

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, AUGUST 22, 2024 – 2 PM

Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams

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Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair David Strohmaier
Commissioner Josh Slotnick
Commissioner Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
John Hart, Lead Civil County Attorney, Attorney's Office
Lauren Ryan, Planner, Planning, Development, and Sustainability
Flanna McLarty, Land and Economic Specialist, Land and Economics
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Matt Heimel, Planner, Planning, Development, and Sustainability
Patrick Swart, Planner, Planning, Development, and Sustainability
Christina Dewar, Administrative Assistant, Commissioners' Office
Annie Cathey, Lead Administrative Assistant, Commissioners' Office
Mattie Scott, Administrative Assistant, Commissioners' Office
Chris Lounsbury, Chief Administrative Office, Missoula County
Elisha Buchholz, Equity Coordinator, Commissioners' Office
Carey Powers, Communications Coordinator, Communications
Melisa Fisher, Strategic Initiatives Manager, Commissioners' Office
Allison Franz, Communications Manager, Communications
Shane Stack, Director, Public Works

1. **CALL TO ORDER** [Time stamp – 0:03]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:01]
3. **LAND ACKNOWLEDGEMENT** [Time stamp – 0:13]
Missoula County acknowledges that this event takes place in the aboriginal territories of the
Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** [Time stamp – 0:32]

a. Closed Captioning

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 1:31]

6. CURRENT CLAIMS LIST [Time stamp – 03:51]

Claims received as of July 30, 2024 to August 13, 2024 by the Commissioners' Office total \$4,828,071.80.

7. HEARINGS (Planning and Zoning Commission and BCC) -moved by Chair Strohmaier-

a. Bovard Shoreline Setback Zoning Variance [Time stamp – 04:14]

Matt Heimel, Planner, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Missoula County Zoning and Commission Board hereby approve and grant the request for a variance in Zoning District 8A to allow an observation platform to be constructed within the 50-foot setback based on the findings of facts and conclusions of law in the staff report subject of the recommended condition of approval.

Shane Stack seconded.

[Motion Passed 5-0.]

The BCC reconvened and below is recommended motion and vote for the Bovard Shoreline Setback Zoning Variance.

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve the request for a variance in Zoning 8A to allow an observation platform to be constructed within the 50-foot setback based on the findings of facts and conclusions of law in the report to the recommended conditions of approval.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2024-173 was sent to Scott and Laura Bovard on October 1, 2024]

8. HEARINGS (BCC)

a. Resolution- Consider Grant Creek Crossing an Infrastructure Deficient Area

Flanna McLarty, Land and Economic Development Specialist, Community and Economic Development [Time stamp – 18:54]

Commissioner Slotnick made the motion that the Board of County Commissioners of Missoula County hereby adopt Resolution 2024-090 declaring an infrastructure deficient area exists within Missoula County, Montana in an area known as the Grant Creek Crossing and that the investment in infrastructure in that area is necessary in the interest of public health, safety or welfare of the residents of Missoula County.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.] (Commissioner Vero was not present for the remainder of the meeting)

[Resolution 2024-090 Book:1103 Page:1245]

b. Resolution- Consider Final Adoption of Deer Creek Growth Policy and Zoning

Lauren Ryan, Planner, Planning, Development, and Sustainability [Time stamp – 32:36]

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve the Resolution to amend the Missoula County Land Use Map, Map 18, to assign the Rural Residential and Agricultural Land use designation to the properties legally described as Track 2 and Track 3 of Certificate of Survey 5850 and the zoning map to show the properties legally described as Track 2 and Track 3 of Certificate of Survey 5850 as agriculture Rural Residential 5 AGRR 5, based on the findings of fact and conclusions contained in the staff report.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Resolution 2024-089 Book:1103 Page:1244]

c. Granite Peak RV Park Subdivision

Tim Worley, Senior Planner, Planning, Development, and Sustainability [Time stamp – 33:20]

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve the Granite Peak RV Park subdivision based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions as amended during the meeting.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2024-168 sent to Dave Swisher on September 24, 2024]

d. Ninemile Acres Minor Subdivision

Patrick Swart, Planner, Planning, Development, and Sustainability [Time stamp – 1:35:34]

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners to approve Nine Mile Acres minor subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Letter 2024-172 sent to Gerald and Joann Bender on September 26, 2024]

e. Elliott Family Transfer/Boundary Line Relocation [Time stamp – 1:59:56]

Zach Jones, Planner, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners to approve the request by Janet Elliott to utilize the family transfer and boundary line relocation exemptions to create transfer one tract to their daughter, Denise Elliott as presented in the exemption application and affidavit.

[Letter 2024-171 sent electronically to Marias Hale, Eli & Associates, Inc. on September 26, 2024]

8. OTHER BUSINESS *[Time stamp – 2:07:25]*
[None]

9. ADJOURN
Chair Strohmaier – Called the meeting to adjourn at 4:07 p.m.

BCC Public Meeting August 22, 2024 – Transcription

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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.

08.22.2024 Commissioners' Public Meeting_Final

0:03

I'm Commissioner Dave Sterelmeyer.

0:05

I'm joined here by Commissioner Josh Slotnick.

0:07

Commissioner Juanita Vero is joining virtually online today.

0:13

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

0:20

Cheryl, please educate us on any announcements we need to know before we get rolling today.

0:29

Hello, everyone.

0:30

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

0:36

If you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Louise room.

0:41

There will be an opportunity to speak during the meeting virtually and in person.

0:45

We ask that all speakers today speak slowly and clearly.

0:48

This helps with the accuracy of the closed captioning.

0:51

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

0:59

This is the small hand button.

1:01

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

1:04

Once called upon, please hit *6 to unmute.

1:08

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

1:10

We also have assisted listening devices if you need one.

1:13

Thank you, thank you, Cheryl.

1:17

So here in just a little bit, we'll be opening six separate public hearings on various items.

1:24

So if you have comment on any of those particular public hearing items, please reserve your comments for that time.

1:31

But until then, this is the opportunity to offer public comment on any item that is not on the agenda.

1:45

Hi there, Travis Mateer, Missoula resident.

1:49

I just wanted to talk about Ted real quick.

1:51

Ted is kind of like Tiff.

1:54

It's a sort of tax increment type scheme mechanism that can be used for targeted economic development.

2:02

And I think it's going to produce the same results that the city has been experiencing as in, in terms of not great results.

2:08

I know usually it's like the state and the feds that are good scapegoats for why, you know, housing is very expensive.

2:13

But really Ted, I think is going to do the same thing as TIF.

2:17

But acronyms are fun.

2:18

So you should check out one acronyms from 1989, I think is the first popular usage of *****.

2:23

I'm not going to say what ***** means, but I think if Ted and TIFF continue getting used, I think ***** is kind of what property tax people are going to experience.

2:31

They're going to they're going to be Fubarred a lot.

2:33

So to avoid getting Fubarred, I think really take a look at Ted's and Tiff's and all these fun little shell games that get played.

2:40

Thanks guys.

2:42

Thank you, Travis.

2:43

Any other public comment on items not Oh yeah, Mr.

2:48

Salonik.

2:49

So as many of you may know, a little known garage band called Pearl Jam is playing tonight at the stadium.

2:58

And there's an interview with one of Missoula's favorite residents, bassist from Pearl Jam, Jeff Amen, in the in the Missouri.

3:05

And then I just read it while I was eating lunch.

3:07

And if anyone is in need of inspiration on how great this place is, our city, our county, our state, check that interview out.

3:16

Full of reasons to be proud of who we are and where we live.

3:19

So there you go in the Missoulain and in sport in the Missoulain.

3:25

In the Missoulain front page interview with Jeff Bassist, who also was very much a part and in part responsible for the Super great new skate park in Clinton.

3:36

Excellent.

3:37

Thank you Josh for that.

3:38

Any other public comment on items not on the agenda, either from folks in the Sophie Moeys room here in the courthouse or online?

3:48

OK, see none.

3:51

Claims received as of July 30th, 2024 through August 13th, 2024 by the Commissioner's Office total \$4,824,071.80.

4:04

We have six public hearings today.

4:06

We're going to change up the order of the public hearings a little bit to accommodate some of our participants schedules.

4:14

We're going to begin with what is listed as #8A on the agenda.

4:21

This is a little bit of an oddity in that I'm going to recess as the Board of County Commissioners and reconvene as the Planning and Zoning Commission.

4:31

That also includes the three county commissioners.

4:35

And is it Shane, is it just you today from the Planning and Zoning Commission or Tyler?

4:41

Three of us and the three of us, no.

4:44

OK, so no Tyler today.

4:45

So our Chief Public Works Officer is also one of our members of the Planning and Zoning Commission.

4:54

As with all of these public hearings, we will begin with a staff report that will be followed by any comments from the applicant or the applicant's representative.

5:03

We'll open it up for public comment, close the public hearing, take questions or comments from the Commission, and then we will take action.

5:11

With this one, we as the Planning and Zoning Commission will make a recommendation to the Board of County Commissioners, which admittedly is a little odd because we were for most of us making a recommendation to ourselves, but nonetheless, this is prescribed by state law.

5:28

And then we'll reconvene as the Board of County Commissioners and take up this item.

5:33

If that was clear as mud and you did not follow, don't worry about it.

5:37

Just kind of roll with it here and we'll get through this agenda.

5:41

So we will begin with a staff report.

5:46

All right, good afternoon.

5:47

I'm Matt Hymel, a planner and floodplain administrator with Missoula County Planning, Development and Sustainability, and I have a brief PowerPoint about this request for a zoning variance if I can find the right window.

6:13

OK, so this is a request for a set back from the OR a request for variance from the set back regulations found in Zoning District 8A.

6:24

And the subject property is at 8523 N Placid Lake Rd.

6:29

and the applicants are Laura and Scott Bouvard.

6:31

And I'm sorry if I mispronounced their their last names.

6:35

And so this is the planning zoning Commission hearing to be followed by Board of county commissioners to hear the recommendation of the planning and zoning Commission.

6:44

So here is a closer range aerial image of the subject property.

6:49

If this is the northern portion of Placid Lake and the property is actually mostly adjacent to wetlands that also happen to fall below the high watermark of Placid Lake, which then makes it by extension part of the lake subject to the high watermark setbacks, which I'll speak about in just a moment.

7:08

Placid Lake, this is in the northeast portion of Missoula County.

7:11

We're actually about approximately West of of the Seeley Lake area.

7:16

And if I need to pull up different maps, I can, I can do so.

7:21

So the request is a variance to allow placement of an elevated observation deck platform within the 50 foot shoreline set back.

7:30

So the zoning district requires a set back of structures 50 feet from the high watermark.

7:35

During staff review, no public comments were received.

7:39

As I said, properties on the North End of Placid Lake with mostly thinned forest and wetland is all is also held in a conservation easement with Five Valleys Land Trust and this is citizen Zoning District 8A.

7:53

Here is a picture of the site plan.

7:56

It's an approximate site plan.

8:00

The red circle shows the approximate location of that proposed observation platform and the idea is to have that platform suspended in trees without permanent ground posts.

8:12

And so that would explain why this location is suitable also to then help promote scenic values of the wetland in line with the conservation values as held with this conservation easement.

8:24

And then to the southwest or slightly lower and then to the left hand side there is a proposed house location that is outside of the required set back and the platform would be on the site plan states about 25 feet from the watermark field measurement found at about 21 feet.

8:45

However on that does show it's outside of the shoreline protection zone.

8:50

So a few notes about zoning District 8A.

8:54

Zoning District 8 was created in the think the late 1950s by a petition process.

9:01

This is one of our citizens zoning district.

9:04

So it's not a county initiated a district.

9:06

This was initiated by property owners up there who petitioned the county to create zoning that promotes primarily single family dwellings accessory structures as permitted uses.

9:17

The observation deck would be considered a accessory structure to the proposed single family home.

9:22

As I said, a five valley, 5 valleys Land Trust holds a conservation easement on the property and has determined that the proposed deck doesn't violate that that easement.

9:35

So again, we have a 50 foot set back from the high watermark of Placid Lake.

9:41

And here is a picture looking towards the lake or or wetland area from planner standing under the deck location that looks like the deck is that is correct.

9:56

The the deck is partially constructed and the applicant does contend that is one of the hardships which I'll, I'll, I'll speak to you in just a moment.

10:10

But that that is correct.

10:11

It is partially built with, with the framing, but not completed.

10:20

And then here's a view across Placid Lake to the general site area and then looking across the property from the proposed house site.

10:30

I do not believe that is a real deer by the way, but that is a real dog in this photo.

10:41

So in the application packet the the property owner does contend on some ground, some proposed grounds for variance being that partially constructed and the difficulty in removing it.

10:55

When staff analyzes harshly, we we look at what would literal enforcement of the regulation result in for the property owner And just a moment I have a notification on my screen.

11:09

So when staff analyzed this project, it was mostly found that literal enforcement of the regulations would then result in a proposed deck which is supposed to be elevated on trees with low impact, then being placed somewhere further back which does have permanent ground disturbance and scarring.

11:30

So although the proposed deck would be within the set back, staff found that it is of minimal impact and has lesser impact than a deck on posts would then have if it were to comply with the set back.

11:48

So with that in mind, staff is recommending approval subject to one condition that essentially all other permits and approvals be granted.

11:57

And I will note that the project does comply with the Missoula County Shoreline Regulations, so it does not conflict with the shoreline zone.

12:08

OK, Thanks, Scott or Laura, would you like to come up and say anything?

12:14

Yeah.

12:14

Come, come on up to the microphone.

12:16

And if you could just make sure the light is green at the base of the.

12:21

Yeah.

12:22

And go ahead and state your name for the record and share with us anything you'd like to share?

12:25

Yeah.

12:25

Scott Blvd.

12:27

And I just wanted to make one point that, you know, you're right there there is there are beams up in the trees.

12:33

And it, it was kind of a Amia culpa on that, that we, we purchased this treehouse package at a school auction in 2021.

12:45

And that the purchase price included from the treehouse builder.

12:51

He's actually a legitimate treehouse builder.

12:54

It included a site visit, it included a set of plans.

12:58

And then it included that he would do the basically the, the, the beams that you're seeing, they're 4 inch by 12 inch beams.

13:07

Let's just say this guy was less than commutative.

13:09

I couldn't get a hold of him for probably 2 years.

13:12

He would not return my texts, He would not return my phone calls.

13:16

And I was getting really frustrated.

13:17

Finally, he did communicate with me, did not give me any set of plans.

13:22

So I had no plans to submit to the county for this.

13:26

And actually we got approval from 5 Valleys Land Trust.

13:30

They said, yes, you can do this.

13:33

And I understand that the county regulations take precedence over 5 valleys.

13:39

I understand that.

13:39

But he finally gave me like 2 weekends that he could build this the the beams so that I could build a foundation on top of that.

13:49

And I said, but Joe, we don't have a permit.

13:51

And he said it's just a formality.

13:53

You don't need it.

13:54

So another mea culpa.

13:56

I was stupid and listen to him and then I finally got so I said if that's the only time you can do it.

14:02

I've waited two years for this.

14:04

Put the beams up, then I will get the permit and I'll get this.

14:07

The engineer, Tom Bodett, did our actual structural engineering.

14:11

He did the plans for us.

14:13

We submitted it to the county and that's when we found out that it was rejected that there were zoning regulations that were against it.

14:20

We're new to the Placid Lake community.

14:22

We were not aware of these regulations.

14:23

We're not trying to circumvent or, or flaunt any of the rules and the zoning regulations up there.

14:30

But we kind of got backed into a situation where through our ignorance and kind of a, a desperation to get at least the beams up so that I could then build the, the, the platform up there, we went ahead and had the beams put up.

14:43

So that's where we are right now.

14:45

And I, and I said in my letter to the county, I said it's been kind of financial and a logistical boondoggle for us and probably an annoyance for everybody here, but that's where we are.

14:55

And so I, let's just say I kind of burned a bridge with this guy because of this whole thing.

15:00

So for me to get these beams off there, I don't know how much a beam like that weighs, but it's a lot more than I'm gonna lift over my head.

15:07

So it would be a challenge to get those beams down.

15:10

You know, rules are rules and and that's fine, but I appreciate the fact that the county has given us at least a a nod.

15:17

So that I just wanted you to know we were not trying to circumvent or disrespect the county building regulations.

15:22

Obviously, we we would never do any house construction without a permit.

15:27

So I just wanted to emphasize that we're not trying to circumvent anything, but that's that's the reason we ended up in this situation.

15:34

Thanks, Scott.

15:34

Appreciate that.

15:35

Thank you.

15:36

This is a public hearing at all open.

15:37

Is there any public comment either in the room or online regarding this proposed variance, any public comment?

15:49

OK, we will close the public hearing.

15:52

Matt, did you have a motion on the screen for us for the Planning and Zoning Commission that is so.

16:01

This is the recommended motion for the Planning and Zoning Commission as a recommendation to the commissioners, right, Joshua, Anita, any questions?

16:11

I don't have my only Nope, my only comment was thanks, Scott.

16:17

You answered all the questions I had in the so I appreciate that.

16:22

Jane, any questions?

16:25

OK, let us make a motion.

16:29

I move to recommend approval of the request for a variance in zoning District 8A to allow an observation platform to be constructed within the 50 foot set back based on the findings of fact and conclusions of law in the staff report, subject to the recommended condition of approval.

16:47

Yes, a second.

16:49

OK, a second.

16:53

Any further discussion on the motion?

16:55

Seeing none, let's go ahead and vote all those in favor of the motion.

16:58

Please signify by saying aye, aye, aye.

17:02

OK, We will adjourn the Planning and Zoning Commission and take this up now as the Board of County Commissioners.

17:11

This is that bit of funkiness that I mentioned earlier.

17:14

So we will now see whether we take our own advice or not.

17:19

So Matt, do you have a variation on that motion to bring up?

17:26

Typing it right now.

17:28

I don't think we need to do another staff report.

17:30

I don't think we need to unless you want to, as the applicant, say anything more.

17:34

We will open it up for public comment though.

17:37

Is there any public comment on this identical item that we just discussed but now coming before the Board of County Commissioners?

17:45

Any public comment either in the room or online?

17:49

OK, seeing none, we will close the public hearing.

17:52

No questions.

17:53

I'm assuming from the Board of County Commissioners.

17:56

I would entertain a motion.

17:59

I move to approve the request for a variance in zoning District 8A to allow an observation platform to be constructed

within the 50 foot set back based on the findings of facts, conclusions of law, the staff report subject to the recommended conditions of approval.

18:20

That is an order.

18:21

Is there a second, second any further discussion on the motion?

18:26

Seeing none.

18:26

All in favor?

18:27

Aye.

18:28

OK.

18:30

Thank you all and thank you Scott and Laura.

18:36

Thank you, Matt.

18:37

Thank you Shane Stack for joining us.

18:39

You can stick around if you want for.

18:43

OK, speechless.

18:45

OK.

18:46

Which item is that?

18:51

OK, good enough.

18:53

Thank you all.

18:54

All right, we will go back to the regular scheduled list on the agenda here and we will begin with a resolution to consider Grant Creek Crossing and infrastructure deficient area.

19:09

And we'll begin with a staff report from planner.

19:20

Hi commissioners.

19:21

My name is Flanna McLarty and I am the Land and economic Development Specialist for Missoula County.

19:30

And today I have before you a resolution to declare the Grant Creek Crossing area infrastructure deficient.

19:41

So this step is the first step in the creation of a targeted Economic Development district.

19:49

It will enable Missoula County to support value adding enterprises which will in turn contribute to the overall economic well-being of the county.

19:58

So this first step is to conduct a review of infrastructure deficiencies in the area and then adopt A resolution of necessity for an area within which a Ted can be designated.

20:11

The documentation of these conditions in accordance with state law provides the necessary foundation.

20:17

Upon which a government may establish a Ted to invest public resources and infrastructure to support value adding economic development.

20:31

On May 23rd, Missoula County entered into an agreement with Pioneer Technical Services to assist the county in the creation of a Ted in the area known as Grant Creek Crossing.

20:44

And they are here on the call and are going to present to you the infrastructure deficiencies.

20:51

All right, thank you.

20:53

So if our guests from Pioneer are on the line and would like to introduce themselves and present, it is all yours.

21:03

Thank you very much.

21:04

Commissioner.

21:06

This is Brad Archibald from Pioneer Technical Services.

21:08

My my colleague John Morgan is also on the line with us to help me out if I need it at all.

21:16

We have a very brief presentation about our work on this statement of infrastructure deficiency for you.

21:22

So Flanna, if you could please advance the slide, I'd appreciate it.

21:34

As Flanna mentioned, there is relevant legislation regarding the establishment of a Ted at MCA 715-4279.

21:45

It allows the county and a local government to establish a targeted economic development district, a step in the process that is necessary as defined at 4280.

21:57

And that is this step that we are at acknowledging that there is an infrastructure deficient area that is limiting the ability to develop the area with value adding projects.

22:10

You could advance the slide, please plan it's plan.

22:20

So, so you may have we've got a little feedback, try it again.

22:32

Looks like Flynnna got got it muted.

22:34

Thank you.

22:37

We did present gave you an introduction you may recall I think on June 26th about this particular area and you saw this slide before.

22:46

But here we are in in our overall process assuming this resolution is adopted today, we would proceed with developing a comprehensive plan and then going through the proper reviews and approvals before actually establishing a the Ted itself.

23:06

One more Flanna please.

23:11

So here is the area in question.

23:12

Is it the southwest corner of the intersection of Reserve St.

23:17

and Interstate 90?

23:19

It is currently developed to a very minor extent with the storage units, rental storage units there in the upper left corner of the parcel outlined the parcels that we consider as outlined and red to the east are those commercial establishments, restaurants and and hotels that front along Reserve St.

23:41

and the mobile Home Park.

23:44

Mountain View I think it is called or Westview is on the West side there part of the site was part of a a now defunct sand and gravel operation.

23:56

The existing Knife River operation is is to the north.

24:01

Go ahead Flano.

24:04

See as you can see on that photo with the the area is clearly infrastructure deficient.

24:11

So amongst the infrastructure deficiency findings were was transportation.

24:17

We we simply don't have roads in the area that are that are proper for economic development of value adding industries.

24:28

On the right there you can see a potential Rd.

24:31

network to give us better access to the site and access those properties that the WGM group put together.

24:40

There's also a trail, a non motorized trail through the area that that may be considered part of the as part of the development in the future.

24:48

On the lower left there is the the bridge at Michael Rd.

24:54

that you can see is pretty tight, pretty confined.

24:57

And if we're going to develop this area in a way that adds value adding enterprises, we probably are going to need to make improvements to, to that bridge for one and possibly others.

25:10

Those are just some examples of the infrastructure deficiency.

25:14

Go ahead to the next one.

25:16

Water as well.

25:17

We do not have any, any water service in the in the in the area.

25:22

We need water, potable water, for industrial uses and for fire suppression.

25:29

The City of Missoula Water Utilities last master plan which I think was from 2018 did consider this expansion to this area as part of their plan and they concluded that they have capacity to do so.

25:44

But it would require some improvements to their system within and outside of this area with some capacity with some some more storage, some larger diameter mains and and or booster pumps to make sure that we met mostly fire flow improvements or requirements.

26:05

Excuse me, go ahead to the next one, please.

26:14

Stormwater and drainage is also an infrastructure deficiency we identified.

26:20

The soils are pretty coarse as you can see in this photo.

26:23

It drains very well.

26:24

But nonetheless, the county has your general stormwater permit requirements and development of this area will require certain stormwater and drainage infrastructure improvements, probably some some regional or some some retention or detention.

26:41

Also, the DEQ is identified of the adjacent Grand Creek as a as an impaired stream to some extent and therefore has has established some total maximum daily load limitations for Grand Creek.

26:54

Those in turn will require the development or application of certain best management practices on the property if it were to be developed.

27:04

Next slide please.

27:10

There are other infrastructure deficiencies on the site that that are that are pretty clear.

27:16

We have no wastewater or sewers on the site and if we're going to develop the area with value adding industries, we are definitely going to need to extend the the wastewater collection system throughout the site.

27:28

Other dry utilities of gas and electric are going to need to be developed in the area.

27:33

There's actually an existing power overhead power line in place that will need to be that will probably need to be relocated to accommodate industrial or value adding.

27:46

Excuse me, development broadband looks like we have pretty good.

27:51

We do have pretty good broadband service to the vicinity, but obviously will need to be extended within the development itself.

27:58

Life safety.

27:59

This is within the Missoula Missoula rural fire districts coverage area.

28:08

They will need to add staff probably or or resources to make sure that we can provide life safety firefighting services in the area.

28:17

Is possible that it may be more cost effective to have established an agreement with the city of Missoula Fire Department to cover this area.

28:25

But in any event, we are going to make have to make sure that we have that that infrastructure.

28:31

And as we as we face all over Missoula County in the city of Missoula, there is a shortage of workforce housing which as I believe you all know now is considered infrastructure by the state legislation.

28:45

And if we were to establish a Ted and to or develop attainable workforce housing within this development, it could qualify for tax increment financing funding to some extent.

29:01

Go ahead, Flannel.

29:04

So there our statement of infrastructure deficiencies document reaches the conclusion that based on the information presented in this statement, the finding can be made that the Grand Creek crossing area exhibits conditions that constitute impediments to the development of infrastructure intensive value adding economic development in Missoula County.

29:24

Go ahead to the nearly last slide here.

29:28

If you have any questions we would be glad to entertain them and pending that if there aren't any then you folks can consider taking up the resolution that is necessary to to consider this area infrastructure deficient.

29:43

Thank you very much for your time.

29:45

Thank you.

29:45

John hang tough out there and there there might be some questions here shortly.

29:50

Back to you Flanna, anything else?

29:54

No, that's all I have.

29:55

OK, let's open it up to public comment.

29:58

Is there anyone in the room who would like to comment on this proposed resolution?

30:04

Anyone in the room, anyone online?

30:11

OK, any questions from the Commission?

30:15

No real question, just a comment.

30:16

And 1st, I appreciate Brad's firm's work doing a deeper dive and kind of confirming what even a layperson such as myself would think when standing next to this site.

30:29

As someone who's lived here for a long time, there is nothing out there.

30:33

It is indeed infrastructure deficient.

30:35

I think you characterized it well.

30:39

OK, Juanita, any questions from you?

30:46

Are you still out there?

30:47

Juanita?

30:49

We may have lost the commissioner.

30:51

That's OK.

30:52

We'll carry on.

30:54

We got to no, I, I think, I think as far as what we are taking up today, it's pretty clear that there is an infrastructure deficiency.

31:06

So with that, we have a motion I moved to adopt A resolution declaring an infrastructure deficient area exists within

Missoula County, Montana in an area known as the Grant Creek Crossing and that the investment in infrastructure in that area is necessary in the interest of public health, safety, or welfare of the residents of Missoula County.

31:26

I'll second that.

31:27

Any further discussion seeing none.

31:29

All in favor.

31:30

Aye, Flanna, what are the next steps as it relates to this potential Ted?

31:36

So the next steps include that we do currently have a Missoula County voice page for consideration of this Ted.

31:45

So anybody can go to that page to read more about it, to ask questions, post comments.

31:52

After that, we will complete the Comprehensive Development plan and present that for recommendations to the Missoula Development Authority Board in September.

32:02

And then the Planning Board will review it for conformance with the growth policy and zoning in October.

32:11

And then we will have our first public hearing to adopt by ordinance the Comprehensive Development Plan to create a Ted October 10th and then that will have a second hearing in November 7th.

32:27

So and all of this information is found on that voice page.

32:33

OK, thank you so much for that.

32:35

Thank you.

32:36

OK, we will move on to our next item and this is consideration of final adoption of Deer Creek growth policy and zoning.

32:47

Lauren, Cheryl, could you tell is Commissioner Barrow on anymore?

33:02

OK.

33:03

And that's all right.

33:04

I you might I don't see your own anymore concerned at the beginning of the planning and Zoning Commission

hearing because I I didn't think we had a quorum of the planning and zoning Commission until I it was noted that Juanita was on the line.

33:19

But if she if she can't join us again, we still have a quorum of the board of county commissioners and we can proceed.

33:32

Good to proceed.

33:33

All right.

33:34

Lauren Ryan, planner with planning, development and sustainability.

33:38

Your consideration this afternoon is the final resolution to adopt the growth policy amendment and zoning amendment to 2 tracks that are located off of Deer Creek Rd.

34:03

Great.

34:03

So these parcels are just South of I-90 located off of Deer Creek Road near the Clark Fork River here.

34:13

So the adoption would amend the growth policy and zoning designations for both tracks two and three, this one that's highlighted here and this one that is adjacent to the river.

34:27

On July 11th, 2024, at the public hearing, county commissioners adopted the resolution of intent.

34:35

On July 18th and July 25th, a legal ad was ran in the Missourian.

34:41

We then had a 30 day comment period from that July 18th publishing date.

34:47

The end of the 30 day comment period was on August 17th, 2024.

34:51

We did not receive any new comments during that time.

34:57

So for your consideration are two motions to amend both the growth policy designation and the zoning for these two properties?

35:09

Thank you.

35:10

Is the applicant or applicant's representative here online to make any comment?

35:16

I don't think I saw anyone online either, so OK.

35:20

Is there any public comment on this?

35:26

All right, seeing none, we'll close the public hearing.

35:27

Any questions from the Commission or a motion?

35:31

Do I, can I do this all as one or does it show this?

35:33

John, what do you recommend?

35:36

OK, let's do them.

35:37

Let's do them both at once.

35:39

I would move to adopt the resolution to amend the Missoula County Land Use Map, Map 18, to assign the Rural Residential and Agricultural Land use designation to the properties legally described as Track 2 and Track 3 of Certificate of Survey 5850, based on the findings of fact and conclusions contained in the staff report.

35:59

And I moved to adopt the resolution to amend the zoning map to show the properties legally described as Track 2

and Track 3 of Certificate of Survey 5850 as agriculture rural Residential 5 AGRR 5, based on the findings of fact and conclusions contained in the staff report.

36:16

All right, we'll second that.

36:18

Any further discussion seeing none all in favor.

36:21

Aye.

36:22

OK, Thank you.

36:23

Thank you, Lauren.

36:24

Thanks, Lauren.

36:28

OK.

36:34

Our next public hearing pertains to the Granite Peak RV Park subdivision, and we will begin with a staff report from Tim Worley.

36:44

Once you get set up record, I'm Tim Worley, Senior Planner with Planning, Development and Sustainability and this is the Granite Peak RV Park subdivision expansion, which is A50 space expansion.

37:18

This proposal is by Dave Swisher of Lolo Peak LLC.

37:26

Again, for a 50% expansion, it actually ends up being both a 50% expansion and A50 space expansion in a total of 2 phases.

37:37

And I should know that we're beyond the original deadline because one of the planning boards that we attempted to get this to was canceled because of lack of quorum.

37:44

So we do need an extension granted by the applicant, which I think if we get a verbal on that, that will be sufficient today.

37:55

This is a graphic showing the expansion to the West in two separate phases.

38:01

Just zooming out a little bit.

38:02

This property is located on Thoroughbred Lane, northwest of the Y, West of Hwy.

38:09

93 N of the Interstate.

38:13

This is the former Jellystone Park.

38:17

The original approval dates back to 1994, and that approval actually was for 117 RV park spaces.

38:24

I don't think that was fully realized initially, but again, this is a 50% expansion of what you see on the ground today.

38:37

Just as a reminder, RV parks are subdivisions.

38:40

They're considered subdivisions for lease or rent.

38:43

They're basically in a similar category to mobile home parks.

38:46

Per state law this is a zone location at Zone Neighborhood residential which does not actually permit RV parks because the RV park was installed when there was no zoning in this location.

39:01

So the existing park is essentially legal non conforming.

39:05

The park expansion was facilitated by a special exception before the board of adjustment which was approved in 2023.

39:17

So this would be the totality of the RV park.

39:19

If the expansion goes through, you can see the existing portion of the RV park and the expansion again is to the West and northwest.

39:31

I like this graphic in what Ron has submitted from PCI because it really shows the expansion area, this treed area with the addition of a park in the northwest corner where the the sewage lagoons currently are.

39:48

So there's a series of both 26 foot wide two way roads proposed as well as 20 foot wide one way roads in the expansion area.

40:00

And there are variances required for this submittal because curb and gutter would be required for all the subdivision roads, which is not proposed with this application.

40:12

Also the 20 foot width on the one way roads doesn't meet the 26 foot wide standard.

40:18

Staff supports these variances on the curb and gutter front swales are currently used for existing drainage and are sufficient and it would be a pretty difficult marrying of two different drainage systems to bring in curb and gutter.

40:33

And with the road width, we can support the 20 foot width of the one way one way roads because all roads will meet emergency vehicle egress standards.

40:45

The single way into the RV park is Thoroughbred lane which connects with Highway 93.

40:54

This requires a variance because two ways in and out are required.

40:58

In the wildland Urban interface.

41:00

We found that there was no reasonable second way out.

41:04

Hypothetically, there is a 2 track that runs through Malam Meadows to the north, but there's no real legal access for that.

41:12

And again, it's merely kind of an informal to track and wouldn't be sufficient for recreational vehicles.

41:18

So we can support that variance.

41:23

There are also is a variance to permit a three foot wide perimeter trail, and I'll just put a bead on it here.

41:31

It's this trail right here.

41:33

This is part of the overall proposal because this is in the urban area and this is a stand alone trail in lieu of sidewalks.

41:44

What's required is an 8 foot facility that is a hard surface like asphalt.

41:54

So there is a variance required for this staff's original recommendation.

41:58

Well, our our current recommendation is for denial of this variance and a requirement to install an 8 foot wide trail within a 20 foot wide access easement.

42:10

And the easement was recommended.

42:12

Even though this is within an RV park, it was recommended by Parks, Trails and open Lands in order to facilitate connections to other locations within the Y potential connections in the future.

42:25

Planning Board discussed different alternatives of trail that might go in this location.

42:32

They felt that maybe the 8 foot width was a little bit too wide.

42:35

So their variance motion was amended to support A5 foot wide paved trail.

42:41

This motion failed, but the board's message to both planning or to staff and the developer was to work out some sort of compromise.

42:53

So just so you have an idea, Commissioners, of what we're talking about, this was the Planning Board recommended variance that would slim down the trail.

43:01

It would widen it from the three foot width proposed by the applicant, but it would, excuse me, it would basically facilitate A5 foot width.

43:18

But unfortunately, unfortunately for Planning Board, they did not pass the variance because they only got 3 affirmative votes.

43:30

So PC is alternative variants.

43:32

Would they would recommend approval of the variants with condition language requiring a three foot wide hard packed gravel trail And they would also recommend elimination of the 20 foot wide pedestrian easement.

43:47

And they do recommend alternative variants findings and I think Ron might have something to say about that as he does his presentation.

43:58

Sewer is via an approved city sewer hookup that was validated by the city sewage.

44:05

Lagoons in the northwest corner will be filled in eventually and there will be connection to the local Y water system.

44:13

And there is a condition requiring confirmation of water rights for additional water connections.

44:18

And then there's a memo to this effect attached to the staff report.

44:27

So some issues about water at the Y.

44:30

The water system serving Running W Ranch or Missoula Meadowlands serves multiple developments.

44:37

The original water right was intended for the number of units at Running W or Missoula Meadowlands.

44:45

So DEQ and Missoula Public Health actually had formal comment that's attached to the staff report, additional connections and water rights to why area subdivisions need to be verified.

44:59

So this applicant will need to do that as part of this submittal.

45:03

Should the subdivision be approved.

45:05

Ask a question.

45:12

Yeah, Josh has a question.

45:13

What what does that mean to water rights verified?

45:17

Well, basically the water right for running W subdivision confirmed that there were X number of connections for that subdivision and that subdivision only.

45:28

And a lot of those connections have been kind of spread out throughout the Y to developments including this development.

45:36

And as a result of that, there's gonna have to be a reconfirmation of water rights.

45:40

I mean that, that there is enough water, right.

45:45

Thanks.

45:45

Yeah.

45:46

So, so this could we could make this happen and DEQ could say there's not enough water.

45:51

Yeah, my understanding is that why water system is probably in pretty good shape for shares or some other system that would allow for basically the upgrade of the current water, right.

46:03

So there can be distribution to other subdivisions.

46:06

That's my understanding, but that will have to be worked out with DNRC and DEQ.

46:11

But if we were to approve this, there's no, we're not making any guarantee, right?

46:15

What the EQ's gonna do.

46:16

That's right.

46:17

Yep.

46:28

The RV park has existing Parkland and related facilities of a little bit further to the east here.

46:35

Let's see if I can put a laser on it.

46:39

The existing Parkland will cover the required dedication of phase one, but more Parkland will need to be dedicated for phase two to meet state law requirements so that we have a recommended condition that county parks review the dedication with each phase.

47:01

There's a requirement for buffering and screening adjacent to essentially the subdivision to the West O'Keefe Ranch Estates.

47:12

So there is a condition for appropriate screening to the West into the northwest and that's actually a zoning compliance permit requirement as well.

47:23

So Wildlife occasionally visit the area.

47:26

Fish, Wildlife and Parks confirmed that there was one problem bear that had to be removed in the area.

47:34

So we are recommending that this that a condition that bare resistant garbage disposal methods be implemented.

47:42

This is in the bare buffer zone.

47:44

So that would have have to happen by April 10, 2026.

47:47

This will just kind of speed up that process.

47:52

So public comment that we received, I'm just going to go over it in summary form.

47:58

One person expressed concern over the single way out, considering the number and size of RV's that would have to exit the project in an emergency.

48:12

There's also concern that this, the original approval was for seasonal use apparently, and this might be full 365 days of the year.

48:28

And that was a concern for one local resident.

48:31

Let's see here, the neighboring development to the West.

48:40

Well, Key Branch Estates said that Granite Peak has been a great neighbor to a Key Branch Estates and has upgraded and continued to maintain their RV park and they wish them best of luck as they move forward.

49:00

We actually had a couple comments right before planning board and that's these first two bullets.

49:05

They're kind of verbatim comments.

49:09

The plans should include mandatory planting and maintenance of trees.

49:13

The connection to city sewer should be done as soon as possible and not delayed until phase two.

49:19

Tree planting and maintenance should be required with the development.

49:28

This park maintains high standards.

49:31

The most recent comment we received was a concern that if with adoption of the Y2 Ted, that's an acknowledgement that there's an infrastructure deficiency at the Y. If that's the case, why are we adding an RV park to an infrastructure deficient location?

49:50

These infrastructure deficiency should be remedy before the subdivision is approved and that this will be adding traffic to an already growing area.

50:01

In summary, staff and Planning Board both recommend approval of this RV park expansion.

50:08

And I have some motions for you whenever you're ready.

50:11

Commissioners.

50:13

OK, thank you, Tim.

50:17

Ron, would you like to share with us?

50:19

Good afternoon, everyone.

50:24

Thank you for allowing me to speak to you.

50:27

So I want to thank Tim for his all his work on this.

50:29

He and I collaborated hours, it seems like on this.

50:33

We've actually been working on this expansion for a couple years.

50:35

It's been very complicated.

50:37

This is Ron Ywert.

50:38

Yes, this is Ron Ywert with PCI.

50:41

OK, sorry about that.

50:42

That's OK.

50:43

OK.

50:45

So the Jelly store RV park, you all remember that?

50:50

So that was sold by Tom and Dale Mallem to to Dave Swisher.

50:57

And Dave has made this a family business.

51:00

And his big idea here is to improve this so much that it's probably one of the nicest RV parks you'll ever, ever come across.

51:11

He's done a lot of improvements to the place since he's had it several years now, Repaved all the roads or most of the roads, built fences and all kinds of, you know, landscaping and different types of amenities.

51:26

So that's what he's all about is improving the area.

51:29

Also, there was a comment about the sewer will both, both phase one and two will go on sewer.

51:35

Speaking of sewer, there's these huge sewage lagoons that are sitting out there sandwiched between this property and O'Keefe Ranch.

51:46

And I'm sure anyone that knows that they're there will would like to see them gone.

51:51

And Dave Swisher is will take on the expense to get rid of that stuff, get rid of the muck and all the stuff and, and then bring in fresh dirt and, and, and make a park there and everything will will go on to sewer.

52:08

So in my opinion, that's a great improvement for the area as well.

52:16

He'll have pull through spaces that are paved, they're level and they're longer than the existing 1.

52:20

So sort of your, your Cadillac spaces maybe back in, back in the day, the, the RV's were shorter.

52:26

But anyway, it's, it does bring in a lot of money to the economy, the local economy.

52:31

People come here and they, they go all over Missoula County and, and nearby places.

52:39

As soon as you pull in, the first thing you do is there's the office right there.

52:43

And the first thing they do, OK, you do the paperwork and they give you the park policies and the park policies are included in the, in my submittal.

52:54

And one of the things it stays or it says several things like, you know, we have quiet hours and they will be abided by or you will be gone.

53:06

You have to only go no, no faster than 5 miles an hour.

53:12

And Dave's son Brody is a full time manager there and he drives around in a, in a golf cart.

53:18

And if you're breaking any type of rule whatsoever, he puts an end to it.

53:24

And people really like that.

53:25

The, the, the people that, that are there, I mean, they, they like the, the atmosphere and the fact that it's just them.

53:32

And it's people that are that are law abiding or rule abiding.

53:36

Now this is called an RV resort.

53:38

Now I'll refer to as an RV park.

53:40

So will everybody but it's called an RV resort because they have the amenities to back it up.

53:48

Heated swimming pool, 19 hole mini golf course, fitness center, disc golf course, basketball court, pickleball court, fence, dog park, horseshoe pits, community picnic pavilion, children's playground, hiking trails, extra fast Wi-Fi, laundromat, guest charge, guest lounge, restrooms and convenience store and gift shop.

54:08

So I think they earn it again.

54:11

They're making more and more improvements and you know, to get rid of the sewage glues I think is huge.

54:20

And I, I've actually thanked him many times, like, thank you for even doing this.

54:25

Otherwise they might still be sitting there grandfathered in, in use for who knows how long.

54:32

The regulations unfortunately do not mesh with RV parks.

54:37

We don't have really have RV park standards except, well, they have to be 30 feet apart, although houses can be 15 feet apart from from most zoning districts.

54:49

And we have to follow the standards of 3.47, which requires curb and gutter, sidewalk, the whole works.

54:55

None of that makes sense in an RV park.

55:00

An RV park is a private campground with transit, you know, folks coming and leaving.

55:06

It's not like a subdivision, urban subdivision like we think about them, but yet we have to follow those same rules or ask for a variance.

55:15

So we did get the variance scores for the curb and gutter makes no sense or the see curb and gutter not not sidewalk anyway.

55:26

Oh, for the for the one way St.

55:27

we have one ways at 20 feet wide, but there's nothing that allows for that.

55:33

And the reason we have the one ways so that RV's can more safely just pull right through.

55:38

They don't have to back up.

55:41

So there's a lot of things that design elements that you want to put into an RV park, but they don't fit into the the standards of 3.47.

55:53

Same way with sidewalks.

55:56

Now there is an idea, OK, if you want to have an urban subdivision, you can have a 8 foot sidewalk on one side, which I don't think is a good idea.

56:05

Why would you have a wide intermodal sidewalk on one side and the folks that live in an urban subdivision on this side, they don't get a sidewalk and I don't know how often it's done, but graciously, Tim, did you give me that option and I talked about it with name Swisher and he basically said that is a that's a non starter.

56:25

We can't, it would be like a race track around it.

56:33

Also to have the the easement around it.

56:38

I mean, when people come there and they pay, they don't want, you know, to be infiltrated by outsiders, not that they would ever do that.

56:46

But this is not for the public.

56:47

It's for the for the folks that live there.

56:50

So I think that that's requiring 8 foot wide and it says right here in this in this findings, part of it, part of the reason is it enhances safety by inviting multimodal travel and reducing non travel, non motorized travel conflicts.

57:10

This is all great if you're on if you're on Karras Park walking along there or you're in the rattlesnake on that that trail of sawmill Gulch or wherever.

57:18

But here you probably would rarely see somebody walking around it.

57:22

And again, this is just an amenity.

57:24

This what we're proposing is a three foot trail, which is an amenity.

57:28

It it starts and you just for exercise, you go around.

57:31

It doesn't get you from point A to point B.

57:34

Now normally, you know, we don't really lie the argument that, well, there's plenty of room for somebody to walk along the road.

57:42

Well, in this case there really is because again, there's hardly any traffic moving around.

57:48

Every time I've been out there, I've probably ever seen an RV moving.

57:51

And if they do move, they're going 5 miles an hour.

57:53

So there's plenty of room for whatever mode you're traveling in, you know, to move about on on that pavement.

58:01

So we don't need extra payment going around it.

58:04

We just want a nice little amenity and that's what this is supposed to be.

58:10

If it if there were a public easement around it, I don't know how they would get there in the 1st place.

58:17

There's no public need for it.

58:20

It's just not it's probably not legal and it's just not a good idea.

58:30

So again, if I, I pass out this, I'll go ahead and sent this out a couple days ago to Tim and, and I believe you sent it out to all of you as well.

58:48

And I'm not going to go through it, but it, it, it's very succinct to the point.

58:55

So there's just the, the change to the motion and the change to condition number six.

59:01

And then I revised the findings to back that up.

59:04

And then in purple went through a little more detail on why it doesn't really, you know, make sense to to put this around it.

59:15

And I guess the last thing about it is we're, we're dealing with this, the expansion, We're not dealing with the old part.

59:24

Just like I've done many subdivisions where they interconnect, but, but we don't go back to the and say, well, I'm the old subdivision here and it was done 25 years ago.

59:35

We're going to make you put in curb and gutter over here.

59:37

It's a totally separate thing.

59:39

So I don't see how it can be required that a trail, much, much less an easement can go all the way around it.

59:49

So I think it would be better if we just let him do what he wants to do.

59:53

He's going to hire a specialist to, you know, to to make this trail and it's going to enhance the area.

1:00:01

So we limit this is a campground, it's not a urban high density development.

1:00:06

And unfortunately our regulations are need to be updated to to more closely fit RV parks.

1:00:16

Thank you.

1:00:18

All right, thank you, Ron.

1:00:21

So is there any public comment on the proposed Granite Peak RV Park subdivision?

1:00:28

Any public comment, anyone online who would like to comment on this?

1:00:34

OK, see none.

1:00:36

We'll close the public hearing and entertain some questions.

1:00:40

Josh.

1:00:40

Hey, Ron, come on up, Ron.

1:00:43

And is Juanita on the line?

1:00:47

OK.

1:00:47

So what you who you see is what you get.

1:00:50
So.

1:00:51
Thanks.

1:00:51
Thanks, Ron.

1:00:52
Sure.

1:00:53
So do folks come to this RV park?

1:00:55
Do they they live there or are these people who are there for, you know, a weekend or something like that?

1:01:02
So I would say probably 95% they come in here, they stay probably an average of three nights and then and then they go on about their way, Ron.

1:01:14
So just in terms of projected users of the trail or, or path or, or whatever we're going to call that, that encircles the, the RV park.

1:01:26
Who, who do you anticipate using that?

1:01:29
Well, people that, you know, they've been traveling for days in the RV and they finally get to this little Oasis and, and, you know, they're enjoying all the different amenities.

1:01:39
And this is one additional amenity that, that folks that, that, that are traveling in RV's can, can use.

1:01:45
There's also trails throughout the the property that they can also use.

1:01:52
So I guess in your estimation, is there hypothetically if this 20 foot easement was required, would there be any way in which this trail would ever be connected to anything outside of the RV park?

1:02:14
Well, I, I guess you could connected to thoroughbred lane.

1:02:18
They can walk on out.

1:02:19
But the, the main trail that we've been talking about, and I've talked with Nick and and Tim about this at at length is there's a trail that goes up the hill.

1:02:28

Like if you look at any of the aerials and if you want to, you'll be able to see that there's a, there's a trail that goes up the hill.

1:02:36

It's actually an old two track Rd.

1:02:39

and it goes right to the property that's right next to the Town Pump, which is also owned by Town Pump.

1:02:46

So we thought this would be a great idea to have a public trail along going up to the Town Pump property, but we'd have to contact Town Pump and talk about it.

1:02:56

And then we'd have to go through that vacant part property of theirs to get to the actual Town Pump.

1:03:03

But, and I talked to David about that.

1:03:05

He said, yeah, something like that makes sense.

1:03:07

And he's he's all on board with that.

1:03:12

Oh, OK.

1:03:16

Anything else you'd like to add, Ron?

1:03:18

I've got some questions for staff, but OK, thank you.

1:03:21

So I guess thank you gentlemen from the fire service, Shane or or Tim.

1:03:38

So we're talking a trail within a private development that is likely never to be used by members of the public, except those who are paying to have their recreational vehicle at, at this site.

1:03:59

I, I guess thoughts, I, I know we've had discussions about paved or concrete trails versus no trail versus compacted aggregate.

1:04:11

But typically those discussions have been in the context of, of truly public access along roadways and such which this is seems like a different category.

1:04:25

So any, any response to that, knowing that, knowing what staff's original recommendation was, I believe Nick from parks, trails and open lands felt that the I know we're not talking about the easement per SE, but that the easement function to perhaps in the future connect this RV park to the wider Y area.

1:04:54

Mostly folks, of course, coming to the RV park to recreate and then going out to either like the McDonald's or other areas like Muralts at at the Y.

1:05:05

But I do I would agree that I think it's fairly internally contained.

1:05:10

I guess the challenge and Ron was right that the regs aren't really well suited for RV parks, especially when it comes to things like non motorized facilities.

1:05:19

This is what's considered a stand alone trail in lieu of sidewalks.

1:05:24

And so because of that it and because it's in the urban area, it needs to meet this fairly hefty standard of an 8 foot hard surface walkway.

1:05:35

And if you feel that the three foot hard pack gravel is appropriate, it's probably best to just approve that variance and and go with Ron's alternative language for condition number six.

1:05:50

I don't know if Shane has any.

1:05:52

Shane, what do you think?

1:05:54

Yeah, I I would agree with that.

1:05:56

You know, I think our past discussions on sidewalks and shared use path, they they revolved around publicly owned facilities that we are responsible to maintain.

1:06:05

This is going to be privately owned, privately maintained.

1:06:07

And I really, I don't think think we have a dog in a fight here.

1:06:10

I think that's going to be up to them to to own and operate and maintain.

1:06:14

And, and just one more question.

1:06:16

So going back to the 20 foot easement point that was that was being required simply in the event that there would perhaps at some point in the future be a connection between this internal trail and and some other trail system such that folks could legally walk on this without being a, a paid guest here, so to speak.

1:06:48

Yeah, it's to keep it from being kind of perpetually isolated and maybe allowing further connections beyond this RV park in the future.

1:07:00

John Hart, any thoughts on the, the legal argument related to to this, which I had not thought of previously?

1:07:11

Yeah, Commissioners, I haven't thought about it previously either.

1:07:22

I know that there have been other pedestrian easement requirements and subdivisions that our local District Court is frowned on because there wasn't a showing that the put the public right of way requirement was directly or was sufficiently related to the impacts that the new development had on the surrounding area.

1:07:58

And that's that, you know, that's that that's the analysis that the courts use.

1:08:07

And I haven't tried to make that analysis.

1:08:10

I don't think staff tried to make that analysis.

1:08:14

And I certainly appreciate where parks, trails and open lands would like to see something in place that provides future opportunities, but I can't say that it's legally appropriate here.

1:08:32

Yes, I I resonate with that, Tim.

1:08:36

Yeah, just a quick finding that we did include in the staff report.

1:08:40

It's from Missoula County Subdivision Regulation Section 3.3, point 3.2, which requires connectivity potential to adjoining undeveloped lands, including pedestrian easements.

1:08:52

So that was our justification.

1:08:56

OK, thanks.

1:08:57

Josh, did you have a question?

1:09:01

I think I'm ready for a motion.

1:09:03

OK.

1:09:04

Could you bring up the motion language?

1:09:09

And I guess we also have with us the variation that on that that Ron has provided.

1:09:29

Just just for clarification.

1:09:31

So, well, I guess I don't know what you're going to move.

1:09:34

So, so I'm, I'm, I'm just going to speculate here, not knowing what you're going to move.

1:09:44

But, but if for instance, Tim, we were to go with what Ron is proposing and, and approving the variance on, on the on the trail and not approving the, I guess it would be the the easement.

1:10:09

What would that look like?

1:10:11

Is that, is that what we're that is that is exactly what I was hoping for.

1:10:14

OK.

1:10:17

You could go with Ron's language for variance #3 just approve, go ahead and approve variance #3 and then

condition of of approval number six, I think Ron has the appropriate underlining strikethrough, which would require 3 feet of hard packed gravel.

1:10:36

And then it it also eliminates the easement.

1:10:43

So if we're on the screen, what let's see.

1:10:45

These are planning Board's recommended motion.

1:10:48

So on the screen here where it's.

1:10:51

I could probably fix it if I could.

1:10:53

Yeah, that that would be that would be way better.

1:10:56

Otherwise I will say it, I streamlined it a bit, but I think it works.

1:11:25

OK.

1:11:25

So is is that inclusive of was it condition number six that you mentioned?

1:11:33

What what what covers the what's the E Smith P subject to Ron is what is on the screen.

1:12:13

There is is that something we're in agreement of it.

1:12:22

It should be.

1:12:24

It's what I had sent in or that that was our intent at least.

1:12:30

OK.

1:12:33

And that would that would.

1:12:34

I can say on the record, too, that I think you're wanting to eliminate the easement, Right.

1:12:39

OK.

1:12:39

Yeah.

1:12:40

So we're going with with Ron's amended condition.

1:12:45

OK.

1:12:45

Thank you.

1:12:46

All right.

1:12:47

Oh, John Hart, you know, this is really out of place.

1:12:50

And I try never to do this, but I mean, I'm looking at the aerial of, of this property and, you know, I and I, I can see how O'Keefe Ranch Estates will all be developed between Waldo Road and I-90.

1:13:12

And, you know, the, the people in those subdivisions and those to the West, they can all access that Frontage Rd.

1:13:20

trail on Waldo Rd.

1:13:22

there.

1:13:23

But Ron was, you were, was talking about this and you know, sort of the connectivity to the town pump and, and all that development, you know, at Meralts in that area and the O'Keefe Ranch estates is somewhat landlocked without going out Waldo Road.

1:13:48

And I'm talking about non motorized access.

1:13:54

Their landlocked from that development in terms of non motorized access without going down Hwy.

1:14:01

93.

1:14:03

And I don't know if I, I mean, you know, I, I just wonder if it sounded like the applicant was interested in some connectivity between his development and that and those businesses at the Y.

1:14:18

And I wonder if it's worth asking if there's some opportunity now, you know, in lieu of granting all of these

variances, if there would be some sort of access, right, that he would grant across that southern part of his property from O'Keefe Ranch Estates to these businesses at the Yi.

1:14:44

Just throw that out there.

1:14:46

Ron, would you like to come up?

1:14:47

So, so this is not necessarily, I mean, this is looking into the future as far as East, West connectivity, recognizing that this is different than the circular trail system itself.

1:15:03

I just want to make sure I understand too.

1:15:04

You're not talking about asking that trails be widened to accommodate future use, just to just to make sure that access exists, right.

1:15:12

Yeah.

1:15:13

Now maybe we see if if the developer's willing we could make that part of the approval package today.

1:15:22

And then I mean and I don't know, I just, I know everything I know is what I heard today.

1:15:28

But it doesn't sound like that land to the South is something that is going to be improved anytime soon.

1:15:36

And it might be, you know, it, there might be an opportunity for some non motorized public right of way across that southern, southern portion.

1:15:48

The reality is, if I understand right, given this is a private, privately owned, privately maintained, etcetera, they could just build a fence around the whole darn thing if they wanted to, right, right.

1:15:57

So this would be a, a voluntary ask right now, Ron.

1:16:01

So, so John, glad you brought that up and you have some very good thoughts on that.

1:16:07

And like I said, I, I spoke with, with Dave about the possibility and, and, and he was, he was in favor of it, but we didn't have enough time to deal with town pump and all this.

1:16:19

But what you could do would be to do like some type of conditional easement that went if and when it does hook up, then it goes, you know, through that piece, that corner piece straight to the South.

1:16:35

And then, and then as you can see directly to the east, that's where the town Pump and McDonald's is and everything there.

1:16:41

So at such time as it would cut through that property and there's already there's an existing trail there anyway, I guess people already use it apparently so.

1:16:53

And the other condition probably would be that it would be, I mean, you can move it, you know, like if he he doesn't have any plans for the rest of that.

1:17:00

But if he ever did, then if you needed to move the trail or something, he could do that.

1:17:04

So conditional and the fact that it could be moved at some point and then maybe somebody or we or whoever has time can start talking to town pump.

1:17:15

OK.

1:17:16

We we love keeping our staff on their toes.

1:17:19

So Tim, any any thoughts on so?

1:17:24

And I don't know if we'd want to specify width 20 foot conditional easement.

1:17:33

Well, it would be conditional in terms of the placement.

1:17:38

I mean, I don't know what we're wanting is connectivity and it would be predicated on there actually being some future connection that it would some connection it would hook up with.

1:17:52

But yeah, location to be yet to be determined.

1:17:56

We don't want to on the fly figure that out.

1:18:00

Although Dave, I can't see where it would be, where that existing trail is located, the one that kind of peels off to the left there.

1:18:08

So maybe it could just be over top of that.

1:18:10

And who knows, maybe if they ever do develop that piece, and they probably will someday, perhaps that might be out of the way, but they still might want to move it.

1:18:20

When I'm talking about Town Pump, when Town Pump develops that piece, they might want to move the, the existing trail.

1:18:29

Tim, any, any thoughts?

1:18:32

And, and I guess this would be a, a question for our deputy County Attorney.

1:18:37

Is there a way in which we could in, I mean, in concept, approve such a thing without having the exact language nailed down at this moment?

1:18:53

Well, you'd want to have enough specificity today.

1:18:57

Now, I mean, I'm already regretting bringing this up.

1:19:00

I just just thought, well, now's the time, you know, 'cause if you don't do it now, then you may never have that opportunity.

1:19:09

But it it it, it looks like and I heard that there was interest from the the owner to do something like this, but I'd probably defer to Tim if Tim says it's impossible to do well, you you were stalling for time here so Tim can actually write this stuff down South.

1:19:30

Tim, any initial ideas that provides enough specificity to in concept, keep this option open into the future, but not so prescriptive that that it doesn't allow for options.

1:19:47

I guess one potential concern I have about it is that as staff in the future tries to recreate the intent here, if it becomes a thing in 1015 or 20 years, it might be kind of difficult to know what was intended.

1:20:07

I mean, I can take a crack at it and I don't.

1:20:09

Ron, maybe I should speak not to you, Ron, but to the Commissioners as to whether there'd be a willingness to record something with.

1:20:20

The RV park, I assume that's what we're talking about.

1:20:23

Can I ask?

1:20:23

Yeah, so go ahead and run.

1:20:25

And, and I just thought, yeah, it would be impossible to be specific even if you said, oh, it's over top of the existing trail because.

1:20:32

So there's a, a good sized common area in O'Keefe Ranch Estates that borders this property and there's also an easement over it.

1:20:41

But so that would be a good spot for the folks from O'Keefe to walk through their common area and then and then get on the public pedestrian easement.

1:20:50

But and I think that part of that, like the let's see part, part of that trail may, may be part of the trails of the subdivision.

1:21:02

I'm not exactly sure.

1:21:04

So I do agree with keeping it, keeping the intent specific, but the location non specific.

1:21:17

How would we word that, Tim?

1:21:20

Well, I'll take a crack at it.

1:21:22

OK, let's see.

1:21:23

The applicant shall record a movable conditional public pedestrian easement to facilitate future pedestrian

connections beyond the RV park, subject to review and approval by Parks, Trails and Open Lands and Planning, Development and Sustainability.

1:21:47

John Movable or to be appropriately to be to be determined appropriately at the time of final plat.

1:22:09

Is that too vague?

1:22:13

Well, my understanding, though, is that it could have to move after the filing of the end.

1:22:19

Just so we're clear, this is a plan and not a plat.

1:22:22

So there's an RV park plan, but there's no actual plat that's filed at Clerk and Recorder's office.

1:22:29

OK.

1:22:30

And it could be conceivably 10 years from now before the time is ripe to actually have this trail.

1:22:39

All right, well, let's go with what Tim Worley.

1:22:42

I just proposed that again, Tim and and Ron, let us know what you think.

1:22:47

After Tim, the applicant shall record a movable conditional public pedestrian easement to facilitate future pedestrian connections beyond the RV park, subject to review and approval by parks, Trails and Open Lands and planning, Development and sustainability.

1:23:10

Tim, did it say anything about subject to the neighboring property giving the easement or being OK with the public easement running right into their property?

1:23:26

I mean, because I'm not sure if this pertains to the town pump or is it to that 20 acre vacant parcel to the West that that Malm still owns?

1:23:37

And should we reference this discussion about that piece of property, I don't know the the legal of it, but the one that's immediately to the West of the town pump, should we reference that parcel?

1:23:51

Because I think that's the one that we're talking about.

1:23:54

Although, you know, I don't know what's going to happen to that 20 acres, but but I think what we're talking about now is trying to let folks be able to walk or ride their bike or whatever up to the town pump area.

1:24:12

Well, the only property we can deal with today, though, we're on is your client's property, right.

1:24:18

And and and right.

1:24:20

You, you bring up a good point.

1:24:22

This might, this might be an easement to nowhere, but at least it's an option in, in in the future.

1:24:31

There's no, there's no harm in that, Tim, probably not.

1:24:36

Tim is in your language, anything that indicates what the triggering event would be for actually activating this.

1:24:44

There isn't.

1:24:44

I mean, Ron actually brought that up as a concept that there should be a trigger.

1:24:49

So we should think about what the trigger is.

1:24:51

Is it an actual, an actual tray or adjacent?

1:24:59

I think so.

1:25:00

I mean, you wouldn't want to.

1:25:03

It's only if there's a adjacent, adjacent development that has a connecting trail that would activate language Sounds great, Jason.

1:25:12

Development with a connecting trail, maybe that would be a separate sentence.

1:25:27

The easement would be conditioned upon, I can't remember.

1:25:32

And then what you said, development with a connecting trail or but just adjacent development because the developer could choose to not have a connecting trail.

1:25:41

So one second adjacent development, I think we could do that.

1:25:48

Would that work, Ron?

1:25:50

Perhaps.

1:25:52

I think so.

1:25:52

I'd have to read it out.

1:25:54

And and if we have to talk about it later, I guess we could, while I'm thinking about it, verbally extend the ECC approval deadline till today, I guess.

1:26:07

Thank you.

1:26:09

Not that he was worried about it.

1:26:12

Thanks for that, Grace.

1:26:16

OK, Tim, do you want to take another crack at reading this?

1:26:21

The applicant shall record a movable conditional public pedestrian easement to facilitate future pedestrian connections beyond the RV Park, subject to review and approval by Parks, Trails and Open Lands and Planning, Development and Sustainability.

1:26:41

The condition triggering the easement could could include, I'm just throwing that in, could include an adjacent development.

1:26:51

Does that sound appropriate?

1:27:00

Well, I guess come on up Ron, if you want.

1:27:03

So you could have an adjacent development and that development would have no requirement to have a non motorized pedestrian facility.

1:27:23

So just the fact that there would be an adjacent development would not necessarily trigger creating this building this trail within this parcel that then would not connect anything.

1:27:35

So it really wouldn't the trigger would actually be a requirement or proposal to build a trail on either side of this parcel.

1:27:45

I think unless, unless we can say with certainty that simply a development and I guess what do we mean by development a subdivision or someone conceivably could build something without any requirement to construct a trail.

1:28:07

I think what could we add to an adjacent development, just the phrase that includes a non motorized facility as a trail.

1:28:17

Yeah, IA non motorized facility that would actually connect with this.

1:28:23

It sounds like what we'd be asking is if the adjacent development has a has a trail or a non motorized facility, we'd be asking that they do connect.

1:28:36

So you could just say 1 the adjacent property has connecting legal access.

1:28:42

Oh, that's elegant.

1:28:44

That would be elegant.

1:28:45

Perfect.

1:28:46

And and the, the Tim, the only other thing I would change in that motion is instead of pedestrian, I would use the word non motorized because I, I mean, I would hope this is something that the neighbors could ride bikes on and things like that.

1:28:59

That's good.

1:29:01

And and as far as Tim, could you read the first?

1:29:07

We want you to read the whole line, but I, I have a question about just the first sentence.

1:29:12

What what does that say?

1:29:14

The applicant shall record a movable conditional public non motorized easement to facilitate facilitate future pedestrian connection.

1:29:24

So yeah, stop right there.

1:29:26

So what does recording amount to just the this statement because we're not requesting No, it's actually recording an easement.

1:29:35

So recording the easement, but the easement would not be physically located anywhere on I mean on we're not asking them to identify the specific location of that easement.

1:29:48

So is, does is that implied in the language there or I think so if you look to old Montana power easements that they're non specific as to location as well.

1:30:01

And they'll say that the northwest corner of this section has an easement that permits a power line to go through it.

1:30:08

So it's sort of of that nature.

1:30:10

We don't have a plat to work with and that's part of that's why we have to record an easement.

1:30:15

We can't just plop it on a plat.

1:30:17

It has to be in a separate document.

1:30:19

OK, that's what was tripping me up.

1:30:24

If you wouldn't mind Tim, let's let's take another run at reading the entire thing of John correct me on the adjacent property piece if needed, but the applicant shall record a movable conditional public non motorized easement to facilitate future pedestrian connections beyond the RV park subject to review and approval by parks, trails and open lands and planning development and sustainability prior to final plan approval.

1:30:57

And I I added that part the final plan approval.

1:30:59

I think this time around when an adjacent property has legal access.

1:31:08

What do you think of that, Ron?

1:31:12

Well, or possibly you might first of all, it would be pedestrian would be changed to non motorized, probably your second pedestrian.

1:31:23

And then so there's two things that need to happen.

1:31:26

I think maybe one, the, the property owner next door acquiesces to the public coming in or number 2, they donate an easement across like let's say that triangular piece, let's say they build a, a hotel there or something and then they're not really going to put an easement across it because it's public and people can just walk across it.

1:31:48

So if you have the easement that just runs right into it, then they could say, OK, we, we acquiesce that the, the public can enter this property.

1:31:57

Or if they don't, then they could just just allow that easement through the property property.

1:32:02

So that would be one of the two scenarios.

1:32:05

It would cover both of them.

1:32:09

But I think how you had it written was fine as well.

1:32:18

Because when you say when the neighboring property allows public access, I think, you know, I think that should cover it because legal access is that the way it?

1:32:35

OK, there's something, OK, let let us roll with that.

1:32:44

And so that would be a new condition of approval or what?

1:32:51

Yeah, we'll just insert it as a brand new condition.

1:32:54

Assuming that condition 6 says that the trails 3 feet wide, hard packed gravel, we're going to eliminate the 20 foot easement as part of that condition, but this will be a brand new condition.

1:33:06

Sounds good as long as I can read it accurately.

1:33:12

OK.

1:33:12

I think we have our motions in front of us right here.

1:33:15

OK, I move to approve the request to vary from Table 3 point 4.7 requiring 26 foot wide subdivision roads.

1:33:23

Second further discussion, all in favor aye.

1:33:30

I would move to approve the request to vary from Section 3.4, point 7.3 requiring curb and gutter along subdivision roads.

1:33:38

I'll second that further discussion.

1:33:40

Seeing none, all in favor aye, I move to approve the request to vary from 3.4 point 9.4 subject to condition number six as amended to require a three foot hardpack gravel trail surface.

1:33:55

I will second that any further discussion on that.

1:33:58

Seeing none all in favor aye, I move to record recommend approval of the request to vary from Section 3.4 point 6.3 requiring 2 points of egress in the wildland urban interface.

1:34:11

Wuwei.

1:34:12

I'll second that any further discussion all in favor, aye.

1:34:17

Here's the main motion.

1:34:19

I move to recommend approval of Granite Peak RV Park subdivision based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions as amended.

1:34:30

I will second that any further discussion.

1:34:33

See, my only discussion I want to offer is I commend the folks waiting for not falling asleep.

1:34:39

I can see you wincing and trying and really appreciate your patience and thanks, Patrick may actually have nodded off.

1:34:46

OK, yes, remained, remained there.

1:34:49

And thanks, Tim for all of your work on the fly.

1:34:52

Thank you, John and Shane for your input and thank you, Ron, for all of your good input.

1:35:00

So let's go ahead and vote all those in favor.

1:35:03

Aye, I, I do want to echo.

1:35:05

Thanks, Ron for being open to being flexible on the fly and thanks, John for paying attention so closely and thinking about the future.

1:35:11

And thank you, Tim.

1:35:12

I think John was asleep, but he woke.

1:35:14

I never saw him.

1:35:15

OK.

1:35:17

And Tim, if you are headed out, can I give you this and let us take a 5 minute recess and we'll come back here momentarily.

1:35:34

We'll come back in session and we will begin with the Nine Mile Acres Minor subdivision.

1:35:41

Patrick, good afternoon.

1:35:49

My name is Patrick Swart.

1:35:51

I'm a planner with the Office of Planning, Development and Sustainability, and I'll get my PowerPoint queued up here.

1:36:02

All right.

1:36:03

Today we are looking at a request to do a minor subdivision known as Nine Mile Acres and this request is from Gerald and Joanne Bender on their property at 228009 Mile Rd.

1:36:15
and they are being represented by PCI.

1:36:21
Here's a look at the property location.

1:36:24
It's directly off of Nine Mile Rd.

1:36:25
here just to the northeast of where the West and E forks of Nine Mile Rd.

1:36:29
come together and it's directly across the road from the Piney Meadows subdivision.

1:36:36
The applicants are proposing to do a three lot minor subdivision on an existing 10.06 acre parcel.

1:36:42
It's unzoned in part of the 2002 Regional Land Use Guide to the 1975 Comprehensive Plan and has a land use designation of Rural low density.

1:36:52
Residential Access for the property is currently from 9 Mile Rd.

1:36:57
and they are proposing the access off of Nine Mile Rd.

1:37:00
as well.

1:37:01
For the new subdivided lots.

1:37:03
There's no request for Parkland dedication or non motorized facilities which would not be required for minor subdivisions and no variances are requested.

1:37:15
Here's just a quick look at the Montana Subdivision and Plotting Act review criteria.

1:37:24
So here's the preliminary plat that was submitted with the application.

1:37:28
As you can see here, we've got three lots proposed.

1:37:32
Lots one and three are 3.35 acres each and lot 2 would be 3.36 acres.

1:37:40
The northeastern approximately 2/3 of the property are proposed to be designated as no build zones for steep slopes

over 25% and the remaining acreage on each lot would be reserved for residential development in the more level Meadow lands towards the bottom.

1:37:57

You can see the existing accesses off of Nine Mile Rd.

1:38:00

here.

1:38:00

Utilities currently run along 9 Mile Rd.

1:38:03

and it is currently developed with one well and an existing drain field.

1:38:11

The Growth Policy goal #8 directs us to proactively plan and provide for the logical growth of communities while protecting the rural character and sustaining county resources by guiding development to areas most suited for it.

1:38:25

Which is echoed an objective 8.3, which directs us to guide new subdivisions and developments to areas that have the least impact on natural resources and are most suited for development.

1:38:36

A little bit of a closer look at the land use designation, as you can see outlined in green here is this rural low density residential designation, which has a recommended density of one dwelling per 10 acres.

1:38:49

This proposal wouldn't comply with that.

1:38:51

It would result in a gross density of one dwelling per 3.35.

1:38:56

And as you can kind of see in here, much of this area has been developed to a much greater density.

1:39:01

That Piney Meadow subdivision that I mentioned before is a 28 lot subdivision with average lot size of three acres approximately.

1:39:11

Some of the goals here are to again direct development to areas most suited for it.

1:39:16

Residential uses are key, but to promote residential development in a way that protects agriculture, open lands and resources and and protects areas that may be more sensitive such as steep slopes, wildlife habitat, floodplain and we are not making any recommendations based solely on the growth policy here.

1:39:39

It was reviewed for impacts to agriculture and agricultural water user facilities.

1:39:44

It was noted in the application that there is the occasional raising of farm animals on the property during a staff site visit.

1:39:50

We did observe in the two stock pens on the property that they are currently raising some goats.

1:39:55

The soil analysis showed that the majority of soils here on the property are not considered well suited for agricultural purposes.

1:40:03

That's with the exception of the small section labeled KR1 here it's Krause gravelly loam soils which are considered farmland of local importance.

1:40:13

But it's just a small sliver here along the right of way, as you can see and they.

1:40:19

Development covenants do include language related to living adjacent to agricultural operations, notifying future lot owners of potential hazards and impacts associated with living near agriculture.

1:40:33

There are existing water rights on the property.

1:40:36

There was one filed for irrigation and one for stock water.

1:40:39

We are proposing a condition of approval that would require the applicants to either reserve those water rights, divide them or sever them from the property prior to final plat approval.

1:40:51

It was also noted that on Deed Exhibit 3951 filed with the deed that created this property, it detailed an irrigation ditch and 20 foot irrigation ditch easement.

1:41:01

During that same site visit, there was no evidence discovered of a ditch running through the property currently, but we are proposing a condition that the easement either be shown on the final plat or that evidence of its removal be submitted prior to approval of the final plat.

1:41:19

As I mentioned before, the they're proposing access directly off of Nine Mile Rd.

1:41:24

which is a 60 foot wide public public road.

1:41:29

Right now it's improved to approximately 24 feet with gravel and does meet the rural subdivision Rd.

1:41:35

standards.

1:41:36

We received a comment from Public Works noting that all accesses and approaches on to 9 mile would require access and approach permits, which is included as a condition of approval to include that in the covenants.

1:41:49

And we also have a condition requiring easements and use agreements be filed for any shared accesses.

1:41:56

As you can see on the site layout here that was included with the application, they are showing a shared driveway between lots 2 and 3.

1:42:06

As part of the application process of fire hazard assessment was completed and approved by the County Fire inspector.

1:42:13

It returned a score of 32 below the moderate hazard assessment level and this is in part because they made commitments on that assessment to use Class A fire rated roofing materials, non combustible deck and siding and railing materials, as well as committing to defensible space requirements and the installation of interior fire sprinklers and all the residential structures.

1:42:34

It's part of the wildland urban interface intermix and has an integrated wildfire hazard level of high.

1:42:43

In addition to these elements for non combustible classify rated roofing materials, defensible space and sprinklers being included in the covenants, we are also proposing a condition requiring notice on the plat to future land owners of these requirements.

1:43:03

Also, as I mentioned before, areas of steep slope over 25% are proposed to be designated as no build zones.

1:43:11

We did receive comments from Montana Fish, Wildlife and Parks noting the abundant wildlife population in the 9 Mile Valley.

1:43:19

I mean, as a result, they're recommending the inclusion of their living with wildlife recommendations in the development covenants, which have been included and are also proposing requirements for bear resistant garbage cans, which we have included as a condition of approval as well.

1:43:36

The Mizzou Public Health did groundwater monitoring on the property along the developable area in which they dug 6 test pits, two of which did show potential for high groundwater.

1:43:49

They were located on lots one and three near the boundary of the no build zone, and I believe the results were in the 8 to 9 foot range when they found some groundwater.

1:44:00

But staff felt that there's sufficient area outside of those two test pits for development and opted for a condition

requiring notice on the plat of potential hazards for high groundwater as opposed to requiring studies, associated groundwater studies to be completed with building permits.

1:44:20

And just a quick correction to the staff report here, that condition was submitted as condition seven and eight.

1:44:28

It was supposed to be included as one, just condition 7.

1:44:32

It got broke out into two.

1:44:38

The applicants are proposing individual wells for the property.

1:44:43

They do have a letter from DNRC stating they are exempt from water rights permitting requirements and we're recommending a condition that they include the specific allocations of the 10 acre foot per year approval in the development covenants.

1:44:59

They are also proposing a new individual septic systems for each lot.

1:45:04

Missoula Public Health did submit a comment to us on June 21st stating that this is undergoing sanitation and subdivision review.

1:45:16

We received a public comment that expressed some concerns about availability of groundwater in the area.

1:45:21

So I did go a little bit more in depth into some of the groundwater here and I'll just provide some of that information now.

1:45:28

The Montana Bureau of Mines, Geology, Mines and Geology Groundwater Information Center has 55 entries for this particular PLSS section where this property is located, which shows an average depth to groundwater of 38 feet with an 88 foot average well depth and an average yield of approximately 38 gallons per minute.

1:45:49

In the engineer's report submitted with the application, they pulled together eight of those wells that they said are in close proximity and they believe are pulling from the same aquifer, and you can see those results here.

1:46:01

An average flow rate of 49.625 gallons per minute with a well depth of 65.25 feet and an average depth of groundwater of 34.625 feet.

1:46:14

Part of that public comment that we received specifically expressed concern that wells on the northeast side of the road are less productive than wells on the other side of the road.

1:46:23

So we did pull some of the well logs for not only the Bender's property, but neighboring properties to the North and South.

1:46:30

As you can see, the property to the north had a result of 50 gallons per minute on the well log, a flow rate of 22.

1:46:36

The property gallons per minute on the property immediately to the South and then this one here had a flow rate of 10 gallons per minute.

1:46:44

I will note that on the well log for the Bender's property which was drilled in 2002, they did not provide flow rate and there is a comment on there stating that they did not find usable water, that no usable water was encountered is what it says.

1:47:03

And then just a quick overview of a few other conditions that weren't covered.

1:47:08

We would be requiring a 20 foot wide public utility easement for an overhead power line that currently serves the property.

1:47:16

The application did state that they have intent to remove that in place underground lines when they come in for building permits.

1:47:23

If that's not done prior to final plat approval, we'd require the easement to be included on the plat as well as conditions requiring the inclusion of weed management plans and revegetation plans as appendices to the covenants.

1:47:38

And this is the one public comment we received on the subdivision from Pat and Sharon Sweeney, who stated they couldn't make it today.

1:47:46

But I will just give a quick overview of their comments.

1:47:49

They recommended or are recommending denial of this proposal for reasons here that they believe that the density is inconsistent with surrounding development.

1:48:00

I already touched on this groundwater condition.

1:48:03

They also expressed concerns that residential development would have adverse impacts on wildlife and wildlife habitat.

1:48:12

And they expressed some concerns with the existing covenants, stating that words like should should be replaced

with shall or must, and also expressed concern that the covenants could be changed after the subdivision is approved.

1:48:26

And lastly, they would like to see protections for dark skies in the covenants.

1:48:33

With that, we will be recommending approval today.

1:48:37

OK, thank you.

1:48:38

With the applicant, our applicant's representative like to present Mr.

1:48:42

Ewart, the step report is very thorough.

1:48:59

I would just like to add one thing on #5 where he says where he talks about the irrigation easements pictured on D3951.

1:49:09

Now the problem is, as Tim mentioned earlier, you get these old easements and it says, oh, it's in the Southeast quarter, but you don't know where it is.

1:49:17

So you go out and you try to find it and maybe it's not even there.

1:49:21

In this case, there is no ditch there.

1:49:23

I mean, we could look for something, but but if the information is not available, then there's really nothing we can do.

1:49:31

And I know you guys love it when we come back and pass or something.

1:49:36

So I just don't know if that information is out there because I've seen a lot of circumstances like this.

1:49:43

We would be OK with the dark skies condition.

1:49:46

I know that doctor's working on something.

1:49:49

I, I think it's a good idea.

1:49:50

I think it's important down type lighting and not just throwing up in the sky, you know, keeping that elevation and

motion lighting or whatever, doing everything we can as far as wildlife, the fire, all that, all that stuff .34 acre lots would be same size as as Piney Meadows.

1:50:13

Those are all right around 3 acres or so.

1:50:16

The Piney Meadows fire station is is stepped back in there by the Creek, as is Piney Meadows Park, I think is the name of it.

1:50:25

You've never been there.

1:50:26

You should go.

1:50:28

It's very wild.

1:50:29

There's not even a trail walk to the water if you're you want to try it.

1:50:35

But anyway, far as wells go, so there's a lot of different factors that go into wells, the depth, whether it's grouted screen, the diameter, whether it's perforated, There's a lot of different factors that go into it.

1:50:52

And on the north side of the road, you know, I have a little log right here.

1:50:55

That's Ron.

1:50:57

I think Josh has a question.

1:50:59

So actually I just wanted to clear this with with John really if I understand it right, US approving this minor subdivision makes no guarantees about per test groundwater levels of productivity of wells.

1:51:13

It it's it yeah, it makes great sense as public comment, but I feel like we could go forward without this discussion.

1:51:21

We're just, we're just talking about subdivision and the person who's asking for the subdivision by, by getting the subdivision, they are in no way being guaranteed by the BCC that they will have a productive well or that they're drain fields will be above groundwater or that the perk test will be successful.

1:51:38

They're just getting a subdivision.

1:51:41

Or do we have decision space based on what we might, what might be presented to US relative to groundwater that we could actually that would play into our final decision in some way.

1:51:56

Well, it's true that by approving this subdivision, you're not guaranteeing a water, right?

1:52:03

You're not guaranteeing a certain quantity of water, you're not guaranteeing the ability to put in sanitation facilities because of high groundwater, any of those kinds of things.

1:52:17

But you are, you are required to consider the available information on those issues.

1:52:26

And I think Patrick's done a nice job of gathering the information that's available from well logs adjacent to this property and showing what information is available.

1:52:41

It's certainly not definitive, but it's the he's gone through and done the due diligence that is required in order to make the decision.

1:52:52

Thank you.

1:52:53

Go ahead, Ron.

1:53:36

Ron, is your microphone on?

1:53:39

No.

1:53:40

So going up the hill, you start where you began like 15 minutes ago.

1:53:44

No, we just go ahead.

1:53:45

You don't want me to do that.

1:53:46

But so if the wells were down on the flat, then that's different than if they're up on the hillside.

1:53:55

But all the water that comes from the top of that hill, you know, goes through this property and underground through seams or channels or whatever permeable rock, it all moves to to 9 Mile Creek.

1:54:10

So there's really, I don't see there's any difference between on the flat part here or the OR, or right across the road, because on the southwest corner side of the road, they've got plenty of groundwater there.

1:54:22

So where's that groundwater coming from?

1:54:24

Well, it's coming from it.

1:54:26

It's, it's a watershed.

1:54:27

It's not just an aquifer.

1:54:29

So an aquifer can be seams or just permeable rock.

1:54:33

Anywhere that water can can move.

1:54:36

OK.

1:54:37

Layers.

1:54:38

Thank you, Ron.

1:54:39

Yeah.

1:54:40

Anything else you'd like to add?

1:54:44

I don't.

1:54:44

I don't really have anything else.

1:54:45

OK.

1:54:46

Thank you.

1:54:46

This is a public hearing.

1:54:48

Would anyone?

1:54:50

It doesn't look like we have too many people in the room.

1:54:52

Other than staff left.

1:54:53

Is there anyone online who would like to comment on this?

1:55:00

OK, I do have a question, Patrick.

1:55:02

So as far as incorporation of dark skies into this, would that be an amendment to the, would that be a new condition of approval or would that be an amendment of the what's the term I'm looking for here?

1:55:19

Well, I, I did draft some proposed condition of approval language in anticipation of this question.

1:55:26

So I I'd be happy to pull that up if that's, yeah, please, please do.

1:55:30

But my understanding and maybe correct me, John, is that if we include this in the presentation would be included in the that would be included in the motion.

1:55:38

If it's yes, OK, it would be as as amended.

1:55:42

Let me just pull that up real quick.

1:55:46

Screw me up.

1:55:51

What's that?

1:56:20

OK, So it would be a condition amending the covenants or would we just basically amend the covenants?

1:56:29

The proposed condition is that the covenants would be amended prior to final plat approval with the language included here.

1:56:36

What we, the draft language that I included is oh, I, I can just read it for the record.

1:56:41

Please do.

1:56:42

The covenant shall be amended to include a recommendation to future lot owners encouraging the use of low impact lighting to minimize glare, light trespass and sky glow.

1:56:53

This recommendation shall be contained in a section of the development covenants that may not be amended or deleted without prior approval of the governing body.

1:57:02

OK, thank you, Ron.

1:57:04

Is that OK?

1:57:09

Thank you.

1:57:10

Yes, that that's OK with me.

1:57:11

In fact, I don't know if we should add the words down type at all.

1:57:16

I don't I don't know.

1:57:17

It's I've just seen that I've just seen those words in conjunction with dark sky stuff because we don't want somebody that just, you know, they're spilling light, right.

1:57:30

But how is is this?

1:57:32

Yeah, I know exactly what you mean because we adopted an ordinance for the city of Missoula back in the day that had like fixtures required.

1:57:45

Is this language that we've used elsewhere in in covenants or this is an example the the low impact lighting to

minimize glare, light trespass and sky glow was associated with the Macaulay Meadows, which I believe is a court settlement and had some very specific circumstances.

1:58:05

What what was the phrase or the, the the word you were using there at Ron?

1:58:08

Well, I just said dountype lighting and, and I don't know that we need to actually nail this down.

1:58:13

I mean, we have a general people's agreement that we we would allow this.

1:58:18

I mean, if it changes a couple words, I wouldn't have to want to have to come back.

1:58:22

Waste your time.

1:58:24

OK.

1:58:24

I think this captures the the sentiment essence.

1:58:28

OK, the essence of it.

1:58:29

So.

1:58:31

OK.

1:58:31

Thank you, Ron.

1:58:32

All right.

1:58:33

I guess we are ready to move forward.

1:58:37

Yeah.

1:58:38

Do we bring the motion back up?

1:58:40

All right, I would move to approve Nine Mile Acres minor subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval.

1:58:49

Does this motion reflect the amended one of the conditions of approval as amended, as amended?

1:59:00

OK, I will second that.

1:59:02

Any further discussion all in favor?

1:59:06

Aye, OK, thank you, Ron.

1:59:09

And I, I guess I just say to, to get it on the record, it is as far as the concerns about wildlife, it, it's not lost on me that this is an important area of wildlife connectivity and the wildlife corridor, what was proposed does not seem to be a significant impediment to wildlife movement.

1:59:34

Certainly the death by 1000 cuts is a concern of mine in any of these subdivisions.

1:59:41

But I think what we've just approved is in keeping with the adjoining development pattern.

1:59:47

So thank you all for that.

1:59:50

Next, we will move into our, our 6th and final public hearing today.

1:59:56

And this is on the Elliott family transfer slash boundary line relocation.

2:00:03

Patrick, you're staffing this also?

2:00:06

Yes, this was originally taken on by Zach Jones, who no longer works for the county.

2:00:11

So I'll be presenting this project for Zach today.

2:00:17

It should be a little bit quicker than the last one.

2:00:22

All right.

2:00:23

So today we are looking at a request from Janet Elliott to utilize the family transfer and boundary line relocation exemptions on her properties at 1648016399 and 16228 Elliott Lane.

2:00:38

And Janet is being represented by Eli and Associates.

2:00:45

Here's a quick look at the two parcels involved.

2:00:48

They are located just east of Hwy.

2:00:50

93 N as you're heading up Evro Hill.

2:00:56

Just going to give a little bit of quick background on this project.

2:00:58

Janet did come in with a request for a family transfer that was approved by the board on February 1st of 2024.

2:01:07

Those proposed conditions are seen here.

2:01:11

Janet does not intend to file this approved family transfer and instead is coming back with a request to do an amended family transfer that includes a boundary line relocation.

2:01:20

So this would be in place of this approval.

2:01:25

And here's a look at the existing conditions under the current request.

2:01:29

The northern parcel here is track 2 of Certificate of Survey 3399, which is 19.19 acres and the other parcel involved is unzoned.

2:01:39

It's known as the South half of the southwest quarter of Section 26, Township 15 N, range 20 W Both parcels are unzoned and fall within the 1998 urban Comprehensive Plan, which has a recommended residential density of one per 40.

2:01:58

And I will note that the proposed conditions being presented here are a correction from an error made in the staff report, which incorrectly identified Track 2B as the family transfer parcel to go to Janet's daughter Denise.

2:02:12

So this this will be this will serve to correct those mistakes here.

2:02:18

So the proposal is to utilize the boundary line relocation exemption to shift the boundary from the South half of the

southwest quarter here up to this boundary labeled relocated boundary and then to use the family transfer exemption on this remaining parcel down here.

2:02:36

Track 2C would be gifted to Denise Elliott, Janet's daughter and track to be the remainder.

2:02:43

Janet would intend to sell that property.

2:02:46

She used to live on the property and currently resides in an assisted living home and this would help cover the cost of the assisted living home as stated in the application.

2:03:00

So we reviewed this for the review criteria in Chapter 8 of the Missoula County Subdivision regulations.

2:03:05

And one of the review criteria is does the recipient intend to reside on the family transfer parcel?

2:03:12

And pardon me, Denise does not intend to reside on track to see that is intended to remain undeveloped.

2:03:19

Denise currently resides in a home on track 2A and one could and would continue to do that.

2:03:24

And again, this is a a correction from one of the findings in the staff report.

2:03:34

Will the proposed lots comply with growth policy density recommendations?

2:03:38

The initial staff report, which I believe was pulled from the original family transfer approval stated that it would not.

2:03:45

But in the context of the family transfer and boundary line relocation, the resultant gross density would be 1 dwelling per 49.95 acres, which is compliant with the growth policy.

2:03:58

And then the last review criteria that it did trigger was that there is an existing building code violation on the property for a 1200 square foot shop.

2:04:08

They applied for a permit that expired prior to them achieving the proper inspections.

2:04:14

So that would continue to exist on the property should this be approved today.

2:04:20

We did receive one agency comment from Missoula Public Health just stating that tracks 2A and B would require an exemption or sanitation review and that track 2C being greater than 20 acres is exempt from that review.

2:04:37

And if the I believe the applicants should be online today.

2:04:40

It's the applicant online.

2:04:44

Yes.

2:04:47

The.

2:04:47

Yes.

2:04:49

We can barely hear you.

2:04:52

OK.

2:04:53

This is her daughter, Denise Elliott.

2:04:55

My mom's right here.

2:04:56

Say who you are.

2:04:57

OK.

2:04:58

Thank you.

2:04:59

And thank you for hanging with us for so long this afternoon.

2:05:02

Go ahead, Patrick.

2:05:03

All right.

2:05:04

If you wouldn't mind stating your name for the record, please.

2:05:08

All right, Janet Elliott.

2:05:11

All right.

2:05:12

I just have a few questions for you.

2:05:14

Did you buy the property with the intent of dividing it?

2:05:18

No.

2:05:20

Do you or the transferee intend to transfer the property within the next year?

2:05:26

No.

2:05:28

Have you talked to anyone at the county about going through subdivision review?

2:05:33

No.

2:05:35

Will the property be developed?

2:05:38

No.

2:05:40

And will the recipient of the property be residing on the property?

2:05:44

Yes.

2:05:47

And and just to clarify, this is specifically in reference to track 2C.

2:05:58

Could you could you expand on that?

2:06:00

Yeah, is, is, so is Denise planning on, on residing on, on parcel 2C which I'll pull up again, the proposed 85.7 acre tract seen here?

2:06:17

No, OK, Thank you.

2:06:21

That's that's all the questions we had.

2:06:22

OK, thank you.

2:06:25

Anything else that you'd like to say on this for the applicant for Miss Miss Elliott?

2:06:38

No.

2:06:39

OK, thank you.

2:06:42

All right.

2:06:44

I know we still have to do public comment but staff is recommending approval on this.

2:06:48

OK thank you.

2:06:49

Is there anyone online who would like to comment on this proposed family transfer and boundary line relocation?

2:06:59

See none.

2:07:00

Any questions or emotion?

2:07:04

I move to approve the request by Janet Elliott to utilize the family transfer and boundary line relocation exemptions to create transfer one tract to their daughter, Denise Elliott as presented in the exemption application and affidavit.

2:07:16

I will second that.

2:07:18

Any further discussion on this seeing none, all in favor, Aye, OK.

2:07:24

Thank you, Miss Elliott.

2:07:25

And that concludes all of our business for today.

2:07:30

Unless there's anything else anyone else wants to talk about, seeing none, we will be adjourned.

2:07:34

Thanks, Patrick.

2:07:36

Thank you.