

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, FEBRUARY 9, 2023 – 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:

Acting Chair David Strohmaier
Commissioner Juanita Vero

Planning and Zoning Commission Members Present:

David Strohmaier
Juanita Vero
Justin Archibald
Vanessa Gardner
Shane Stack

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Erin Kautz, Grants Administrator, Grants
Elisha Buchholz, Equity Coordinator, Commissioners' Office
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office
Shyra Scott, Director, Clerk and Records' Office
Samuel Scott, Assistant Recording Director, Clerk and Records' Office
Chris Lounsbury, Chief Administrative Officer, Commissioners' Office
Lauren Ryan, Planner, Planning, Development, and Sustainability
Laurie Hire, Office Manager, Lands and Communities
Heather Powers, Administrative Assistant, Lands and Communities
Carey Powers, Communications Coordinator, Commissioners' Office
Jennie Dixon, Planner, Planning, Development, and Sustainability

1. **CALL TO ORDER** *[Time stamp – 00:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:21]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:37]*

Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.

4. PUBLIC ANNOUNCEMENTS

- a. **Closed Captioning Available** [Time stamp – 01:07]

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 00:45]

6. CURRENT CLAIMS LIST [Time stamp – 07:39]

Claims received as of January 25, 2023 to January 31, 2023 by the Commissioners' Office total \$1,181,819.58.

7. HEARING (Planning and Zoning Commission)

- a. **Corner Farm Village Use Variance** [Time stamp – 07:52]

Jennie Dixon, Planner, Planning, Development and Sustainability

Shane Stack made the motion to approve the request for a use variant in ZD number 1/3 to allow an agricultural related business on a property described as Lots 47 to 48 Dinsmore Orchard Homes #5 located on the southeast corner of S 3rd and Tower Streets. 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

Vanessa Gardner seconded.

[Motion Passed 5-0.]

[Letter 2023-026. Mailed to: Jamie Erbacher, WGM Group.]

Planning and Zoning adjourned and the Board of County Commissioners reconvened.

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the request for a use variant in ZD number 1/3 to allow an agricultural related business on a property described as Lots 47 to 48 Dinsmore Orchard Homes #5 located on the southeast corner of S 3rd and Tower Streets. 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.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

8. HEARINGS

- a. **Interlocal Agreement with the City of Missoula – Planning Services** [Time stamp – 48:59]

Karen Hughes, Director, Planning, Development and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the updated interlocal agreement with the City of Missoula for planning services.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

b. Hackamore Acres Subdivision [Time stamp – 53:41]

Lauren Ryan, Planner, Planning, Development and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the Hackamore Acres subdivision based on the fines of fact and conclusions of law in the staff report and subject to the recommended conditions of approval as amended.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2023-036. Mailed to: Danny Oberweiser, IMEG, Corp.]

9. OTHER BUSINESS

a. 2022 Rapid Community Food Assessment Presentation [Time stamp – 00:23]

Claire Battaglia, Vice Chair, Food Policy Advisory Board

10. ADJOURN

Acting Chair Strohmaier – Called the meeting to adjourn at 3:38 p.m.

BCC Public Meeting February 09, 2023 – Transcription

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

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

0:02

And everyone, I'm Dave Stromaer.

0:04

I'm joined by Commissioner Juanita Vero, and I'd like to call today's Thursday, February 9th meeting of the Missoula Board of County Commissioners to order and please stand and join me in the Pledge of Allegiance.

0:21

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

0:37

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

0:45

Do we have any public announcements today?

0:48

And we'll have a moment for public comment on non agenda items in just a minute.

0:52

But any public or any announcements, general announcements from staff.

0:57

I will just quickly say if you're joining this meeting virtually today, you are able to turn on live captioning in teams.

1:07

You will just have to hit language and speech and then turn on live captions and that will allow you to have live captioning throughout the meeting.

1:18

If you're hearing the Sophie Moise room, you'll see that we have live captions on all of the screens in the room, and we also have assistive listening devices available.

1:27

If you would like one of those, come see me.

1:29

We ask that all speakers today remember to please speak slowly and clearly during the meeting, which will help with the accuracy of the closed captioning.

1:38

And if anyone has any questions or concerns, please come find me during the meeting.

1:42

Thanks.

1:45

All right.

1:45

And for those folks joining online, if you do want to comment during the meeting, have a particular or for a particular agenda item, please use the raise hand function and I will call on you in the order in which you raise your hand.

1:58

If you're on the phone, please hit Star 6.

2:01

Unmute yourself at the point in time when I call for phone callers to offer public comment and state your name for the record and provide your comments as succinctly as possible.

2:13

And that would apply to anyone in the room here in the Sophie Moeys room in the courthouse.

2:16

Also at this point in time, is there any public comment on items not on today's agenda?

2:23

And let's begin with those in the Sophie Moeys room.

2:26

Come on up to the podium.

2:27

Yes, Sir.

2:27

Come on up.

2:28

And please activate the microphone so that the green light is on.

2:35

Right.

2:36

That looks like I'm on.

2:38

My name is Bruce Baxter.

2:39

At the January 5th public meeting, I presented A petition to the commissioners.

2:44

I have received no definitive response, so I would like to again ask the commissioners to consider my petition and I would be glad to review it again for you.

2:52

Or I could give you the short version.

2:56

My wife Janice and I are trying to set up a small mobile mobile home rental unit in Missoula County to supplement our income and provide another housing source.

3:06

Our unit qualifies as an Adu Accessory Dwelling Unit or City of Missoula definition as it is less than 600 square feet and we, the land owners will be continuing to occupy the other house on the property.

3:19

The county zoning department is calling a small mobile home a subdivision.

3:24

They say we have two mobile homes on one lot, then buy some House of Cards.

3:29

They say we have a mobile Home Park in the subdivision and that a subdivision review a building permit, zoning compliance permit on a mobile Home Park business license are required.

3:41

Our only other house on this property is a manufactured home that's per our property record card.

3:47

We have a letter from Karen Hughes that states if we disagree that our manufactured home is classified as a mobile home, we could inquire of Montana, the Department of Revenue Dor.

3:58

We also have an e-mail from Nick Zanetos that says if we disagree that our manufactured home is classified as a mobile home, we could inquire of Dor.

4:08

We have reached out to Department of Revenue and we've received a letter of clarification which states, and I quote you want to confirm that your Gallatin home is classified as a manufactured home and not a mobile home.

4:21

It is indeed classified as a manufactured home.

4:24

In our records End Quote this coincides with Dor's code 15-24-201-3 which states the classification of manufactured home does not include mobile homes.

4:38

End Quote.

4:39

This means there is only one mobile home on our property.

4:43

Zoning's opinion is in violation of two Dor codes.

4:47

1 manufactured home does not include mobile homes and two the definition of running gear quote the axles, wheels, tires and hitch used to transport a mobile home.

4:57

End Quote Our manufactured home never had running gear.

5:02

Their opinion is also in violation of three Missoula County codes.

5:05

One the definition of a mobile home.

5:08

2.2 dash 59 Quote A factory assembled structure made so as to be readily movable as a unit on its own running gear and designed to be used as as a dwelling unit without a permanent foundation.

5:21

End Quote #2 The definition of a mobile Home Park 2.2 dot 61 quote Attractive land providing 2 or more mobile home lots for lease or rent to the general public.

5:34

End Quote and #3 the definition of a subdivision.

5:38

2.2 dot 96 paraphrased here.

5:42

Quote the division of land in order that the title to the parcels may be transferred.

5:47

End Quote I have copies of all these codes and documents here.

5:52

We also have an e-mail from Rita Hagler of Missoula County Permits Department that says we do not issue permits for mobile homes.

5:59

These structures are factory built and they fall under state guidelines.

6:05

This all means there is only one mobile home on our property.

6:09

Therefore there is no mobile Home Park.

6:11

There is no subdivision.

6:13

There is no requirement for a subdivision review, a building permit, mobile Home Park license or a zoning compliance permit.

6:21

We're asking the commissioners to vote to affirm the following three points.

6:25

One, setting up a mobile home in Missoula County requires no permits, #2 order the refund of our \$100 reef permit fee and #3 order the reissuance of our already approved electrical permit that was removed by Missoula County.

6:44

I would like to add here.

6:46

Since Missoula County removed our electrical permit first week of November, our mobile home has incurred over well over \$1000 of freezing damage and of course lost rent.

6:59

I could answer any questions.

7:00

Thank you.

7:02

Thank you, Mr.

7:02

Baxter.

7:03

No questions.

7:04

We're familiar with your case.

7:05

We've been gathering additional information and within a week you'll receive a formal letter from us.

7:11

OK.

7:12

Thank you.

7:17

Any additional public comment from folks in the Sophie Moeys room in the courthouse?

7:23

Any public comment from folks joining us via Microsoft Teams or on the phone?

7:33

We have any phone callers?

7:37

OK, seeing none.

7:39

Our claims received as of January 25th through January 31st by the Commissioner's Office total \$1,181,819.58.

7:53

We have a number of public hearings today, the first of which is a little bit different than what we normally deal with since we will be convening the Planning and Zoning Commission.

8:06

And then we will be adjourning that Commission and reconvening as the full Board of County Commissioners to take up the recommendations of the Planning and Zoning Commission.

8:16

And this regards the corner, the proposed corner Farm Village use variants.

8:23

And to refresh our memory on the process, how this works.

8:28

Jenny Dixon, hi, thank you.

8:30

For the record, my name is Jenny Dixon with Planning, Development and Sustainability.

8:35

And as Dave was describing, this is a pretty infrequent type of request that we have to convene first the Planning and Zoning Commission and then the Board of County Commissioners.

8:46

The Planning and Zoning Commission consists of seven members, five of whom are here today either in the room 2 Virtual.

8:54

Just want to confirm, Justin and Vanessa can you just give me a here if you are online on the phone or on the screen here.

9:04

Justin Archwell's here.

9:05

Excellent.

9:06

Thank you both so much for being here with five members.

9:10

We do have a quorum of the Planning and Zoning Commission and the hearing is for this use.

9:17

Variance is first opened by the Planning and Zoning Commission and they are an advisory body.

9:22

So you take, you listen to the presentation, listen to applicants presentation, take testimony and then make a motion to approve, conditionally approve or deny the request, much like Planning Board does.

9:37

And then the Planning and Zoning Commission will adjourn.

9:42

And the, the Board of County Commissioners for which we also have a quorum here today, will then take that recommendation and take any additional testimony that hasn't already been given during the first hearing.

9:57

And then you take your action much as you would any other type of request.

10:03

OK.

10:04

So we're going to start out with the presentation to the Planning and Zoning Commission and feel free to jump in and ask questions at any point.

10:13

Jamie Urbacher is the Rep and she's here to present after me and then take public testimony.

10:19

So I'll go ahead and open the public hearing.

10:23

I don't think we need to close our Commission meeting.

10:25

We'll just take a slight recess of the Board of County Commissioners meeting.

10:31

We will convene the Planning and Zoning Commission and open the public hearing for the Corner Farm Village use variance.

10:40

And we also have Public Chief Public Works Officer Shane Stack joining us here in the Sophie Moeys room.

10:49

So with that, we'll open the public hearing and begin with a staff report.

10:54

Great, Thank you.

10:55

So this is a use variance in ZD #13.

11:01

The property is owned by Corner Farm Village LLC as I said, represented by WGM Group at the address is 542 Tower St.

11:11

which is at the southeast corner of Tower and 3rd.

11:16

It's approximately 10 acres and it is currently used for agricultural purposes including the Clark Fork Organics Farm Stand and Market that you can access off of Tower St.

11:26

This is the location of the site in the context of the Orchard Homes area.

11:33

You can see at the corner there Tower and 3rd Reserve St.

11:37

out here, maybe about a mile to the east.

11:43

There's a little bit closer view of the property and what's around it and what's going on on the property.

11:49

As you can see, it's being used for AG with residential uses around.

11:55

There's a group home here, some agriculture to the South.

11:59

So it's it's pretty typical of the Orchard Homes area, though larger than many of the tracks in the area.

12:06

So it's a unique opportunity here.

12:10

The zoning is a what's called a part one citizen zoning district.

12:15

It was adopted in 1959 and it was, it's essentially a residential district, ZD, 13 ZDS or citizen zoning districts only apply in the county.

12:26

So you don't see these in the city.

12:27

You see these somewhat dispersed throughout the entire county and they are usually initiated as a result of wanting to establish certain parameters for land use in an area by the the people themselves who live there.

12:46

And so they're often just residential confirming a residential use.

12:50

And this zoning district in particular refers to allowing agricultural activities as defined in state law.

12:57

And I'll talk about that a little bit more in a second.

13:01

You can see adjacent across the street to the West is or Rs one that is a part one or excuse me a Part 2 zoning district as differentiated from this part one district.

13:13

Part 2 is the the zoning that you adopted for much of the county last summer.

13:20

It's just under a whole different section of law.

13:22

It doesn't involve planning and zoning Commission.

13:26

It's just a just a different animal.

13:27

And so we have our zoning regulations that apply in those areas that do not apply here.

13:34

And the ZD 13, I want to give you just a little bit of information about the flood hazard on the property while the zoning request is for down in the southwest corner of the property.

13:50

The the variance request I wanted, I wanted to give you the context of the entire property.

13:56

I mean, it all works together and it's important to understand.

13:59

Oops.

14:03

So you can look up here at this aerial, kind of this perspective aerial where you see this.

14:09

X is where the agricultural business is proposed to go north is heading here.

14:14

So you've got third and tower and you can see, I mean there's an irrigation ditch along here and you can see the vegetation that has grown up as a result of that.

14:22

And that area corresponds with this floodplain.

14:26

Current floodplain map right here there's our draft DNRC floodplain map.

14:33

Amendments that are in the process of being reviewed, are not currently adopted, are not counties, not even currently using them as as best practice a best, best available information.

14:49

But if and when they are adopted as proposed, this property's floodplain almost covers the north half of this property.

14:59

And, you know, sensibly, the applicants have decided to acknowledge that even though it's not formally

adopted and keep the development to the better suited area on the South, which would be along with this property line here, where the.

15:17

And then there's the X.

15:21

The property right now is whoa, I don't know.

15:26

This mouse is very sensitive.

15:29

The property right now is configured AS25 acre tracts that were very common in the Orchard tracts divisions and last fall these two five acre tracts were approved for a boundary line relocation and that Cos for this boundary line relocation has not yet been filed.

15:56

But the intent of that boundary line relocation was to segregate off the developable part of the property from the farm and floodplain portion of the property.

16:07

So that the lot was here identified as Lot 47 A could be transferred to a trust Trust Montana for agricultural use under a lease 75 year lease.

16:22

And then the two acres on the South, Lot 48 A would be developed with the agricultural business that is related to and supported by this agricultural activity on Lot 47 A.

16:36

The site plan which I'll show in a minute does show some residential and then over here that area is intended for the drain field septic system.

16:47

So here's the site plan.

16:49

As I mentioned, you can see the area of development down here on the South.

16:53

We do have some area here, but this is essentially parking and barn which is just to support the AG, AG activity.

17:04

The rent shows this proposed and approved boundary line relocation.

17:08

Your review today is focused only on the agricultural related business activity on this corner here.

17:17

We're not really here to talk about the the residential piece of it because that will come later under any kind of zoning compliance and building permit applications for review to make sure all requirements are met.

17:30

Today's hearing is simply to acknowledge that the zoning district while it allows agricultural activities, it is

not clear whether you can do agriculture related businesses on site like a farm stand or in this case propose.

17:48

They're proposing some other uses that I'll explain in a minute and this is what they are, this is what they're proposing.

18:00

One thing that's important to note is all of these uses would have a 2500 square foot maximum for the building and the uses that they would like to establish potentially either individually or in combination.

18:13

Within that 2500 square feet include food or beverage establishment, research cooperative and or training facility, gallery and or exhibit, exhibition space, AG manufacturing, production excluding cannabis products, artisan manufacturing to production, farm stand, market, retail store and up to six outdoor special events per year.

18:36

And if you look at the photo the area was pointing to the general location where the store or this business building would go 2500 square feet.

18:46

Looking off to the left, which is looking N you can see the signs for the current Clark Fork Organics Farm stand where you can go in there and and pick up some goodies during the season.

19:03

Here's a little bit closer up of that site plan and I want to explain to you what what we're talking about.

19:09

When we mean an agriculture related business.

19:13

It's a use that was defined and adopted in Part 2 zoning last summer, but it does not exist in Part 1 districts primarily because they, you know, this district itself was adopted 60 / 60 years ago.

19:30

And so they they weren't really thinking in these terms of course that we're thinking in today.

19:35

And this is a term that was newly adopted in our regulations and it is defined as a business operated as an accessory use which means it is incidental to a primary use in this case an AG activity that's happening in the north site.

19:53

In the north part of the site used primarily in support of agricultural activities occurring on the same property.

20:01

It may consist of storage and limited processing of AG products, Animal Services, farm stands, markets, farm to table beverage, food and beverage offerings, temporary events, agritourism where where appropriate.

20:14

So this is the definition as I site at the end out of per two and I do want to.

20:20

Point out that the applicant is not proposing all of these uses.

20:25

If they were in Part 2.

20:26

Those are the uses they can do.

20:28

They are acknowledging that they are in a unique situation that maybe not all of those uses are appropriate and so their variance has been tailored to ask for those specific uses to suit the type, the building construction and the location and the just the orientation and and layout of the the development.

20:51

And this is the zoning district 13 where I tried to describe a little bit earlier where it lists the type of activities that you are permitted and the type of activities that are prohibited.

21:05

The you can see #2 agriculture as defined in MCA.

21:10

Then that when you go down a little lower, prohibited uses includes commercial use.

21:16

State law is can can be somewhat subject to interpretation regarding this this use of agriculture.

21:28

Of course it's protected in Missoula County under the 2016 right to Farm and Ranch policy.

21:35

As encouraging these types of accessory uses to agriculture that is such as the one being proposed.

21:42

State law also acknowledges it, but it it looks to how much income it generates or if it's on land classified as agriculture for taxation purposes, which it is right now, but with the boundary line relocation, in order to accommodate the Trust Montana's agricultural lease, they have to move boundary lines around.

22:08

And so really the end result is some ambiguity about how this will all shake out.

22:14

Which is why the the applicant has just requested a variant A use variance request to clarify through Commission action that this use is acceptable as it is everywhere else in the entire county, including unzoned land.

22:29

Zoned land Part 2 except for these Part 1 districts.

22:39

This is the Part 2 the AG related business zoning rules.

22:44

In Part 2 and without going through all of them, I just want to give you an idea that the the applicant did go through all these, tailored their request around what is currently allowed in Part 2, eliminated some of the

uses and essentially tried to comply either equal to or more than restrictive with the standards in the current zoning for Part 2 zoning and as I mentioned AG related businesses are permitted in all areas of the county with that exception of Part 1 zoning districts which will be calculated was just 1% of the area of the county by acreage.

23:32

So if this property were across the street and then you can see this highlighted here, every single zoning district allows this use.

23:43

Well, except for the floodway, the RO.

23:48

So staff is recommending approval of this variance request with eight conditions of approval which set the limits to those uses.

23:58

It sets it to the size of 2500 square feet, which does not include exterior business activity, does not include occasional outdoor special events or residential uses.

24:15

That 2500 is simply the business building.

24:20

There are some conditions three and four kind of talk about what happens if there's.

24:25

If the use the AG use ceases, SO3 condition 3 is if it is unable to provide products on a temporary basis due to such things like prop failure or other conditions beyond the control of the lot owner.

24:39

The business of course doesn't have to shut down for that purpose not to exceed a period of two years to ensure you know, getting back on their feet.

24:49

Kind of a situation.

24:51

But if it were to cease permanently for more than one year or is reclassified to something other than AG, then the AG related business has to go away because it's that AG operation that is supplying this business with product.

25:11

We have set a little bit more stringent parameters on the outdoor events that can occur at this location not to exceed 300 attendees.

25:23

It is these conditions acknowledge that residential use can be physically integrated into that AG related business building because that and that is how they actually showed it on their site plan with the residential on top.

25:36

And finally if this variance doesn't prevent them from doing subdivision or an exemption for the property as long as they can meet all the requirements.

25:48

So I've provided a recommended motion and I'm happy to bring that up when you're ready.

25:58

Thanks, Jenny.

25:59

Would the applicant or applicant's representative like to make any comments?

26:06

Jamie Erbacher, I see you out there.

26:09

Yeah.

26:09

Hi, Dave.

26:09

Thank you.

26:11

If you don't mind, I can just do a quick slide show presentation.

26:15

And with me is also Kim and Kim.

26:19

I'm sorry if I butcher your name.

26:22

Merchantsa and Ellie Costello may also be on the line.

26:26

I'm not sure if that's her on the phone.

26:29

I will share my screen now.

26:36

There we go.

26:38

So thank you to Jenny for her presentation.

26:42

As we know, agricultural lands are essential to the well-being of our community.

26:46

They provide benefits such as food security, open space, wildlife habitat, economic activity, health promotion and a quality of life.

26:54

Thankfully, we have members of our community who see the need to preserve the lands and have the desire to continue farming them.

27:00

I wanted to share this picture with you to show the beauty of the land.

27:03

Clark Fork Organics currently farms this property, as Jenny mentioned, and while not an exhaustive list, they harvest everything from celery to broccoli, beans, tomatoes, root vegetables, onions, cucumbers, and a variety of lettuces and salad mixes.

27:18

Over their 15 years of farming the property, they have identified prime soils and areas for future orchard use.

27:25

They've also identified less productive soils.

27:27

These soils are rocky and compacted and not ideal for crop production.

27:31

However, they can be developed to support the farmland.

27:35

Uses permitted within the zoning district as Jenny mentioned include residential and agricultural as defined by Montana Code.

27:44

So as Montana.

27:45

As we all know, Montana Code isn't always as clear as it could be.

27:51

So Section 7629 O2, which Jenny had shared while fairly broad, doesn't specifically state to what extent an agricultural related business could operate on the subject.

27:59

Property, roadside stands and farm markets are permitted, however it's almost impossible to keep these operational year round.

28:08

Therefore, we are requesting the use variants to allow a defined use that could operate year round.

28:14

The strict compliance and application and literal enforcement of the zoning regulations creates a hardship for those within ZD 13.

28:23

In an area where soils are generally good for growing, the list of permitted uses is not conducive to marketing or supporting crop production.

28:31

To maintain the rural character and agricultural nature of the ZD 13 zoning district, this property is best supported by limited development on less desirable soils.

28:42

When we initially started with this project, we considered annexing into the city and developing at a much higher density.

28:48

However, after holding a neighbourhood meeting and talking with the city, we heard concerns regarding parking and increased traffic.

28:56

The city also notified us at that time that the draft floodplain maps were available for public review.

29:01

The draft floodplain maps, as Jenny showed, placed over half of the property in the floodplain.

29:06

Knowing that the floodplain is a major concern for the Orchard Home neighborhood, specifically just north of this property on Kirwall, and knowing that parking and traffic were also an issue, it was determined that it was in the best interest of the community to scale the development back In doing so.

29:21

That meant connecting to city sewer was not financially feasible and a shared drain field system was the preferred option.

29:29

I share this information with you because it is important.

29:32

Typically we think that zoning will limit and restrict development, but that's not always the case and sometimes and like in this situation, the capacity of septic system will limit development.

29:43

Yes, A use variance is needed to be approved to allow for this agricultural related business.

29:50

However, be by being on a septic system, the farm, store and cafe or similarly related agricultural use will be much smaller than what could have been if connected to city sewer.

30:04

Additionally, the number of residential units will be limited as well as the number of bedrooms per unit.

30:09

The modified vision as you see on the screen is keeping within the character of the neighborhood and protects environmentally sensitive areas such as the Slough, the repairing area and the farmland itself.

30:22

Through the proposed conditions, the agricultural related business will be required to maintain a clear connection to the farmland.

30:29

This is and should be important to the public.

30:32

This is not an area that's suitable for commercial retail sales, but a small scale cafe and farm store are similarly related.

30:42

Business could be desired or should seems to be desired in this area.

30:50

Agricultural related businesses are supported by several sections of the County Growth policy, the right to Farm and Ranch, and the City growth policy.

31:00

These three documents show strong public interest for supporting local agricultural operations, educational opportunities related to agriculture, sale of local products, and commercial urban agricultural operations that are compatible with adjacent residential areas.

31:17

This is the vision of Corner Farm.

31:19

They want to provide A use that consists of storage, limited processing of agricultural products, a farm, store, farm to table and food, beverage offerings, temporary events, agritourism opportunities where appropriate.

31:34

The agricultural related business definition from the recently adopted Part 2 zoning regulation recognizes that farming agricultural land is difficult without supportive business structures such as a market, farm to table operation or the use of temporary events or agricultural or excuse me, agritourism opportunities.

31:54

The proposed farm store will offer value added project, which is a way for a small scale agriculture to solidify diverse income streams that can weather unexpected damage to crops.

32:07

The cafe is a way to bring people in who are not already in the habit of shopping locally or seeking out direct farm direct from farmers produce.

32:19

The cafe will expose those consumers to local and sustainable produce through what is served and lead to additional farm store sales.

32:27

The cafe also allows the farmer to test products on a small scale with direct feedback, which in turn can lead to a line of wholesale products that would support the farm.

32:38

The cafe can create an inclusive space for those who do not and cannot cook at home, especially neighbors otherwise who would otherwise travel a couple of miles to reach another outlet.

32:49

The ability to host events and meals on the farm instead of only take away builds community ground community around shared space.

32:59

In these ways, the project goal is ultimately to create a community space oriented around the farm, local produce and prepared healthy food, the land based hardships and the literal enforcement of the zoning regulations are resulting in an unnecessary hardship for the land owners by limiting the development as permitted by the zoning regulations.

33:23

Corner Farm Village is very interested in doing what is right for the community by protecting the prime agricultural soils.

33:29

However, farming alone is not always profitable and largely depends on the weather and sweat equity of the farmer.

33:35

By allowing the variance for an agricultural related business, slower years or seasons can be supported by other value added products or events.

33:43

The agricultural related business will create another location for the community to gather and create new ties that may not have previously existed.

33:51

To keep with the intent of the zoning regulations and the character of the neighborhood, the footprint of the agricultural related business building will be limited to 2500 square feet and all other aspects of the zoning will be met including height, setbacks, parking and landscaping.

34:08

So based on this information, the information we shared in our request and a staff report, we ask that you support our efforts to provide a small scale agricultural related business on the subject property.

34:20

That is all I have for my presentation.

34:24

Thanks Jamie.

34:25

And before we go to questions and discussion of the Planning and Zoning Commission, let's open up public comment.

34:33

So is there any public comment on this proposal from folks in the Sophie Moise room?

34:43

Come on up and state your name for the record.

34:47

Hey, my name's Ellie Costello.

34:48

I just wanted to affirm that I'm in the room.

34:51

So if you have questions, because I'm the farmer who will be taking over this space from Josh and Kim as they start to venture out of it.

35:00

Thanks so much.

35:01

I'm assuming you're supportive of this proposal.

35:04

OK, Thank you.

35:05

For the record, She is supportive.

35:07

Anyone else in the room want to offer public comment on this proposal?

35:14

How about anyone online?

35:15

Is there anyone joining us by Microsoft, Teams or on the phone who would like to comment?

35:24

OK, we will close the public hearing.

35:28

Any questions from the Planning and Zoning Commission?

35:31

I don't think I was quite following.

35:38

Excuse me, Jenny.

35:40

So what happens if Ellie wants to do something in the future that isn't allowed right now in Part 2?

35:50

I'm sorry, they're wanting to.

35:53

Part 2 has a long list of opportunities.

35:59

Corner Farm is only wanting to do a few of them in the future.

36:03

New owner, whether it's Ellie or whomever.

36:05

If they want to do all the Part 2 allows, do they just come back for and ask for another variance or what?

36:11

What happens, Jenny, that is an option, but really this is this is pretty arduous this process.

36:20

And so we we talked about all they actually did want to do some more uses than what is listed in the variance conditions of approval here.

36:34

And we looked at the site and the impacts of that of those additional uses that you're talking about that are in Part 2 and determine that some of them probably aren't really super appropriate.

36:47

And I'm trying to think there's like or or weren't proposed like for example a mobile food court or campground campgrounds, that kind of thing.

37:00

That's just the way they've designed the site that didn't seem appropriate.

37:04

So if they want to do some more of these things that aren't listed in condition number want to say 5, then they would have to either rezone the property and exit or come back and request an A revised A variance approval OK which it would be hard to make a A case I think for hardship.

37:28

Thanks.

37:29

I do have a couple questions And Jamie has a oh, Jamie, IA little bit awkward in the room here today.

37:38

Go ahead, Jamie.

37:40

Thank you, Dave.

37:40

Yeah, just a little further clarification there.

37:43

So one, when we look at those uses, we realize that either the mobile home or the mobile food court or the lodging, I think it was for RV that's going to take substantial amount of water and sanitation.

38:00

And so in order to get that, I think they would be looking to either annex or they would have to likely lose all of the residential units and housing is an important factor to corner Farm Village.

38:16

They wanted to be able to provide and show the community how you can do a cluster development and provide housing along with farm and still make it profitable for the farmer and a good living experience for those residential units.

38:34

Great.

38:35

Thank you.

38:37

Thank you.

38:38

So my questions one, what amount of produce or farm related products from the adjoining property would the AG related business have to use in order to so.

38:55

So in other words, can if they use one cucumber from the adjoining property, I mean does that, does that qualify or is it any amount or is the spirit of this that the, the majority of what you're using in your in your store or or restaurant would be coming from the adjoining egg property?

39:22
Yeah.

39:22
And we looked at different ways to determine that relationship between this AG related business and agriculture.

39:29
And we don't want to be counting cucumbers or you know, going into the store and having to determine what percent is from the farm and what is not and who made what and where and that just was untenable.

39:42
So condition #5 really just clarifies it by what, as you described it in the spirit of it being accessory to a the principal agricultural operation.

39:52
And that that means that that store only exists because the agriculture exists.

40:02
And what you know and really you know that percent might be 51 percent or it might be 87%, but it's the majority of that operation is supplied by that farm and you know is connected to it.

40:18
But we don't have, we did not establish a percentage and I guess we're going to see how that works.

40:24
This is how it's written in Part 2 and it's going to be allowed elsewhere and this actually helped us kind of figure out some of the those little details about how this might work in Part 2 as well as part one.

40:38
OK.

40:39
My second question, if this were rolling through the the Board of adjustment and not coming before us today, when it comes to looking at what constitutes A hardship, is there a precedent for because what we're basically we're talking about a regulatory hardship is, is that something that you've seen before?

41:02
Because oftentimes I think of hardship in terms of physical constraints of a yeah site and whatnot and I haven't done enough variance requests to know.

41:11
I don't know if if Tim is online, but he's gonna have more of the background of what variances have been approved.

41:20
Although as being a participant in conversations in the office about variances that then other staff have taken to the Board of adjustment that that circumstance has arisen where that regulatory hardship has been the case.

41:36
And and it's not just AI mean a regulatory is a big piece of it, but also the the component the of the economic success of a farm which the county has established through policy is very important is really difficult to achieve unless and until they do something like this.

41:54

So Tim Worley shielded by a pillar in the middle of the room, come on up Tim Worley with PDSI think if you take a look at subdivision for instance, hardship is much more particularly defined and that's also true with the Part 2 process we have in our zoning regulations.

42:16

And I don't know, Jenny, if you read through the part one, this particular districts definition of of a hardship, I I can do that here.

42:28

That's what we feel is so distinct.

42:30

I mean there's a relationship between the part one and the Part 2 hardship within the context of a variance.

42:36

But this has a very particular definition.

42:38

Yeah.

42:39

It is a little bit different that the authorization of this variance will not be contrary to public interest where owing to special conditions literal or literal enforcement would result in unnecessary hardship.

42:53

So it doesn't have to be land based hardship.

42:56

OK, that's helpful.

42:58

Thanks for.

42:58

Yeah, thanks for the clarification.

43:01

Any other questions Mr.

43:05

Stack I I don't know if anybody online that's on the board is is interested but I guess in in in lieu of waiting for them I'll.

43:16

I'll throw my question out.

43:18

You know from a public works perspective it seems like we have whether it's public or private locations where you know we have good ideas.

43:26

Inevitably we have traffic spilling over out into the the street and I want to make sure that you know we're

showing 12 parking spots at this location but you know we're not approving any type of development that's going to go there.

43:40

All we're saying is these types of uses are allowed and when the time comes where there's going to be development, then at that point we'll clearly define what the needs are for parking and things like that.

43:50

So that all we're saying is you're welcome to try these things, but if you do them, you're going to have to mitigate the impacts.

43:57

Jenny, would you confer with that?

43:59

Yes.

43:59

And Jamie established that in her presentation as well that they're very, they're well aware of needing to comply with all of the ZD 13 zoning regulations.

44:08

Yes.

44:09

Thank you.

44:10

Vanessa or Justin?

44:11

Any questions?

44:15

None from Justin.

44:16

No questions.

44:18

Any questions from anyone.

44:21

And my eyesight's not good enough.

44:24

Jenny, do we have the motion up there?

44:27

Oops, right there.

44:29

Oh, ready to make a motion.

44:30

And just for clarification, this would be actually a motion to recommend to the Board of County Commissioners approval, correct?

44:39
Yes.

44:39
OK.

44:41
It probably doesn't look good.

44:42
If I make a recommendation then or a motion, I sure, yeah, you can make a or or It really should be someone else.

44:50
So actually at this point, we're just recommending yourself.

44:53
OK yeah.

44:54
So John and I specifically talked about this.

44:57
This is an area where you are sort of making a recommendation to yourself and in other circumstances where all three of you were here for that.

45:05
I mean, you might constitute the majority voting for it.

45:08
So it'd be just the three of you may be making a recommendation over other citizens to yourselves.

45:13
And it's perfectly fine for reasons that are very odd.

45:16
Want to make use of the rest of the committee here.

45:19
So OK, we've got plenty of folks to make a motion and actually second it.

45:23
If they feel so inclined, I'll make the motion.

45:26
To make it easier, I move to approve the request for a use variant in ZD number 1/3 to allow an agricultural related business on a property described as Lots 47 to 48 Dinsmore Orchard Homes #5 located on the southeast corner of S 3rd and Tower Streets.

45:44
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.

45:52

And I think that was actually a recommendation to recommend to the Board of County Commissioners to do everything that you just said.

45:57

I'm not mistaken.

45:59

Yes.

45:59

OK.

45:59

I think that's what I heard and it could have been longer probably.

46:02

OK Is there a second to that motion?

46:05

I second the motion.

46:07

OK, thank you.

46:09

Any further discussion among the Planning and Zoning Commission members on the motion?

46:18

OK, see.

46:19

None.

46:19

Let's go ahead and vote.

46:20

All those in favor, please signify by saying aye.

46:23

Aye, Aye, aye.

46:25

Any opposed?

46:28

OK, That concludes the business of the Planning and Zoning Commission.

46:31

We will adjourn the Planning and Zoning Commission and reconvene the Board of County Commissioners of Missoula County to take up this item.

46:40

Well done Strohmeyer.

46:43

So what do you think, Juanita, I I guess for the sake of being totally inclusive, this is a public hearing.

46:52

So I will open up public comment on the recommendation for the Board of County Commissioners to approve this use variance.

47:04

Any public comment from folks either on the line or in the room.

47:13

OK seeing none I will close the public hearing any and I didn't give you another shot at at Jenny.

47:20

Anything else you'd want to say by way of staff report or applicants?

47:24

Representative Jamie anything else you'd like to say?

47:26

I I love working with Jamie get we get the information we need to be able to bring you a complete packet which is really nice.

47:35

Jamie, anything else to add.

47:37

Thank you and thanks to Jenny for that nice compliment.

47:42

OK.

47:43

So what do you think?

47:44

I'd, I would like to see this move forward and I'm excited for this opportunity and demonstration.

47:51

Yeah Jamie this is what we've been waiting for.

47:54

So I I moved to approve the request for a use variance in ZD 13 to allow an agriculture related business on property described as Lots 4748 Dinsmore Orchard Home #5 located on the Southeast corner S 3rd and Tower Streets.

48:09

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, I will second that any further discussion or comments.

48:20

I'll just say this.

48:22

This looks like a super creative project that melds commercial, residential and agricultural uses and will hopefully be a model for how all of these can work together throughout our county.

48:36

Anything else?

48:36

No.

48:38

OK, let's go ahead and vote.

48:39

All those in favor, please signify by saying aye.

48:41

Aye, Aye.

48:42

OK, it's done.

48:45

And I guess we'll just roll into the next public hearing as the Board of County Commissioners.

48:49

Thanks, Jenny.

48:50

It'll be another few years, perhaps before we have to refresh our memory how these sorts of things work with the planning and Zoning Commission.

48:59

Our second scintillating public hearing is the interlocal agreement with the City of Missoula, brought to us by Karen Hughes.

49:10

Good afternoon, Commissioners.

49:11

Karen Hughes with Planning, Development and sustainability.

49:14

As you know, the City of Missoula and Missoula County have long had interlocal agreement establishing the provision of land use planning services and how we collaborate together.

49:27

We've actually had it since the 1980s and the last time this was updated within 2013 and it's time for that update to occur that we have staff from both the city and the county have worked with both governing bodies and administration's to pull together some updates for the 2023 agreement.

49:50

The key elements of that include adjusting the planning Board member terms to allow for staggered terms, which aren't allowed right now, improving the administration of the board by removing the requirement that we use the city software.

50:04

The county provides administrative support for the board, but we have to do it using the city software and the city's venue, and so we'll ship that all to the county system.

50:14

We'll also provide planning Board liaisons from both city and county planning staff to ensure that the board is getting the support that they need.

50:21

And then there's several kind of coordination pieces for city, county planning work.

50:26

One is clarifying the process for subdivisions that undergo preliminary plat review in the county, but then annex to the city and undergo final plat review in the city, making sure that it's authorized for the city and county to process those.

50:40

The way that makes sense, We'll also the, I guess the other big item is to replace the Urban Growth Commission that was created in the 2013 interlocal with an urban growth committee that's is a high level strategic coordination group that will provide joint city county leadership on growth management issues for the Missoula urban area and really help coordinate growth management and infrastructure initiatives in that area.

51:10

There's a draft charter that's attached to your packet that provides kind of the basis for the intent and purpose for this group and how they would work, but essentially is comprised of department directors from planning, public works redevelopment and environmental health that would meet regularly and help coordinate those efforts that there is no other city, county, high level coordination related to growth management.

51:37

So that seemed like an essential piece that's been missing for a long time.

51:41

And then finally we're doing basic cleanup of language and references.

51:45

The City Council has reviewed the planning in our local and committee and they approved it at Monday night's council meeting.

51:51

And so with that when you if you have any questions, I'm here to answer those questions and otherwise we are recommending approval and signature of being a local.

52:01

Once it gets routed to you, it's making its way.

52:04

Thanks Karen.

52:05

Any public comment on the interlocal agreement with the city of Missoula either in the Sophie Moeys room or online or on the phone.

52:15

OK.

52:15

Seeing none, we'll close the public hearing questions.

52:19

Don't just admire staff's work on this.

52:22

Yes, it's been a long haul.

52:24

Thanks for sticking with it.

52:25

I think this is going to be much better than the less than fully.

52:32

Well, how did we not have staggered terms before?

52:34

That blows my mind.

52:37

Oh, OK.

52:37

Come on up, Karen.

52:41

So we previously had three-year terms which was out of compliance with state law and when we shifted all the terms to two year terms, it unintentionally created the same ending date for all they unstaggered, thank you all at once, both the city and the county.

52:58

So everyone's terms other than the conservation district member, everyone's terms and at the same time, thank you.

53:04

No one thought that that might happen.

53:07

So there's no authority to, to have short terms to stagger them.

53:11

So that's, it's kind of silly, but that's what we're fixing.

53:15

OK.

53:15

A little bit of interlocal trivia here.

53:18

Thanks, Karen, for that.

53:20

Any additional public comment?

53:23

I guess we already did that.

53:25

Any other questions?

53:26

No, I approve or I make a motion to approve & the updated interlocal agreement with City of Missoula for planning services.

53:34

I'll second that.

53:35

Any further discussion all in favor.

53:37

Aye.

53:38

OK.

53:38

Thanks Karen for that.

53:41

Our final public hearing today is on the Hackamore, Hackamore Acres subdivision.

53:49

Lauren, great, thank you commissioners.

53:53

For the record, Lauren Ryan with Planning, Development and Sustainability.

53:57

I almost get that wrong every single time I say it.

54:00

Planning, development and sustainability for your consideration today is the Hackmore Acres minor subdivision.

54:08

The applicant is Michael Buckley who's representative is Imag.

54:13

I do believe we have some Imag folks on joining us online today.

54:19

The request is for a three lot minor subdivision on 4.98 acres.

54:26

The subject property shown here is just a located adjacent to North Ave.

54:31

West east of Clements Rd.

54:34

near Big Sky Park, right where North Avenue West terminates.

54:42

Here's a closer view of the subject property.

54:45

The subdivision proposal today does not include any proposal to open where North Avenue West terminates right at the South end of the property.

54:59

Here there's currently one existing single family residence on the property along with some of the outbuildings, a barn and another building.

55:10

The single family residence will remain on the property and will be encompassed by proposed Lot 1.

55:16

With the subdivision, there is an irrigation ditch that runs through the property which will be within a 20 foot wide irrigation ditch easement.

55:28

Here's a view of the property looking northwest towards the existing residence and the outbuilding, and another view which is looking directly east, where North Avenue terminates right at the property boundary there and the subject property is on the right side of the photo here.

55:53

This is the preliminary plat for the subdivision just to Orient ourselves.

55:58

N is at the bottom here, so looking at it at a different angle here, the lot is 4.98 acres in size, 3 total lots are proposed.

56:09

The smallest lot will be 1.18 acres, the largest being 2.04 acres.

56:17

The lots will be served by driveways off of North Avenue West.

56:21

Lot 1 will utilize an existing driveway, while lots 3:00 and 2:00 will be accessed by new proposed driveways onto North Avenue West.

56:32

All the lots are proposed for residential purposes and like I said, Lot 1 will have an existing single family residence on the lot.

56:42

The property is zoned rural, residential and small agriculture.

56:46

The density for this zoning district is 2 homes per acre and this zoning district does allow for a range of

uses including residential and smaller scale agricultural uses including agritourism, farm stands and home based businesses.

57:03

And their proposal was reviewed in accordance with the Gross Growth Policy and the 2019 Missoula Area Land Use Element.

57:10

The Growth Policy designates A parcel as rural, residential and small agriculture and as a refresh the Real Residential and Agriculture Land Use designation meet the intent of the zoning district.

57:27

The goal of this land use designation is to preserve waterways and natural landscapes and also to support an economic diversity by providing places to produce food on small farms.

57:40

So there are no new roadways proposed with the subdivision.

57:44

Again, the subdivision will be served by North Avenue West, the portion of North Avenue West that serves proposed Lot 2 and Lot 3.

57:54

These two driveways right here, if you can see my mouse on the screen large enough, will be improved to a 20 foot wide width and beyond lots two and three are accessed.

58:06

The roadway will not be improved and will maintain the existing 16 foot driveway width to the existing single family residence, so staff reviewed the subdivision against the subdivision review criteria which includes impacts to agriculture, agricultural water, user facilities, local services, environment, wildlife and wildlife habitat, and public health and safety.

58:35

In reviewing the impacts to agriculture and agricultural water, the subdivision must reasonably mitigate potentially any invert adverse impacts.

58:44

This property is currently just being utilized for light grazing purposes.

58:50

Sorry guys, and the proposal today does not remove any existing agricultural productions on the property.

59:00

The soils on the property are classified as prime farmland if irrigated.

59:06

And as I mentioned earlier, an irrigation ditch does run through the property and there's 4.98 acres of irritable acres of water shares that will be divided among the proposed 3 lots.

59:21

Cognition #7 of the subdivision addresses the water use restrictions for the subdivision, specifically addressing the amount of water that will be allotted to each of the lots based on the 10 acre feet per year minimum.

59:37

Additionally, the subdivision is proposing second drain field locations on all lots, which I'll mention in the staff report.

59:46

There's a correction in the findings under Page Six.

59:52

We just listed the additional drain field for lots 2:00 and 3:00, but it will also be for Lot 1 as well where there's the existing family residence.

1:00:03

So that's a correction in the staff report.

1:00:07

Additionally, condition #7 addresses that if AD US are ever built on the property, that there will be a reduction in the groundwater usage.

1:00:19

So again quickly just reviewing the the roadways, the again just two new proposed driveways and an improvement to North Avenue West, right past where the second proposed driveway location will be and in a condition of approval addresses this crossing right here of the irrigation ditch wanting to be reviewed and approved by the Mozilla Irrigation District.

1:00:50

And I'll just show you the slide again of the roadway section where the proposed driveways could potentially be located along North Avenue West.

1:01:08

So in terms of sanitation, these lots will be served by individual well and septic systems.

1:01:14

Lot 2 and three will be new systems, while Lot 1 will utilize an existing system.

1:01:20

And again as I just mentioned, there will be a second drain field location on each of these lots for future AD us if the buyers or whoever lives there decides that they would want to build an Adu.

1:01:34

Here's the DEQ bot layout for the proposal.

1:01:38

So you'll see drain fields and also that second proposal drain field location for each of these lots.

1:01:48

In terms of review for natural environment, wildlife and wildlife habitat, this area is outside of any deer and elk whitetail range.

1:01:57

We did include the section of covenants which includes the recommended Living with Wildlife language that primarily addresses wildlife attractants.

1:02:08

There was a comment from 5 Valleys Audubon which mentioned that at one point this property likely had grassland wildlife habitat.

1:02:19

But since human activity has taken place on the land adjoining properties as reduce the importance of any such habitat and their organized organization does not see any proposed conflicts with resource protection for this proposal, property owners were noticed within 300 feet of the property boundary via mail.

1:02:42

We did not receive any comments back.

1:02:45

We did have a Missoula County voice page.

1:02:47

We only had one visitor to the website and did not receive any comments online.

1:02:53

All of the agency comments for the proposal is included in the application packet we did receive all of the comments we received from agencies were pretty standard, didn't receive any comments of concern in terms of the Missoula Irrigation District comment, any concerns that they brought up or addressed in the conditions of approval.

1:03:14

Again, specifically addressing if there's anything that directly affects the irrigation ditch with development that they will be review those proposals, the closed captioning, oh, hopefully it was a good typo.

1:03:41

So in the conditions of approval, I just want to point out this is condition #7 under the water use restrictions.

1:03:49

It's lengthy, but it's specifically addressing how each lot will stay, what they will be allotted to for water purposes so that they are under that 10 acre foot per year minimum.

1:04:04

And you also have a memo in your packet.

1:04:07

This is a new condition of approval that staff will be that staff is recommending there is a self-imposed condition or portion of the covenant covenants that no basements would be allowed in this location due to high groundwater levels.

1:04:28

The developer requested an amendment to that restriction.

1:04:33

Which staff is recommending this new condition of approval?

1:04:37

That the applicants representative confirmed a self-imposed basement restriction to address the potential for high groundwater.

1:04:45

This restriction can only be lifted via stamped approval by a professional engineer and requires proof of groundwater monitoring.

1:04:51

Lack of inundation showing a basement can be permitted on this site.

1:04:55

This restriction will be stipulated in the building permit portion of the covenants and that section shall not be amended without governing Body approval.

1:05:03

So again, this is a new condition that we are recommending today as part of the motion and I will have the motion up here for when you are ready but happy to answer any questions.

1:05:13

And like I said, I do believe the applicant's representatives are online as well.

1:05:18

Thank you.

1:05:19

Would the applicant's representative like to make any comments or present?

1:05:25

Hey, can you all hear me?

1:05:27

Yes.

1:05:29

I don't believe I have the ability to share and I I do have something prepared.

1:05:33

Is that something we can grant you?

1:05:35

Yes, we can grant you that ability momentarily.

1:05:40

That would be phenomenal.

1:05:49

I think I see the arrow active.

1:05:50

So let me this out.

1:05:55

You'll have to let me know when you can see my screen here and it should just be the PowerPoint large slide, no note screen.

1:06:08

And if you could just go ahead and state your name before you get rolling, that'd be great.

1:06:12

Absolutely, for sure.

1:06:16

Well, good afternoon commissioners and any of the public that's tuning in.

1:06:20

My name is Joe Dennart and I work for the IMEG office in Missoula.

1:06:24

I'm joined by I think a few Co workers today, Danny Oberweiser, Tamara Ross and Mike Main and we are representing the landowner as Lauren, said an applicant, Michael Buckley.

1:06:39

First and foremost, Lauren and PDS, which sounds weird to say after so long calling you caps, thank you so much for all your work on the project.

1:06:49

Really, the goal of this presentation today is to be brief, but also highlight a few of the unique aspects of this project in an effort to head off any questions that may come up throughout the discussion today.

1:07:04

So it's funny that the pictures here are almost identical, Lauren.

1:07:07

I was thinking that as you were presenting, but this is facing east, so or excuse me, this is facing West.

1:07:14

So you would be N to your right here of the subject property, and I saw it on Lauren's image as well.

1:07:21

I think it's important to mention here this is, it's kind of hard to see on the grainy image, but the structure that almost looks like a bench here is that barricade she was referring to.

1:07:32

And if you all have driven out to this property or or been to the intersection here on north, you can see that it prevents vehicle through traffic in this area at the end of the gravel Rd.

1:07:44

Obviously you see that and then you can see the the barn here is the green roof and then there's the home site further recessed back behind those trees with the irrigation ditch bisecting almost east West going across the property.

1:07:58

Like Lauren said, this property does have 4.9, 8 irrigable acres of water shares, which is one of the components we're going to be discussing or that I'm going to be discussing today.

1:08:09

One of the unique aspects of this project is the the water rights conversation.

1:08:15

Here's a a plan view or a or a bird's eye view of the property.

1:08:19

So that barricade that we were just looking at here would be in the southwestern corner.

1:08:25

And before we dive into some of the finer details of the presentation, I do just want to give a brief timeline.

1:08:29

I think it's important when looking at the life of a project.

1:08:32

So we had our pre application meeting for Hackamore Acres in November of 21 and we were deemed sufficient for governing body review in December of 2022.

1:08:48

Considering the coordination on this project with both the DNRC for groundwater reduction processes and also discussing the surrounding improvements and the requirements associated with North Avenue being within that 8 to 12 month window for a county minor subdivision is still typically like we would expect this shot actually from on the slide this shot would be looking down the proposed driveway area for what would be Lot 2 on the proposed Lot 2, Lot 3 boundary and I'll show you that here in a second.

1:09:22

Like I said, Lauren talked about all the compliances, I don't want to belabor that but we are growth policy compliant and zoning compliance being under the two dwelling unit per acre recommendation for the RRS .5 designation on the property on this slide here.

1:09:41

I think it's important to bring this up and the the blue star is where the previous slide had the perspective from looking N So in this case N is oriented to the left side of the screen.

1:09:55

We're looking at the existing conditions of the property with some additional information.

1:10:02

You can see here the green roof of the barn.

1:10:04

This is what is being preserved and it's represented by the hatched portions on our drawings and throughout the packet.

1:10:10

So here you see that existing barn from the original shot and then the existing home site and here bound by fencing is the irrigation ditch running east West across the property.

1:10:24

Once again this shot is is oriented with N to the left.

1:10:27

I I had to trim down in an effort to get clear pictures some of the screenshots so you don't see the north arrow on this slide.

1:10:35

But this this does highlight two of the unique aspects of this project and the first one being that the existing home obviously has a well associated with it and with that had a groundwater certificate it's it's an exempt water right for close to 10 acre feet at the inception of this project.

1:10:58

Now for the combined appropriation regulation in the state of Montana you have to be under that 10 acre feet maximum for all water use exempt water rights associated with a subdivision.

1:11:13

So we actually had to coordinate with the DRDNRC to reduce the water right before we were able to get certification from their office that there was adequate availability or quantity of water associated with this subdivision.

1:11:28

And although it would have been completely possible to do it without the irrigation shares that's it made it a lot easier.

1:11:35

So the amount of water that's represented in that condition seven that Lauren was referencing had to do with an interplay of irrigation shares coming from the Missoula Irrigation District and then also the allocatable water for both domestic and lawn and garden use associated with the existing water, right.

1:11:56

So what it ended up looking like is the lion's share will still be retained by the existing home and and owner of Lot 1 and that's what Lauren is referencing when she's saying it would have to be reduced if ADUs were contemplated in the future.

1:12:13

It's it's reducing the overall allocated shares to ensure that there's enough availability for all water use.

1:12:21

Here's a zoomed in portion of that section she was referencing as well which shows the different portions of North Avenue and the improvements associated with each section.

1:12:30

It's a bit grainy and I apologize, but over the aerial imagery here, going back to the first slide, you can see that green roof of the barn.

1:12:37

The home site would be further to the north here N being oriented at the top of this slide and this is where the pavement ends.

1:12:46

Then it continues across and turns into that driveway that currently serves the existing home site on Lot 1.

1:12:53

Once again it nothing that was insurmountable but a little atypical trying to figure out how an off site Rd.

1:13:01

not uniquely attributable to the subdivision was stipulated with improvements.

1:13:05

And then also having a continued driving lane that served really as a private driveway and what improvements were associated with that as well.

1:13:12

The county was really great on on communicating that information and through collaboration we figured it out.

1:13:19

But really I want to wrap up my presentation today by reiterating not only is this project zoning and growth policy compliant, but it also has no variances.

1:13:29

And if there were a theme today, I, you know especially with Jamie's presentation, I think that both of what we're, both the projects we're discussing today really aligned with what the county's envisioned with these change changes in the zoning code.

1:13:46

But this project's in particular it aligns with the rural residential small agriculture but then also factors in some of the density that the county would like to see.

1:13:57

This is a, from our perspective anyway a very supportable project that aligns with the neighborhood character and the vision for the the larger target range neighborhood in this area.

1:14:10

So with that I'll wrap it up and obviously we hope for unanimous recommendation approval from the board.

1:14:15

Thank you so much for your time and I'll stop sharing.

1:14:19

Thanks, Joe.

1:14:20

Appreciate the presentation.

1:14:22

Is there any public comment on the proposed Hackamore Acres subdivision?

1:14:28

Anyone in the courthouse want to comment?

1:14:31

Anyone online or on the phone like to comment?

1:14:35

We'll close the public hearing.

1:14:36

Any questions?

1:14:39

No complicated, but at the same time it makes it easy for us.

1:14:45

Maybe I'm showing my my hand, but we're we're pleased to hear, Joe, that maybe the zoning actually worked in this case out here.

1:14:54

I would say yes.

1:14:59

And just for the record if folks were watching the captions and wondering, there is an irrigation not a urination ditch flowing through this property that would not pass muster with sanitation review.

1:15:12

So awful.

1:15:14

Oh, just just to be clear about what's being proposed here.

1:15:19

Yeah, make sure that it's fixed in the.

1:15:20

Yeah, that's like it's solely the name of Imag if that's what was being proposed.

1:15:24

So, OK, we have a motion, I move to approve the Hackmore Acres subdivision based on the fines of fact and conclusions of law in the staff report and subject to the recommended conditions of approval as amended.

1:15:38

I'll second that further discussion all in favor.

1:15:41

Aye, aye.

1:15:42

OK.

1:15:43

Thanks, Joe.

1:15:44

Thanks, Joe.

1:15:45

Thank you all.

1:15:45

Thanks Laura.

1:15:49

And we have the rare piece of other business on the agenda.

1:15:53

I'm sorry, I just need to use the rest.

1:15:55

We are going to take a momentary recess and then we will reconvene, reconvene.

1:16:04

And we have one final item of other business before the Board of County Commissioners today is the 2022 Rapid Community Food Assessment presentation.

1:16:17

OK.

1:16:17

Hi, everybody.

1:16:18

Everybody.

1:16:19
Who's left?

1:16:19
Is your microphone on?

1:16:20
Maybe it is.

1:16:21
Yeah.

1:16:21
Yeah.

1:16:21
Just pull it close to be good.

1:16:23
Can you hear me?

1:16:25
So my name is Claire Batalia, and I'm the vice chair of the Missoula Food Policy Advisory Board.

1:16:31
And, yeah, you're gonna swallow that microphone.

1:16:35
Is that OK?

1:16:35
There we go.

1:16:36
OK.

1:16:37
My name is Claire Batalia and I'm the Vice Chair of the Missoula Food Policy Advisory Board and our chair, Erica Berglund is also here today and we are going to talk a little bit about some of the findings from our most recent Rapid Community Food Assessment.

1:16:53
So thanks for letting us come and talk to you today.

1:16:56
So what is a Rapid Community Food Assessment?

1:16:59
Community Food Assessment is like full scale Community Food Assessment has many different components, but the Rapid Community Food Assessment is essentially a survey that we put out to the community, the goals of which are to gather feedback from the community to inform our work for the upcoming year.

1:17:17

And you know that information can be categorized as you know how people engage with the food system and also their vision for the food system in the future.

1:17:28

And then a second kind of subsidiary goal is to increase the visibility of the board and kind of create a channel of communication between US and the larger community.

1:17:38

So this past year, the survey was open from October 26th through November 23rd.

1:17:43

So just shy of a month.

1:17:45

People were invited primarily by e-mail and social media.

1:17:48

Emails went out to city and county listservs.

1:17:52

We have a lot of community partners that sent it out to their members and then invited the public through their social media channels.

1:18:00

That graphic on the right there, that's the digital invitation that people were seeing that was created by our fall intern last year.

1:18:08

People participated in the survey primarily online, although we did have a few people or we had the option of filling out a paper copy and we ended up with a sample size of 349 people.

1:18:21

We actually had 368 people participate, but some were from outside of Missoula County, so those were not analyzed as part of this.

1:18:30

That was about 7% fewer than we had in our first year of doing this.

1:18:35

And importantly, we ended up with what's called a community or convenience sample and that's in contrast to a random sample.

1:18:44

And it's just important to note that because as we as we talk about kind of our findings from this, we should bear in mind that it's not representative of the community as a whole.

1:18:55

A convenient sample is essentially you just put the survey in front of whoever you can and everybody is welcome to take it.

1:19:03

So who did we reach with our survey?

1:19:05

Most of our respondents.

1:19:07

So we had 349 people who were eligible.

1:19:10

Most were between the ages of 25 and 40, and then 60 and 65.

1:19:15

Our youngest person was 20 and our eldest was 90.

1:19:19

And I think the average age was like 48 or 49.

1:19:22

But most people were clustered in these two groups.

1:19:25

Most live in two or one person households up an annual household income of 50,000 to essentially 100,000 or under 25,000, and most do not participate in any Nutrition Assistance programs.

1:19:43

If we look at the geographic distribution of our respondents, almost 74% were from within the city of Missoula, and just over 26% were outside of the city but within Missoula County.

1:19:57

And this graphic on the left, each of those squares represents a neighborhood for the city or an area for the county, and the size of the square is proportional to the share of people living in that area.

1:20:11

So in the city, most of the people we heard from were in heart of Missoula, the West Side University District riverfront.

1:20:19

Franklin to the Fort and the lower Rattlesnake neighborhoods and in the county.

1:20:24

Most of the people we heard from were from Orchard Homes, Lolo and Frenchtown.

1:20:31

So one aspect of engaging with the food system that we're particularly interested in is around food access.

1:20:38

So we asked about participation in any Nutrition Assistance programs and on the left there you can see 292 respondents don't participate in any programs and 57 do.

1:20:51

So of those who do participate in a program, we of course ask which program.

1:20:55

And you can see on the right that SNAP is by far the the most commonly utilized program followed by double SNAP dollars and then free or reduced school meals.

1:21:07

And two two things that were interesting about this that we want to kind of highlight is that of the 44

people who participate in SNAP, only seventeen of those people also reported participating in double SNAP dollars.

1:21:21

But if one is eligible to participate in SNAP, you're automatically eligible for double SNAP dollars and it's you use it the same way with an EBT card.

1:21:31

So ideally that number would be 100%, but instead was only 39%.

1:21:36

And then similarly, of the the people who utilize free and reduced school meals, there were ten of those 10 people who who report doing that, only three of them or only two of them also utilize the Summer Meal program, even though they would be eligible for that.

1:21:56

So we ask that if you, you know, don't always have the kinds of foods that you want to eat, why not?

1:22:03

And 137 people felt that that question was not applicable to them.

1:22:08

But of those who who did feel that they don't always have the food that they want, by far the most commonly cited reason was not enough money for food, gas or ride fare, not enough time for shopping, cooking, just everything involved with putting a meal on the table was the second most common response.

1:22:28

And then the third was healthy, culturally relevant or traditional foods that we want are not available in stores or pantries near us.

1:22:39

So another aspect of engaging with the food system that we're interested in is just sourcing of food, eating out, composting kind of those those habits.

1:22:50

So when we ask where where people primarily source their food, by far most of our respondents at the local grocery store followed closely by a chain supermarket which I think this speaks a little bit to the non representativeness of our sample.

1:23:07

The third most common response was farmers market and direct from local farmers was the 4th.

1:23:13

When we asked how often people eat out, most people said once or twice per month and quite a few people said once or twice per week.

1:23:22

And then those small bars at the top and bottom are more than twice a week and never.

1:23:30

When we asked about composting food waste, 100 and 8083 people said no they don't and 163 people said yes they do, which was encouraging.

1:23:43

Of those who don't 42 we you know, we asked why not and 42 people said other and unfortunately didn't write in any explanation there.

1:23:54

So we don't know why those people are not composting.

1:23:56

But the the second and third options were composting services are too expensive and there are no composting services in my area.

1:24:06

And then interestingly enough, 28 people said that they don't know how to compost.

1:24:13

Of the people who do compost, 105 said that they do it at home in 40 SEC 46 through a composting service.

1:24:25

OK.

1:24:25

So aside from how people engage with the food system currently, we we try, we ask, ask a series of questions to try and get a sense of what people envision for the future and kind of what they think our priority should be as a board and the city and the county.

1:24:41

So we asked about, you know, what to them is the most important aspect of farming and agriculture.

1:24:47

And then the same question for food access.

1:24:50

And 123 people said that with regard to farming and agriculture, sustainability of farming practices is the most important thing to them, followed closely by farmland preservation and then economic viability of farming.

1:25:07

And then the same question, but around food access.

1:25:10

We had 197 people say the cost of healthy food, followed closely with a by 126 people who said availability of healthy food.

1:25:22

We also asked just broadly what the most important issue facing our food system is and 157 people said the affordability of healthy food followed by hunger and food insecurity.

1:25:36

So those are really slightly distinct but but related concepts.

1:25:41

So really it seemed that most people considered food access to be to be the most important issue.

1:25:49

Interestingly though, when we asked people what the most important policy priority should be for you

know our board and the city and the county, the top two most common responses were protecting natural resources and protecting AG land from farm development.

1:26:05

And then increasing access to healthy foods was the third option or third most common option.

1:26:14

So we asked a single open-ended question and that question is what changes would you like to see from Missoula's food system?

1:26:22

And we had 100 and 168 responses to that and there were no limitations on IT.

1:26:27

People could write whatever they wanted, however much they wanted.

1:26:31

And on the right we can see just a word cloud of the most the terms that came up most frequently.

1:26:39

So that's just kind of a fun way to get an overview of what people were thinking about.

1:26:43

So that's food, obviously affordable land, local farmers, healthy.

1:26:51

And then on the left, we can see a list of themes that that surfaced from people's responses.

1:26:57

So I'll go through each of these in a little bit of detail, but they are affordability, availability and access of food acquisition and preservation of farmland, support for farmers and farmworkers, conservation of soil and water, opportunities to process food locally, food waste and recycling quality and affordability of school meals.

1:27:21

So I won't read all of these on every side, I'll just read one or two.

1:27:25

But so for affordability, availability and access that first one there is we have not participated in the free food program.

1:27:33

Price of fuel prohibits travel in the top right hand corner.

1:27:38

As a single person I gross 50,000 a year, but with increasing property taxes I feel I will be taxed out of my home.

1:27:45

I used to eat very healthy, but I'm basically living off rice and beans now and I can see in fuel my health decline.

1:27:54

I would like to see a local grocery store that supports local food sources near Mullen or North North Reserve St.

1:28:03

in response to so in acquisition of preservation of farmland, support for farmers and farm workers.

1:28:10

One person said they would like to see subsidies for farms that use regenerative practices and price cuts for the food that comes from said farms.

1:28:18

More support for small and individual producers of meat and dairy, and we need robust policy to support small scale producers seeking land.

1:28:27

Land on the fringes of Missoula is being developed and out of state buyers are beating out local beginning farmers.

1:28:33

New new farmers need policies to change and support change to support and subsidized them.

1:28:42

Another theme that emerged was the opportunity to process food locally so that center one I would love to see an affordable option for processing chickens, ducks, geese, turkeys, or allow a limited number to be processed on premises and sold.

1:28:59

Someone expressed the belief that local processing would bring down meat prices.

1:29:05

More local processing of meat and local produce for value added economic would benefit the whole county.

1:29:13

Food waste and recycling was another theme that came up a lot.

1:29:18

So one person said I would like to see programs recovering discarded restaurant food and discarded grocery store food, citywide composting service, education and reducing eliminating food waste.

1:29:30

City sponsored composting would be great.

1:29:32

As with limiting deer populations that would allow for home gardening.

1:29:37

I would like to see an expansion of programs for residential composting, better food waste management from restaurants, stores, etcetera.

1:29:48

And the final theme that came up was the quality and affordability of school meals.

1:29:53

So go back to free school lunches and prioritize local produce, more local foods in schools, free breakfast and lunch for public school children, more local healthy foods in the school lunches and in the center, one person said.

1:30:08

Investment in MCPS Central Kitchen to serve as a regional food production hub and improvement and improve quality of school meals available to MCPS students.

1:30:17

Improvement in wages for institutional food service workers.

1:30:20

So we see they're both affordability and some concerns about quality as well.

1:30:27

So one final theme that emerged kind of in a couple different contexts through through this is that there there are opportunities for both the board and the city and the county for kind of further education on food systems and and potentially sharing resources with Missourians about different different services.

1:30:48

So one person said they wanted to see more info on local food systems communicating to the public as where they can purchase certain local or regional things.

1:30:58

The one in the the center Missoula doesn't have a food system.

1:31:03

There's no reason for there to be a food a food Advisory Board.

1:31:07

I, I wanted to highlight specifically just because we're you know now thinking about you know just that's an opportunity for for education communication with with the community about who we are and what we do.

1:31:23

So I'll wrap up with just kind of a couple things that that we're thinking about as a board and as we move into this new year, at some point we would like to ask for a budget to be able to to sample Missoula.

1:31:40

It's more appropriately just to reach more people and hopefully come out with a more more representative sample.

1:31:46

And that would kind of allow us to do to make some inferences about the population of Missoula as a whole as well as some causal inference about different variables that we're looking at.

1:31:59

We we would also like to at some point create kind of a public facing online home for the board.

1:32:07

And that's something that we're brainstorming about how to do, just to kind of serve as a a centralized resource that people could go to and find out about composting or or other services that they may not be aware of.

1:32:21

And then finally, we, you know, we did ask people to leave an e-mail address if they want it to be kept informed about food system issues.

1:32:29

And we got 118 e-mail addresses, which we were excited about.

1:32:34

So I think that the, the interest in the community is there for just kind of building momentum around food system issues.

1:32:42

And and yeah, we're just excited to keep keep working on it.

1:32:47

So with that, I'm happy to take any questions.

1:32:51

Thanks and thanks for all of your good work on this.

1:32:54

So this is, this was the 2nd survey that you've conducted, is that correct?

1:33:00

Yes.

1:33:00

Yeah, we did our first one in 2021.

1:33:03

Any idea?

1:33:05

I guess if they're anonymous, we might not have any idea how much overlap there was between respondents in the first survey and the second survey because you said the numbers actually went down.

1:33:15

That's a great question.

1:33:17

Yeah.

1:33:17

I yeah, it is anonymous.

1:33:20

So we can't say for sure, but because we kind of don't have a budget to you know, do mailings or anything like that, our our strategy for getting people to take the survey is really relying on like community partners to to use their social media.

1:33:35

And so I think that they are probably hitting some of the same same people.

1:33:39

Yeah, yeah, you're right.

1:33:43

It would be great to have a more representative snapshot of the community as a whole as opposed to self

selected folks who may not be a great measure of how aware the community is about agriculture and food systems and stuff.

1:34:01

Yes, yeah.

1:34:02

And we we really try, when we try to promote the survey, we do try to reach out to as many sort of really different groups as we can.

1:34:11

But it's all kind of dependent on board networks and board capacity and just like who we can think of and who we can reach and then who has the capacity to to, you know, notify their network, Right.

1:34:23

Anita, miss the slide.

1:34:25

Any differences?

1:34:29

Oh, I think your mic's off.

1:34:30

Juanita.

1:34:32

Oops, sorry.

1:34:33

Thematically, were there any differences between the the two surveys or like 21 and this one, you know, a lot of the same issues came up.

1:34:43

I think this year we saw a lot more talk about the school meals for sure and you might be able to comment as well, but got it.

1:34:52

And then the and then the if you want introduce yourself local meat processing as well was like another thing.

1:34:58

Berglund, I would say.

1:35:02

Yeah, a lot of similarities between the two survey results, but we did add several questions this year that were not asked in the first survey that I think were very valuable Offhand, I can't let you know, Do you use composting?

1:35:17

Yeah, we added that this year was an additional question.

1:35:20

I really like the question of if you don't get the food are are unable to eat the foods that you would like to, what might some of the reasons be for that?

1:35:30

And that was a new question.

1:35:31

So I think we got a little more insight into the current limitations that people are experiencing.

1:35:37

And then the the double snap or the lack of use of double Snap and summer lunch is that just people don't know or do you know why there's such a dramatic difference?

1:35:54

I I well that's a good question.

1:35:56

Yeah.

1:35:56

And also that was an additional question just to ask about participation.

1:36:00

And I think, yeah, we definitely would want to think very thoughtfully about if we, if we do a more representative sample, how we might be able to get some more of that information of of what is the because based on some of the income levels that we saw a lot of people under 25,000, it seemed like they might be qualifying for some of those programs.

1:36:24

So I think definitely opportunity to learn a bit more about what is what's behind that discrepancy.

1:36:31

But you're right that from the survey itself we don't know if those people are are aware of Double Snap and electing not to use it or if they just don't know.

1:36:38

And I I didn't realize that if you're eligible for SNAP, you're automatically eligible for Double Snap.

1:36:45

I didn't.

1:36:46

So that was yeah, there's no, I mean I I used to run one of the farmers markets in town and there's no application or anything.

1:36:52

You just use, you know your EBT card and and get additional tokens.

1:36:56

And so I I don't know what the education process is to make people aware of Double SNAP.

1:37:01

Yeah.

1:37:02

And I, you know I think I don't wanna speak out of turn, but I do think to some element with the Double SNAP program it is it's only at farmers markets currently.

1:37:13

There might be a couple of small grocery stores across in other areas of the state that that utilize the program.

1:37:19

But I think there is a little bit of stigma involved, you know or people aren't familiar or comfortable going to the farmers market because it is not always been associated with lower income folks.

1:37:30

Yeah.

1:37:31

So I think that is an area for education as well.

1:37:36

Cool.

1:37:37

Thanks for this.

1:37:37

Yeah.

1:37:38

Yeah.

1:37:38

Thanks for joining us.

1:37:39

And you can always, if you want to share anything with us at any other time during the year, don't hesitate to reach out.

1:37:48

Thanks so much.

1:37:49

OK.

1:37:49

Thank you.

1:37:51

And I don't believe there's any other business to come before the Commission today.

1:37:55

So we shall be adjourned.

1:37:57

Oh, yes, Mr.

1:37:59

Baxter.

1:38:00

Come on up to the microphone, please.

1:38:05

Again, I'm Bruce Baxter.

1:38:06

I would ask that any decision that's made on my petitions include all of the new testimonies that I presented today.

1:38:14

I'd also like to thank all three of the commissioners for being willing to take the job and do the job of being commissioners.

1:38:19

Thank you.

1:38:20

Thank you, Mr.

1:38:20

Baxter.

1:38:21

Thank you for saying that.

1:38:23

And sorry for the delay in getting back to you.

1:38:25

Like I say, within the next week, the goal is to have a formal response to you.

1:38:32

Thanks.

1:38:34

OK, We'll be adjourned.