single dwelling on a tract on property located at 10380 Highway 10 E, as described as in a warranty deed at book 1086, page 196.

3:8:39.380 --> 3:8:46.120

Sophie Moiese Room

Based on the application, the findings of facts and conclusions of law found in the staff report and public testimony, subject to the conditions of approval.

3:8:48.240 --> 3:8:58.730

Sophie Moiese Room

I'll second that any further discussion on the motion by the planning and Zoning Commission, seeing none, let's go ahead and vote all those in favor, please signify by saying aye.

3:8:58.780 --> 3:8:59.890

Sophie Moiese Room

Aye, aye.

3:8:59.980 --> 3:9:0.340

Sophie Moiese Room

Any opposed?

3:9:1.950 --> 3:9:3.400

Sophie Moiese Room

OK, this moves.

3:9:3.410 --> 3:9:8.650

Sophie Moiese Room

Uh, the planning and zoning Commission will be adjourned and this moves to the board of County Commissioners now.

3:9:10.170 --> 3:9:10.970

Sophie Moiese Room

So.

3:9:12.940 --> 3:9:13.600

Sophie Moiese Room

Is there?

3:9:15.350 --> 3:9:24.580

Sophie Moiese Room

Any additional public comment at this point as this is now before the board of County Commissioners or Mr Terzo, is there anything that you wanted to address?

3:9:28.920 --> 3:9:35.130

Sophie Moiese Room

Briefly, I do want to apologize for again Jake Turzo for not getting everybody, especially you, Andy.

3:9:35.230 --> 3:9:36.770

Sophie Moiese Room

It was my intention.

3:9:36.780 --> 3:9:48.10

Sophie Moiese Room

I travel extensively for work and was it been gone almost over half of this calendar year and then I was sick and want to expose anybody, but I do plan on talking open to it and ternarius as well.

3:9:48.20 --> 3:9:51.980

Sophie Moiese Room

Appreciate the comments and the concerns and yeah, we'll work to address them.

3:9:51.990 --> 3:9:52.410

Sophie Moiese Room

Thank you.

3:9:52.750 --> 3:9:53.390

Sophie Moiese Room

Thank you.

3:9:53.460 --> 3:9:55.400

Sophie Moiese Room

Any additional come on up?

3:9:57.760 --> 3:9:59.490

Sophie Moiese Room

Umm, this is Anna Gasner again.

3:9:59.880 --> 3:10:1.190

Sophie Moiese Room

I just have a question.

3:10:1.200 --> 3:10:7.730

Sophie Moiese Room

You said that you are looking for long term tenants, but with the comment earlier in the meeting about the.

3:10:9.740 --> 3:10:11.150

Sophie Moiese Room

Housing free.

3:10:11.620 --> 3:10:14.830

Sophie Moiese Room

Sorry about the housing for everybody.

3:10:15.400 --> 3:10:16.370

Sophie Moiese Room

How are you going to?

3:10:17.890 --> 3:10:32.110

Sophie Moiese Room

Not discriminate and say, I mean we've got a lot of college students that look for places to live, and I'm really hoping a dorm group of college students don't decide to go house in one of these houses and make it a party house.

3:10:32.190 --> 3:10:34.620

Sophie Moiese Room

I mean, how are you going to not have that happen?

3:10:36.570 --> 3:10:41.430

Sophie Moiese Room

Mr 2 turzo uh, you can let's speak to that as much or as little as you want.

3:10:41.440 --> 3:10:41.570

Sophie Moiese Room

Go.

3:10:41.580 --> 3:10:41.840

Sophie Moiese Room

Yeah.

3:10:41.850 --> 3:10:42.230

Sophie Moiese Room

Thank.

3:10:42.240 --> 3:10:43.150

Sophie Moiese Room

Thank you for the question.

3:10:43.220 --> 3:11:1.550

Sophie Moiese Room

Jake Terzo again, it's it is very difficult umm to to screen in that regard and in fact on the House I just recently renovated, there are graduate students that are doing a a grouse survey that are just leasing for six months.

3:11:1.560 --> 3:11:20.630

Sophie Moiese Room

So in those kind of conditions, I mean I can't say that we won't have some of those type of situations you know, but I think that we will self select the ear that tenants will self select based on their interest in the property and their use of the property and just the entire neighborhood.

3:11:20.640 --> 3:11:24.430

Sophie Moiese Room

I think it's gonna attract long, very long term residents.

3:11:24.440 --> 3:11:25.320

Sophie Moiese Room

So thank you.

3:11:25.330 --> 3:11:25.970

Sophie Moiese Room

Thank you.

3:11:26.200 --> 3:11:27.750

Sophie Moiese Room

Basically, no guarantees.

3:11:27.760 --> 3:11:28.720

Sophie Moiese Room

Come on up, ma'am.

3:11:31.330 --> 3:11:35.630

Sophie Moiese Room

Like each of this and and could you say your name again?

3:11:35.640 --> 3:11:36.890

Sophie Moiese Room

Teresa ternary.

3:11:36.950 --> 3:11:40.730

Sophie Moiese Room

And I'm not opposed to the subdivision, but I'm just disappointed.

3:11:40.740 --> 3:11:44.710

Sophie Moiese Room

In it, it actually sort of feels like it was already decided.

3:11:45.20 --> 3:11:54.100

Sophie Moiese Room

When you have people putting their coats on and out of here as quickly as they can, but they're actually not part of the board of County Commissioners, that was a different, OK planning and zoning Commission was.

3:11:54.110 --> 3:11:54.840

Sophie Moiese Room

I didn't know that.

3:11:54.850 --> 3:12:6.640

Sophie Moiese Room

I didn't know that, but I I'm having what I'm having trouble with is why does he not have to subdivide white that you could subdivide half acre lots.

3:12:8.60 --> 3:12:9.740

Sophie Moiese Room

That's the norm for the area.

3:12:10.670 --> 3:12:13.90

Sophie Moiese Room

So that's what I'm really grappling with is.

3:12:14.700 --> 3:12:15.180

Sophie Moiese Room

What?

3:12:15.280 --> 3:12:16.910

Sophie Moiese Room

Why he doesn't have to simplify.

3:12:18.100 --> 3:12:23.60

Sophie Moiese Room

So basically what we were saying earlier is go ahead.

3:12:23.580 --> 3:12:26.900

Sophie Moiese Room

I feel well, he actually said to me to keep costs down.

3:12:27.160 --> 3:12:33.790

Sophie Moiese Room

So he's creating income property for himself and.

3:12:36.520 --> 3:12:37.810

Sophie Moiese Room

Doesn't want to set.

3:12:37.820 --> 3:12:38.530

Sophie Moiese Room

He wants he.

3:12:38.540 --> 3:12:48.450

Sophie Moiese Room

He wants to just totally bypass subdivision that land and he's going to have nine homes on one lot the 1973.

3:12:50.70 --> 3:12:55.320

Sophie Moiese Room

Half Acre zoning was because that's what the people in the area would like to have.

3:12:55.750 --> 3:13:2.280

Sophie Moiese Room

We don't want dense neighborhoods with lots of traffic and all the other issues that have been brought up here.

3:13:2.400 --> 3:13:3.0

Sophie Moiese Room

I don't.

3:13:3.90 --> 3:13:4.680

Sophie Moiese Room

I have no objection to it.

3:13:4.690 --> 3:13:14.10

Sophie Moiese Room

I just feel that you need to honor and respect the zoning that's already in place and the zoning that we are you laughing at me?

3:13:14.300 --> 3:13:19.310

Sophie Moiese Room

No looking to staff because I think I think we're going to be able to have an answer for you in a second.

3:13:21.780 --> 3:13:28.50

Sophie Moiese Room

Well, I I just, I just feel like that's what the people in the community want is half acre lots.

3:13:28.60 --> 3:13:42.990

Sophie Moiese Room

We don't want a dense community and I I don't see in my mind I don't see any way there's a need for a variance when he can subdivide and have half acre lots.

3:13:43.290 --> 3:13:43.800

Sophie Moiese Room

Thank you.

3:13:43.810 --> 3:13:46.850

Sophie Moiese Room

There is a subdivision coming, and Jenny or Jake?

3:13:46.860 --> 3:13:47.610

Sophie Moiese Room

You wanna speak to this?

3:13:51.180 --> 3:13:53.350

Sophie Moiese Room

Really quickly we we need to move on.

3:13:53.420 --> 3:13:55.750

Sophie Moiese Room

This is just the thought is Mr Terzo.

3:13:55.820 --> 3:14:0.150

Sophie Moiese Room

I know he he has an attachment to this land, but he's not gonna live there.

3:14:1.260 --> 3:14:5.310

Sophie Moiese Room

I mean, this is a we have to live there with this congestion.

3:14:5.380 --> 3:14:7.480

Sophie Moiese Room

And so it's just a consideration.

3:14:8.820 --> 3:14:11.400

Sophie Moiese Room

This is for Mr Terzo.

3:14:11.590 --> 3:14:13.270

Sophie Moiese Room

Thank you for the comments, Commissioners.

3:14:13.280 --> 3:14:14.320

Sophie Moiese Room

Again, Jake turzo.

3:14:15.190 --> 3:14:36.970

Sophie Moiese Room

So one of the reasons why I'm doing this to address that last comment is because my youngest son expressed a strong interest in living out there, as has my nephew, and this is one of the ways that I can subset, subsidized my family and other people that I know, younger people that are desperate for the the kind of housing that can be provided out there.

3:14:36.980 --> 3:14:40.810

Sophie Moiese Room

But they're kind of hopeless in what they can afford elsewhere in the county.

3:14:40.820 --> 3:14:43.390

Sophie Moiese Room

So that's part of my reason here.

3:14:43.480 --> 3:15:7.820

Sophie Moiese Room

I could subdivide this entire property, but this exemption over this variance actually would result in fewer homes, cause if I did subdivide, I'd have a much more intensive infrastructure design which would cause me to have additional lots, especially on that upper field, which is very well suited for an interior cul-de-sac road and lots on both sides.

3:15:8.230 --> 3:15:16.780

Sophie Moiese Room

I don't wanna do that for the reasons I mentioned, so this is actually resulting in lower density than I would have if I actually went through a normal subdivision.

3:15:17.60 --> 3:15:19.660

Sophie Moiese Room

And this is a subdivision for lease or rent.

3:15:19.670 --> 3:15:21.840

Sophie Moiese Room

So we are going through a subdivision process.

3:15:22.290 --> 3:15:28.100

Sophie Moiese Room

It's not like it's outside of the law, so there is a significant process.

3:15:28.110 --> 3:15:39.700

Sophie Moiese Room

And yes, this is a lower cost option, but it's also incredibly expensive to finance and build homes of any type, even rental homes.

3:15:39.870 --> 3:15:45.820

Sophie Moiese Room

So reducing those costs is important to keep it affordable for the Community, and that may be a win for me.

3:15:45.830 --> 3:15:49.660

Sophie Moiese Room

But I think it's also a win for the Community and in future residents as well.

3:15:49.890 --> 3:15:50.340

Sophie Moiese Room

Thank you.

3:15:50.610 --> 3:15:50.990

Sophie Moiese Room

Thank you.

3:15:52.300 --> 3:15:54.620

Sophie Moiese Room

And we're gonna come on.

3:15:54.860 --> 3:15:56.590

Sophie Moiese Room

I'll be OK, Commissioner.

3:15:57.120 --> 3:16:3.950

Sophie Moiese Room

I just wanted to to speak real quickly to the variance again, as is the most effective property owner by far right in the middle of this.

3:16:3.960 --> 3:16:11.490

Sophie Moiese Room

I'm really glad that he's looking at a variance and not subdividing land and selling it off to multiple different people, again affecting density.

3:16:11.540 --> 3:16:25.900

Sophie Moiese Room

Everything else and just again to speak to the the developers character, I mean he lets us use his tractor for instance, the plan, the, the road, he lets us mobile path around the the garden area and walk on even though it's not our property.

3:16:25.910 --> 3:16:29.360

Sophie Moiese Room

He has been communicative at every single step of this process.

3:16:29.990 --> 3:16:32.820

Sophie Moiese Room

I believe him when he says this is what he wants to do.

3:16:32.830 --> 3:16:33.760

Sophie Moiese Room

He's doing this.

3:16:33.970 --> 3:16:34.910

Sophie Moiese Room

He couldn't do a lot more.

3:16:34.920 --> 3:16:42.140

Sophie Moiese Room

He could stuff a whole bunch of stuff in there if this was really for profit and didn't care about the property and the neighbors, he could subdivide it and make it incredibly dense.

3:16:42.150 --> 3:16:45.260

Sophie Moiese Room

But I think this is a great, thoughtful development.

3:16:45.270 --> 3:16:49.940

Sophie Moiese Room

And again, I just wanna say that I fully support this as the most effective property owner.

3:16:49.950 --> 3:16:50.540

Sophie Moiese Room

So thank you.

3:16:50.650 --> 3:16:51.380

Sophie Moiese Room

Thank you, Jesse.

3:16:51.430 --> 3:16:53.60

Sophie Moiese Room

Jenny, could you clarify?

3:16:53.110 --> 3:16:58.580

Sophie Moiese Room

This is what I was hoping to get to earlier in terms of density.

3:16:58.590 --> 3:17:0.560

Sophie Moiese Room

My understanding is there is no.

3:17:0.570 --> 3:17:12.360

Sophie Moiese Room

It's erroneous to say that somehow this what we're contemplating today would result in greater density than what would otherwise be allowed in terms of the number of dwelling units.

3:17:12.770 --> 3:17:15.40

Sophie Moiese Room

So yes, thank you for this opportunity.

3:17:15.90 --> 3:17:33.90

Sophie Moiese Room

So there's an implied density with the minimum lot size that's allowed in this district of half acre, with this property being let's just for round numbers say it's 30 acres, you in theory with this zoning you could place 60 half acre lots on the property.

3:17:33.980 --> 3:17:52.940

Sophie Moiese Room

Now, whether you could get sanitation and and water and and all of that is that is another story, but the density issue is I think isn't is not really the issue, it's whether what type of home ownership types do they wanna do and they don't want.

3:17:52.950 --> 3:18:6.930

Sophie Moiese Room

They want to provide that wide range of opportunity as shown in this plat where they have nine half acre tracks here along the cul-de-sac and then a different housing model type on lot 10.

3:18:8.940 --> 3:18:11.570

Sophie Moiese Room

OK, significantly less than what zoning would allow it.

3:18:11.580 --> 3:18:12.720

Sophie Moiese Room

Can you go back to that?

3:18:12.770 --> 3:18:17.740

Sophie Moiese Room

I think you had a slide maybe as the second one that shows the the two subdivisions on either side of it.

3:18:19.0 --> 3:18:19.710

Sophie Moiese Room

There we go. Thanks.

3:18:21.730 --> 3:18:24.890

Sophie Moiese Room

And actually what I can do?

3:18:35.570 --> 3:18:38.980

Sophie Moiese Room

Is we can identify like I can.

3:18:38.990 --> 3:18:41.400

Sophie Moiese Room

Even identify people's properties and tell you.

3:18:41.610 --> 3:18:48.650

Sophie Moiese Room

So that's about an A little an acre and 1/3 an acre. .75.

3:18:48.660 --> 3:18:49.140

Sophie Moiese Room

Yes.

3:18:49.940 --> 3:18:52.650

Sophie Moiese Room

Come on, Jake. Again.

3:18:52.660 --> 3:19:2.460

Sophie Moiese Room

So sorry, Jake Terzo up until up to the east boundary of Butchery Acres, where those higher density lots.

3:19:2.920 --> 3:19:6.0

Sophie Moiese Room

Uh and from Hwy.

3:19:6.10 --> 3:19:13.310

Sophie Moiese Room

200 to that point, there's about 50% of the of the developed lots that are less than half acre.

3:19:13.800 --> 3:19:26.110

Sophie Moiese Room

There's about 40% of those lots that are between 1/2 acre and one acre, and there's about 12% that are above 1 acre and it's a lot of larger tracks that have multiple dwellings on them.

3:19:26.160 --> 3:19:26.690

Sophie Moiese Room

Thank you.

3:19:26.780 --> 3:19:27.150

Sophie Moiese Room

Thank you.

3:19:27.160 --> 3:19:27.850

Sophie Moiese Room

Thank you.

3:19:28.480 --> 3:19:33.40

Sophie Moiese Room

Is there anyone online or in the room who has not commented on this previously?

3:19:35.870 --> 3:19:36.550

Sophie Moiese Room

OK.

3:19:36.870 --> 3:19:39.10

Sophie Moiese Room

We will close the public hearing additional questions.

3:19:39.610 --> 3:19:41.180

Sophie Moiese Room

I'm Jenny.

3:19:41.190 --> 3:19:43.720

Sophie Moiese Room

Do you wanna pull up the yes motion language again?

3:19:53.450 --> 3:19:54.600

Sophie Moiese Room

No, very nice.

3:20:3.860 --> 3:20:7.370

Sophie Moiese Room

OK, I would entertain a motion.

3:20:7.600 --> 3:20:24.430

Sophie Moiese Room

Alright, I move to approve the request for a variance in ZD 34 to allow for more than one single dwelling on attractive property located at 10380 Highway 10 E as described as in a warranty deed at book 1086, page 196.

3:20:24.440 --> 3:20:32.10

Sophie Moiese Room

Based on the application, the findings of fact and conclusions of law found in the staff report and public testimony, subject to the conditions of approval.

3:20:33.80 --> 3:20:37.50

Sophie Moiese Room

Second, any further discussion on the motion see none.

3:20:37.60 --> 3:20:37.730

Sophie Moiese Room

All in favor?

3:20:37.860 --> 3:20:38.410

Sophie Moiese Room

Aye, aye.

3:20:39.380 --> 3:20:41.910

Sophie Moiese Room

OK, that is done.

3:20:41.920 --> 3:20:47.60

Sophie Moiese Room

Is there any other business to come before the Commission today seeing none, we will be adjourned.

3:20:47.320 --> 3:20:47.610

Sophie Moiese Room

Thank you.