

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, OCTOBER 24, 2024 – 2 PM

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

[Click here to view the meeting recording.](#)

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

ATTENDANCE:

Commissioners Present:

(Acting) Chair Josh Slotnick
Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Kyla Lehnerz, Office Administrator, Lands and Communities
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Katy Reeder, Planner, Planning, Development, and Sustainability
Erik Dickson, Transportation Engineer, Public Works
Shane Stack, Director, Public Works
Sam Scott, Assistant Director, Clerk and Recorders' Office
Karen Hughes, Director, Planning, Development, and Sustainability

1. **CALL TO ORDER** *[Time stamp – 0:23]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:29]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:52]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:57]*
 - a. Closed Captioning
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 1:58]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 05:55]*
Claims received as of October 02, 2024 to October 15, 2024 by the Commissioners' Office total \$4,703,582.76.
7. **HEARINGS**

- a. **2nd Hearing- West Valley Community Council Boundary Change** [Time stamp – 6:10]
Kyla Lehnerz, Office Administrator, Lands and Communities

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve and adopt Resolution 2024-099 to change the West Valley Community Council Boundary as presented by staff.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Resolution 2024-099 Book:1106 Page:080]

- b. **Resolution of Intent for Proposed RSID on Lena Lane** [Time stamp – 11:51]
John Hart, Lead County Civil Attorney, County Attorney's Office

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve and adopt Resolution of Intent 2024-103 to open the hearing.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Resolution 2024-103 Book: 1106 Page:081]

- c. **Montana Ave. BLR/AGG** [Time stamp – 26:39]
Katy Reeder, Planning, Development and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve the boundary line reallocation aggregation for a property located at 273 Montana Ave based on the findings and conclusion in the staff analysis as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion Passed 2-0.]

[Letter 2024-181 was sent to 406 Engineering in c/o Sean Amundson on November 06, 2024]

- d. **Creighton Subdivision** [Time stamp – 35:20]
Tim Worley, Senior Planner, Planning, Development, and Sustainability

Commissioner Vero made the motion that the Missoula Board of County Commissioners approve or deny the Creighton Subdivision as presented by staff in motions below.

Motion 1: Approve the variance with from section 3.4 point 6.2, which requires access of Walker Drive as a road of lesser classification.

Motion 2: Deny the variance from section 3.4, point 6.3, which requires a through connection to Walker Drive

Commissioner Slotnick seconded.

Motion 3: Approve Creighton's subdivision based on the revised findings of facts, conditions and conclusions of law on the staff memo dated October 17th.

[Motion Passed 2-0.]

[Letter 2024-176 was sent to Creighton Appraisal, P.C. on October 29, 2024]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 2:55 p.m.

BCC Public Meeting October 24, 2024 – Transcription

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

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

0:23

All right, welcome to our 2:00 Thursday public meeting.

0:27

It's for October 24th.

0:29

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

0:52

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

0:57

Do we have any public announcements?

1:06

Hello everyone.

1:07

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

1:13

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

1:19

There will be an opportunity to speak during the meeting for public comment, virtually and in person.

1:23

We ask that all speakers today speak slowly and clearly.

1:26

This helps with the accuracy of the closed captioning if you're on Microsoft Teams.

1:31

If you would like to speak when discussion has been open for a public comment, we ask that you use the Raise Hand feature.

1:37

This is the small hand button at the top of your screen.

1:40

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

1:44

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

1:48

We also have assisted listening devices.

1:50

If you need one.

1:51

Come find me during the meeting.

1:52

If you have any other questions, let me know.

1:55

Thank you.

1:55

Thanks, Joe.

1:58

Do we have any public comment on items not on the agenda?

2:05

I'm looking online as well in the room.

2:08

Dave, Hey, hey, good to see you.

2:11

Good to see you.

2:16

Make sure the mic's on, Dave, and then just say your name, please.

2:20

Dave Everingham.

2:22

Thanks.

2:24

In my letter, TIFP refers to taxing permit funding, Ted refers to targeted economic development district.

2:33

TIPS work by borrowing against the future increase of property taxes.

2:38

So we can borrow a bunch of money so Grant Crossing LLC can have a new infrastructure and develop 85 acres and make huge profits.

2:47

It's an old gravel pit.

2:50

Missoula Redevelopment Association has 6 TIPS in Missoula with a \$55 million bond debt.

2:56

It's 6,000,000 a year net service.

2:59

Since 2006 the city has imposed 8S IDs in my property to fund programs that used to have used to come out of general fund as Missoula has tripled in size and tax basis and the districts has not.

3:14

Now the schools need 2 million extra and the fire department needs 9 million a year on.

3:19

SIDMRA gave the city \$3,000,000 to bridge the budget deficit.

3:25

How ironic is that?

3:27

We're a fire department in Hellgate Elementary telling the county they are already straying from the tents.

3:34

If we look hard at tax increases, some come from Tiffs because they are in 1980 mode.

3:41

The same will happen with your tents or county without real tax basis of your tents grant.

3:48

Thick crossing is a horrible development area and each end is a vertical wall.

3:52

100 foot vertical wall of dirt and on the West side above it is Westview Park.

4:00

400 mobile homes.

4:03

This is all from mining in the pit.

4:06

There's 100 foot hole at the North End.

4:08

With mining operations in progress, the only access is Schram St.

4:13

The only volume is Reserve St.

4:15

North Reserve St.

4:16

1/4 mile away from the edge of the Grand Crossing property.

4:20

It is only an 8 inch main that goes north and supplies half of Grant Creek and 1/4 of North Preserve.

4:26

There's not enough water available in that main to supply a huge industrial residential area.

4:32

Have you researched this?

4:33

Most industrial buildings require 24 inch fire speakers water mains.

4:39

The city just won't let the county hook into their services.

4:44

Grant Creek Crossing, we need, we need a commitment from the developer and a plan for the utilities.

4:52

Westview Park is adjacent to and 100 feet above this old grand clip gravel pit.

4:58

Over 400 units there are on cesspools and each has their own.

5:02

Well, will this drain into that development?

5:06

They have sewage problems out there.

5:08

Let's clean that up first.

5:10

And the old gravel pit are many piles of dirt dumped after the pit stopped.

5:13

Production hasn't been tested for toxic substances.

5:18

What is the history of that pit?

5:19

We need more insight with this project before any tent is developed.

5:24

That's probably to rebuild some county bridges and our present infrastructures.

5:28
Thanks.

5:30
Thanks, Dave.

5:30
Hey, Sir, Can can he leave that copy of what he.

5:35
Dave, do you, do you have a copy of that for us or do you want to send it to us?

5:39
Can bring it by tomorrow.

5:42
Yeah, that's fine.

5:43
Great.

5:44
OK.

5:44
Thank you.

5:48
Do we have any other public comment on items not on the agenda?

5:55
OK.

5:55
Our current claims list claims received as of October 2nd, 2024 to October 15th, 2024 by the Commissioner's Office total \$4,703,582.76.

6:09
We have 4 hearings today.

6:10
The first one is the second hearing on the West Valley Community Council boundary change and Kyla Leonards will present.

6:18
I'm just getting this pulled up here.

6:30
All right.

6:31
Kyla Leonards with lands and communities.

6:33
I'm here to present the West Valley Community Council boundary change.

6:35

This is the second hearing, last hearing I did go over a little bit more of the historical Today I'll just recap the boundary change consideration and why are we are here today.

6:49

So in February of 20 of this year, it was brought to the attention that a community member, some community members do not reside within the community council boundary.

6:57

The boundaries are currently voter precincts.

7:00

In May of this year, the West Valley Community Council provided a letter requesting a consideration of the boundary change from voter precincts to the School Down French Town School District.

7:13

In June of this year, the Ever Finley O'Keefe Community Council was resolved and this now allows for this consideration.

7:20

Before you for the realignment, couple notes about the change consideration they can be.

7:32

It could be revised to include more residents who are not currently represented by a community council.

7:38

Some residents previously represented by the Everol Council do live within the French school district, and this consideration would better align with other community council boundaries, as most community council boundaries are school districts.

7:58

Just a little note here, this is a current boundary of the voter precinct.

8:04

This is the West Valley Community Council and the old Evrail Council, just so you can see that for what it currently is.

8:13

This next slide will show the change.

8:15

This is the proposed change to the school district boundary.

8:19

As you can see right here, this area that was the Evrel French Evrel Community Council would now be French Town, which would include part of the community council and some of those community members.

8:33

This is just another aerial view of the map showing the proposed new boundary change.

8:41

This is all of the councils.

8:42

Just to give you perspective of where all the councils are in Missoula County, there are seven of them.

8:49

And here we are today to request you, excuse me, close public comment and approve the resolution to realign the council boundaries to the school district.

9:01

Thanks a lot.

9:01

Kinda.

9:03

Do we have any public comment on this?

9:05

Anyone like to speak to this at all?

9:10

I have a quick question.

9:11

Kyla, just for a reference, what's the geographical reference for that boundary, the east West boundary of the Frenchtown School District 40.

9:26

Sorry.

9:26

Can you scroll back to like the three slides, not like a highway.

9:29

Yeah.

9:29

I just wanna know kind of like where are you looking at this?

9:36

Yes, or the one above, maybe the previous one on the far.

9:45

Yeah.

9:45

So there we go.

9:46

So what's the on the far eastern side?

9:50

Yeah, right where your cursor is, maybe a little further E over here and then.

9:53

Yeah, right there.

9:54

Yeah.

9:55

This is the Dismet School district.

9:57

OK.

9:57

And then the northern.

10:00

Yeah, keep going north, right there down lower.

10:04

Yeah.

10:04

What is that right here?

10:06

Yep, this is.

10:07

So it was voter precincts.

10:10

I was just paying attention to that.

10:11

I was paying attention to the chat because I wanted to know for applications.

10:15

Maddie.

10:16

Maddie, you might want to beat yourself.

10:19

OK, Sorry.

10:22

Was that for Maddie?

10:25

Yes.

10:29

OK.

10:29

So I just wanted to know where that is.

10:32

I can see it on a map.

10:32

I just don't know where it is in my head.

10:34

Yeah.

10:35

This is just the voter precinct that is denoted by that the thank you.

10:43

Our Lee school district covers majority of Evero, if that helps for direction.

10:50

And then, yeah, this is just I'm not sure exactly what you're asking, I guess.

10:54

No, I I good enough if that helps.

10:56

Yeah.

10:56

OK.

10:56

Thank you.

11:01

Bring up the resolution language again.

11:13

I make a motion to close public comment.

11:17

I'll second that and ask for any public comment.

11:22

OK, hearing none.

11:23

All in favor.

11:24

Aye aye.

11:26

And also make a motion to approve the resolution to realign boundaries of the West Valley Community Council to Frenchtown School District 40.

11:33

I'll second that and ask is there any more any public comment on this?

11:40

OK hearing.

11:40
None.

11:40
All in favor.

11:42
Aye, aye.

11:43
Thanks, Kyla.

11:44
Thank you.

11:45
Glad we got this over the finish line.

11:50
Our next hearing.

11:51
This is a resolution of intent for proposed RSID on Lena Lane.

11:55
John Hart will present.

11:57
Yeah.

11:58
Good afternoon, commissioners.

12:00
I'm going to introduce some aspects of the resolution of intent to create rural special Improvement District for some improvements on Lena Lane in Missoula County.

12:16
Again, I'm going to hit a few of the high points and then I think there's at least one individual from the public works department that will also present and there may be some property owners too that want to offer their thoughts on this proposal.

12:34
This RSID is made-up of 15 properties and the purpose of the RSID would be to design, engineer and construct paved roadways on Lena Lane.

12:49
More specifically, pulverizing the existing asphalt surface, providing new asphalt surface at 2 1/2 inch depth, 22 feet wide, providing a 3/8 inch chip seal wear surface, shoulder dressings, drainage improvements and other related improvements which cost a total of \$156,498.93.

13:20
That's an estimate, of course, and the amount that would be paid by the residents through the proceeds of a bond over the course of ten years of assessments on their property taxes.

13:35

That total amount that the that the 15 property owners would pay is not to exceed \$49,000.

13:45

So about \$107,498 in change will be paid from other available funds and in kind contributions by the Missoula County Public Works Department.

14:04

If you were to pass this resolution of intention to create the RSID, then the Clerk and Recorder's Office will publish notice of its passage in the Missourian on November 2nd and November 9th.

14:26

Each one of the property owners will receive by mail a copy of the notice of Intention and that will then start a 30 day protest.

14:44

Wherein any property owner can provide a written protest to being part of this proposed RSID.

14:58

The deadline for doing that would be December 6th of 2024.

15:05

And then there will be a second meeting, same place, same time on December 12th where you, the board will hear and consider and pass on any protests that are made to create the RSID.

15:26

That's what I have.

15:29

That's what I have, unless you have any questions for me.

15:36

So we do this today and then we're open collecting comment for a month, right?

15:44

We have two more public hearings.

15:47

There'll be there'll be at least one more public hearing on on December 12th.

15:51

And the way the statute reads is that if you're a property owner in the district and you want to protest, it has to be in writing.

16:05

And the deadline for that would be again, December 6th.

16:10

We live in Montana.

16:12

We have strong public participation, constitutional rights and statutory rights.

16:21

So you're still gonna take public comment about this RSID on December 12th?

16:31

Because that's the way our meetings operate in Montana.

16:34

But if a property owner wants to protest and have his or her protest considered as a property owner, it has to be done by December 6th.

16:47

Great, thanks.

16:50

Is there a specific language to acknowledge that we're approving this resolution of intent?

16:58

Oh, I don't, I let's see.

16:59

I didn't, you know, I'm not as slick as Kyla.

17:04

I didn't draft up a a proposed motion, but I'd go for it.

17:10

Yeah, it it would be.

17:12

I moved to to pass the resolution of intent.

17:18

Create Rs.

17:18

Create RSID.

17:21

We've we've even given it a number.

17:23

Yeah, there it is 85 the Rs ID for Lena Lane.

17:26

You could say the Rs ID for 85 O six.

17:29

OK, something like that.

17:32

I don't have any questions.

17:33

So I I'd move that the board consider resolution of intention to create Rs ID 85 O 6 for local improvements on Lena Lane.

17:43

Any public comment on this?

17:46

And again, somebody from public works may want to add something.

17:50

There may be residents who want to add something to That was an invitation.

17:57

Yeah.

17:57

I see that.

17:59

Eric Dixon County Public Works.

18:00

So it's about a year ago that Jerry Fisher, who is one of the residents here today, called with concerns about the condition of Lena Lane and where it stood on the county's consideration for resurfacing.

18:14

And I had to give the unfortunate answer that these residential streets are falling behind and the revenue to the road fund does not keep up with the needs.

18:23

So Jerry was not afraid of the idea of an RSID and took the the winter and spring to work with her neighbors and they did in fact opt to move forward with the RSID process.

18:39

I have to put a plug in here for a new piece of equipment that we purchased.

18:43

You know, our \$500,000 reclaimer is a a benefit on this project.

18:51

It's an existing asphalt Rd.

18:53

We don't have any real drainage problems.

18:56

There's no running, there's no subsurface failure.

18:58

It's just old dry crack surfacing.

19:00

So we can use that piece of equipment to pulverize the existing road to create a new base for a fresh asphalt surface and then provide a chip seal for a final seal and you know, increase the longevity of that road.

19:14

So it's a very low risk project.

19:18

It's only 2/10 of a mile straight and level.

19:21

And you know, the work that we're going to do is a, a great maintenance project for one of our existing county maintained roads.

19:30

And you know, I'd have to give a, a nod to the residents to pick up the slack where, you know, our, our budget can't keep up with the, the work that we need to do.

19:38

They were able to step up and we appreciate the help that they're giving us.

19:42

So this will be one of our top priority projects as early as we can next year.

19:47

Great.

19:47

Thank you.

20:00

My name is Jerry Fisher and I live on Lena Lane.

20:06

I'd like first to give you a little background about Lena Lane.

20:09

This is the second time the residents have had to pay to redo the road.

20:15

The first time was back in the mid 80s and we had to have an Sid at that time to do Rd.

20:22

improvements.

20:23

Well, nothing's been done since and the road is very quickly getting very bad.

20:30

So we recognize we're not doing this joyfully.

20:35

We recognize it's the county's responsibility.

20:39

We pay taxes to have the road maintained.

20:43

However, we also recognize the money is simply not there.

20:47

And if we want to have a decent Rd.

20:50

we're going to have to step up and and do this.

20:54

But I do want you to know, even though the majority of the Lena Lane folks are in favor, there's significant number of them who are not who feel like it's a county room.

21:06

They pay taxes.

21:07

And of course, we just had that huge tax increase, which I personally do not blame on the county, no matter what the governor says.

21:16

But you know, people are taxed to death.

21:18

And so doing this, one thing I do want to change there was there's a couple things, but we would like it to be the 20 year Sid rather than the 10 year.

21:29

Some people just even at that difference in that little bit, they're taxed out right now.

21:37

So we'd like to put it over 20 years.

21:40

We also had different dates and I'm not sure why they changed, but it's OK, it's not a problem.

21:47

The deadline is now 12/6 and I think it was 11/27 maybe for people to protest and then the final meeting was going to be the December 3rd and now it's the 12th which is fine but it we were not aware of that change.

22:05

But we do want the 20 year Sid of that option.

22:10

Is there anything else I can answer for you?

22:13

Oh thanks for taking this on and working with your neighbors and bring it to this point.

22:18

Do have to say, people complain all the time about working with the county and not since you folks have been here, but I've spent a lot of time testifying before county commissioners, have worked a lot with county and city folk.

22:31

And I will tell you, this is probably one of the best experiences I've ever had after 40 years in business.

22:38

It's been a pleasure working with the county.

22:41

They've been efficient and honest and straightforward and have gotten the job done.

22:45

And I, for one, appreciate that.

22:47

Thanks so much for that, Jerry.

22:50

Well done, Public Works and Joan Hart.

22:52

Yeah, those are very kind words.

22:54

Missus Fisher.

22:57

And you probably saw an earlier draft of this.

23:01

And somebody pointed out to me, because there's two holidays in November that I that I was counting in the 30 days that it, it wasn't enough time.

23:14

So I.

23:14

So I had to extend them out.

23:15

Yeah.

23:16

Yeah, Mr.

23:21

there's one detail I should have mentioned that I forgot to mention.

23:26

So I so I had said that the, the, the, the cost to be assessed on all 15 parcels is about \$49,000.

23:33

Of course, that's the nest, but that makes it per lot about 3260, and that'll be slightly higher because of the intern.

23:48

Over 20 years.

23:49

Over 20 years.

23:50

So you know it won't be.

23:52

That won't be the exact thing.

23:53

Right.

23:54

Thanks, Sir.

23:56

Yeah.

23:56

My name is Dale Bosworth.

23:58

I live on Lena Lane.

23:59

I'm the president of the in the Super Park.

24:02

Dale, would you mind would you mind getting a little closer to the microphone so we can hear you better?

24:06

Thank you.

24:07

Doesn't reach up.

24:08

There's high.

24:08

OK.

24:09

Hey.

24:09

Oh, that's perfect.

24:11

OK.

24:11

Do you want me to repeat what I just said?

24:12

Yes.

24:13

Perfect.

24:13

Yes, please.

24:13

I'm Dale Bosworth.

24:15

I live on Lena Lane.

24:16

I'm the president of the River Park Homeowners Association that covers the the South side of of Lena Lane.

24:27

And I was one of the ones that helped get this going.

24:30

Jerry and I met with every homeowner on each sub, both sides of the street and explained all this.

24:36

A lot of people support it, but a lot of people, just like Jerry said, believe that.

24:41

Well, that was really the county's job.

24:43

But but we're offered this opportunity for a cost share.

24:48

We felt like we need to step up and most people did.

24:53

I also want to say that working with Eric and and the folks from whatever public Works.

25:00

Yeah, public works, I know it's something like that.

25:03

It's been a pleasure.

25:04

Great.

25:05

And they've been very, very helpful.

25:06

Eric particularly been very, very helpful.

25:08

So I just want to pass on my appreciation for that.

25:11

Thank you, Sir.

25:11

So that's all I have to say.

25:12

Well, thank you.

25:13

Good job, Eric.

25:23

My name is Ted Lane and I'm the Vice President of the River Park Homeowners Association and I'm just here to say I support this RSID and unless you have any specific questions for me, I'll sit back down.

25:37

Thank you.

25:37

We have any other public comment on this.

25:48

So we have a motion.

25:49

I'm going to 2nd that motion.

25:52

Given that we just called for public comment, I'm going to say all in favor.

25:57

Well, and we, we have received one comment over e-mail not supporting it, but I don't know how many others.

26:06

That's the only one I've seen.

26:07

OK, so this would just get a vote.

26:12

We're going to keep this open till December.

26:13

Just wanted folks to know that's what we have heard.

26:17

Yeah, this is just to pass a resolution of intent of intent and you, you will be considering a final resolution right on December 12th.

26:26

Yep.

26:28

OK, all in favor, Aye, Aye.

26:30

OK.

26:30

Thank you.

26:31

Thanks, John.

26:32

Thanks folks for coming.

26:39

OK.

26:39

Our next hearing this is about Montana Ave.

26:43

Boundary line relocation and aggregation and Katie is going to present AD Reader, I didn't say your last name, sorry.

28:01

From Ezu Dwell LLC for a boundary line relocation and aggregation for properties at 273 Montana Ave.

28:15

and 326 Peacock St.

28:27

Property is located at the southwest corner of Montana Ave.

28:31

and Peacock St.

28:32

and is owned by Ezu Dwell LLC.

28:42

The subject property is composed of six individual lots or portions thereof.

28:46

There are no flood hazard areas or steep slopes on the property.

28:53

The subject property, I'm Sorry, all lots are involved are zoned Live Make Neighborhood and fall within the boundaries of the 2016 Missoula County Growth Policy and 2019 Missoula Land Use Element.

29:08

The growth policy land use designation is Live Make Neighborhood as well.

29:16

Ezu Dwell LLC proposes to relocate the boundaries of six adjoining tracts of land within a platted subdivision and aggregate them into three larger lots to create more sellable lots from the existing parcels.

29:30

Ezu Dwell LLC aims to sell the lots at an affordable price to create home ownership opportunities.

29:40

These are.

29:42

This is the proposed graph right here.

29:46

Ultimately, they wish to redraw the boundaries of those 6 tracks to look like this.

29:51

The Section of Law 7632 O 7 requires the commissioners to take action on boundary line relocations in platted subdivisions where there are six or more tracks affected.

30:05

Because 6 tracks are being affected by policy, I bring this to you.

30:12

Part of the process for boundary line relocations is sending the application to various Missoula County agencies for comments and reviews, including Environmental Health, Floodplain Clerk and Recorder, Building Division, public works, engineering, water and air quality divisions, as well as the surveyor's office and county attorneys.

30:36

There were no comments to be made except for environmental health.

30:39

They have sanitation reviews and or exemptions required for subdivision exemptions with parcels less than 20 acres.

30:55

In the planning office, we look at the evasion criteria and rebuttal presumptions for boundary line relocations and determine after an evaluation if any red flags are raised in that evaluation that would indicate evasion.

31:08

Of the three rebuttal presumptions and 18 evasion criteria, 2 of the criteria were identified to possibly indicate evasion.

31:18

However, this is the most appropriate exemption to use for what they want to accomplish.

31:24

Therefore, we did not identify this as evasion and recommend approval with the motion on the screen before you today.

31:33

Thanks, Katie.

31:34

Well done.

31:39

Good call.

31:40

Yes, there is.

31:41

Yeah.

31:41

Anybody from four O 6 like to speak to this?

31:44

We have Sean and Ezu Dweller.

31:46

Oh, Sean and Ezu Dweller here.

31:49

Thanks.

31:54

Hello.

31:55

Can you hear me?

31:56

My name is Susan Russell and I'm one of the owners of the Izu Duel.

32:03

We've owned the property for roughly 20 years and we've recognized that we have all these tenants that we've had for years and years and we're splitting.

32:18

We would like to split the properties so they're more usable.

32:21

The houses are on their own land instead of between two or three properties.

32:27

And we are offering the properties to our tenants first, which we've already begun to do that.

32:35

And I, I, these properties will fall under affordable housing.

32:41

So it, do you have any questions for me, not necessarily for you, Susan, or maybe for both you and Katie, but is there a slide that shows the the current houses with the overlay of the new proposed boundary line?

32:59

No, not with an overlay.

33:00

I have two different ones, two different slides.

33:03

Can I see the two different slides again?

33:05

Because it looked like I was a little confused with what happens to the houses that aren't that don't fit into the new boundary lines or you're saying they all fit.

33:14

I'm not sure about your question, but boundary lights run right through the middle of a house.

33:20
See there.

33:20
OK.

33:21
And now and we're just moving them so that you they are all have land all the way around the house.

33:27
Yep.

33:27
Maybe I was looking at the next area.

33:30
OK, So that's what the proposed yes configuration is and then the current.

33:39
There you go.

33:39
So you see them running through the houses.

33:41
Yep.

33:42
Thank you.

33:43
There's some of that aerial that I was confused by, but did that answer it?

33:49
OK.

33:49
Thank you.

33:53
I'm good.

34:05
I'm I'm good.

34:09
Anyone else?

34:09
OK, yeah.

34:10
Any any anybody else want to speak to this?

34:12

Any public comment on this?

34:16

Do you have any questions?

34:17

Any more questions?

34:18

Nope.

34:18

I'm gonna make a motion to approve the boundary line reallocation aggregation for a property located at 273 Montana Ave.

34:27

in East Missoula.

34:29

Oh, I'm so sorry.

34:30

I was not reading the right screen, Katie.

34:33

I'll scratch that and start over.

34:36

I moved out the request by Easy Dwell LLC to utilize the relocation of common boundaries and aggregation exemptions on property legally described as Lots one and two and a portion of Lots 21 and 22, Block 34 and a portion of Lots 16 and 17, Block 35.

34:54

E Missoula Addition, an adjacent vacated alley and Peacock St.

34:59

be approved based on the findings and conclusion in the staff analysis as presented in the exemption application and affidavit.

35:06

All right, I'll second that and ask one more time for any public comment.

35:11

OK, All in favor.

35:13

Aye, aye.

35:15

Thanks, Katie.

35:16

Thank you guys for thank you.

35:20
OK.

35:20
Lastly for today, the Creighton Subdivision and Tim Worley will present.

36:03
All right, this is Creighton subdivision, which last came before you commissioners on September 12th.

36:09
This is a proposal by Creighton Appraisal PC represented by Montana Northwest and four O 6 Engineering for a major subdivision.

36:18
As you're aware advance this, the major item of discussion when we met last time was this erosion hazard area which is in the channel migration zone study and we discussed the potential of narrowing it up from about 580 feet of width to 200 feet.

36:41
The 580 foot erosion hazard area width is depicted in this slide in the orange and the dashed line approximates what it might look like to narrow it up to about 200 feet.

36:56
And as you can tell, the 200 foot is much more critical as far as is would this be a viable subdivision if you could narrow up the erosion hazard area?

37:11
So this narrowing up of the erosion hazard area, something that is actually explained within the channel migration zone study, this is a graphic within the CMZ showing the 200 foot erosion hazard area versus the 580 foot erosion hazard area.

37:29
The the dashed line represents the narrowing up of that EHA.

37:36
So evidence that the subdivision might be less susceptible to erosion, which would favor the narrowing up that of that EHA are demonstration of materials that are those of a more mature terrace.

37:51
We found that the soils on the property as well as the materials underlying the property under_this.

37:59
Also it was demonstrated that the Slough area adjacent to the subdivision has been essentially stable since the 1950s.

38:12
So based on some of that information and other information that was presented at the previous hearings, Commissioners, you continued the hearing to today, October 24th, to consider appropriate conditions of approval and to modify findings of fact accordingly.

38:30
So we have presented a memo dated October 17, 2024, with updated findings and conclusions, as well as 24 conditions of approval.

38:43

And a graphic has been presented that shows what it might look like to narrow up that erosion hazard area to about 250 feet.

38:52

And that's what this dashed line depicts here.

38:55

So that would be in excess of the 200 feet that's been discussed.

39:01

I should note that this is an updated exhibit.

39:03

It's not a revised plat and it shows possible modifications.

39:11

So some conditions of approval that are part of the memo, county commissioners are this 250 foot wide erosion hazard area that it be depicted and described on the plat and in the covenants.

39:24

All lots are able to be modified, but they must be outside of the erosion hazard area and within the erosion hazard area.

39:34

This entire area must be depicted as a no build zone for residential and accessory structures.

39:42

Walker or excuse me, not Walker, but Creighton Ave.

39:45

is required to be connected through via a recommended condition of approval.

39:50

The cul-de-sac that was formerly in this location may be eliminated and Creighton Ave.

39:56

is required to be a no parking Rd.

40:00

due to its 24 foot width.

40:03

There is a requirement for Rd.

40:05

maintenance typically with these subdivisions.

40:08

I think the developer in this case would like the county commissioners to commit to county maintenance of the roadway and if the road doesn't meet county standards, upon inspection of county public works, a private road maintenance agreement is required.

40:24

We discuss this with Shane and he's comfortable with this contingency.

40:30

So commissioners, within this hearing, the expectation is that this will be a county maintained Rd.

40:38

but if it's found to not meet county standards upon inspection, there will be a requirement for a private road maintenance agreement.

40:47

So the memo that actually is sitting before you today describes essentially this contingency.

40:58

Because they're shallow groundwater in the subdivision, basements are prohibited in a condition of approval.

41:03

As recommended, fire sprinklers are proposed with the subdivision and we do recommend some minor amendments and corrections to the covenant language regarding the fire sprinklers.

41:18

The original recommendation for our condition, Condition 24, I believe it is, is for cash in lieu of Parkland.

41:26

And one consideration, commissioners, is whether to have a partial cash and new dedication equivalent to 50% of the required dedication.

41:36

This is something that county parks would recommend, although commissioners, I feel you have broad discretion on ultimately whether you require cash in there because there's in excess of four acres that go into the common area that is proposed as part of the subdivision.

41:54

And this 50% comes from Section 3.10, point 7.2.

42:00

Preserving an amenity, the preservation of a physical amenity such as a Meadow, a stand of trees, a wildlife corridor, a stream or other water body, an area of riparian resource, the hillside with slopes less than 25% or some other natural feature.

42:18

Lands set aside, and this emphasis is mine.

42:21

In this case, lands set aside to preserve an amenity are limited to 50% of the required dedication.

42:28

Applicants must demonstrate how the proposed preservation of the physical amenity meets the purpose and intent of this section as described in Three-point 10.1.

42:38

But again, Commissioners, we feel you have broad discretion on whether caching is appropriate here or this 50% modification.

42:48

So Commissioners, that's basically all I have and I'll be available for questions.

42:52

There's two motions with regard to variances and then the main motion for approval based on the memo dated October 17th.

43:05

All right, thanks.

43:05

I'm gonna just lead with a question.

43:08

So I remember this one really well.

43:10

And the the the issue of 500 feet versus 200 feet, we came down to kind of a dueling geotechs.

43:17

There was one lot on this preliminary, this original map, I don't want to get the words wrong.

43:23

That seemed to be more vulnerable than any other because of 1 channel of the river running headlong into the main part of the river looked like if that if there was going to be erosion, that's where it would be and we would this be.

43:37

I don't know if this is the right map.

43:38

Lot 7.

43:44

I believe that's correct.

43:45

I think it would be a lot 7 you remember asking if we could just do away with that or consolidate in some way, get a get a house out of that area.

43:54

And then the at least it's my mind the, the, the numbers of feet weren't quite so important because the most vulnerable house would no longer be vulnerable.

44:05

You guys remember that?

44:10

Awesome.

44:11

Great.

44:11

Please come on up.

44:17

Thanks for patience me bungling that, but I get I get you probably got the gist of what else I got.

44:22

I got it.

44:23

Brian Throckmorton, four O 6 engineering.

44:26

Let's see here.

44:32

You can allow me to share my screen, Brian.

44:51

Yeah, so when you look, you know, at what we have here, this this was kind of the the original that we showed.

45:02

So, so lot 7 is right way out there.

45:07

So then, you know, even even when we went to the to the next idea, it stayed the same.

45:14

We just show the 200 feet.

45:16

So you know, when we looked at this is the, this is what we showed before.

45:21

So this was our dashed line that went basically through where the major erosion was.

45:28

I think it probably helps if I blow this up too.

45:32

So you know, here's basically you can see the big dotted dashed line and where it ran through that old lot.

45:38

And what that really meant as far as the bigger amount of erosion from the 70s versus now happens right at that corner.

45:47

So what we looked at was how can we move everything back?

45:52

So if you look at the the old lots, they sat out, lot 9 actually pushed out a long ways.

45:59

So we adjusted the curve of the road and then shrunk that lot up to where, you know, now you're 250 feet off plus you have a 25 foot set back.

46:11

So, so no lot line at all is within 250 feet plus you have 25 foot setbacks per zoning.

46:18

So house can't be any closer than 275 feet currently.

46:23

And we adjust and if you remember right, that dashed line went right through this area here.

46:30

The old house stuck out further was about right here.

46:35

So with that dashed line, so we basically slid everything in and then slid the house further north to kind of give that area.

46:41

So currently, you know where it's a road and here is the active river channel that you can see in the slide pushing against this bank coming.

46:50

Yeah, straight down like this.

46:52

So pushed everything basically to the east and to the north a little bit of lot 7 to keep that a viable lot while pushing everything basically off of the river even further.

47:06

So and trying to keep, you know, that viable because if if we had just got rid of the lot, there was kind of a weird space there that I thought was usable.

47:14

If we reengineered the curve of the road and how we we basically took lot 9 too and made lot 9 smaller, pushed that down so that there's more space and all that as well.

47:27

So versus just straight delete, I think a reengineer seemed to be a better fit for for what we're looking at.

47:36

Great.

47:37

Thanks.

47:37

Yeah, I don't know while I'm here if you guys have any other questions on it, but that that was the idea behind it.

47:45

So I had a quick question about the roads, sorry.

47:49

So Shane, the the county currently maintains which roads in this area.

48:04

Yeah, I can probably just share an image and give you a sense of what roads are, are maintained.

48:14

I didn't know if you were going to use Brian's side, but yeah, it's all good.

48:31

I can.

48:32

Can you see that?

48:32
OK.

48:33
All right.

48:33
Yeah, Yeah.

48:34
All the roads in in blue are, are county maintained roads.

48:37
And so just for reference, 3rd Street is kind of this longer stretch around the around the curve.

48:44
And so they would have Creighton would come through and connect up with Walker.

48:51
Walker.

48:51
Yeah.

48:52
Thanks.

48:55
Great.

48:55
Thank you.

49:01
I don't have any other questions.

49:04
All right.

49:05
I think I'm, I'm all right too.

49:07
Then Chain, you're good with the what Tim was describing and we'll inspect the roads.

49:11
If they're up to county standards, we'll take them.

49:13
If they're not, which is up with them.

49:15
Yeah, but that's what we've been doing normally with these subdivisions and I've had good luck with that.

49:19
So.

49:20
OK, great.

49:21
Thanks.

49:25
I've what's the correct language, Tim, that you had?

49:40
Yeah, just a minute ago.

49:42
I'm already orienting here.

49:57
And thank you, Brian and Ken and Tim for going back and reworking this.

50:03
Can you want to say something?

50:05
Oh, sorry.

50:07
Yeah, absolutely, absolutely.

50:09
Ken Jenkins.

50:17
There we go.

50:18
Ken Jenkins with Montana Northwest Company, just a couple quick things #1 thank you Missoula County for your patience.

50:26
This has been a very long drawn out subdivision and but I think we're arriving at a good place with it.

50:35
I wanted to comment on the road thing and I think if I followed Shane's maintenance slide, they're maintaining Walker Drive, but you get to the end of it, they probably have to back out.

50:52
So as it turns out, the connection with Creighton Rd.

50:58
is maybe going to be a good thing.

51:01

And I appreciate the Tim getting the language in there that Missoula County's committed to the IT seems like that should be part of the approval who's going to maintain the road.

51:13

And so I think we're getting to that with how this is written.

51:20

I would also, you know, if we build a road and it doesn't meet the county standards upon an inspection, we're probably not going to get to record our plat till it does.

51:33

Just as a side note on the parks thing.

51:38

So if we were setting aside Parkland, I think there's just a little over 1/2 an acre required.

51:47

If we were setting aside land in total we're we've got almost 5 acres of not residential common area, riparian zones, that sort of thing.

52:04

Of that five acres, there's probably real close to 1/2 an acre of what we've adjusted backwards with the residential away from the river part that is actually up in the developable part of the property.

52:22

So I don't know, it is certainly up to your discretion.

52:28

I sort of agree with the idea that, you know, the river bottom is going to be protected by other things you're outside of the parks question, but at the same time it is preserving a lot of things and we've got setbacks along all of the water that protect the fringes and you know a half acre that but for the channel migration you can build a house on.

52:56

So in my mind, it may be fair, a fair compromise, I guess, to do the 50% thing, but that certainly is your discretion.

53:09

Open to questions if you have any.

53:11

Thanks.

53:11

Thank you.

53:12

Tim, did you have anything you wanted to add or clarify?

53:15

The only thing I wanted to add, commissioners, is whether you want to consent to what Ken just mentioned and go with the modified condition #24 language on the screen now and just assume that as part of the motion for a quote.

53:29

Amended conditions, basically giving them at least 50% credit on the cash in lieu.

53:36

I'm fine with that.

53:38
OK, OK.

53:48
So is there any other comments I move to approve the variance with from section 3.4 point 6.2, which requires access of Walker Drive as a road of lesser classification.

54:05
I'll second that and call for any public comment seeing none.

54:10
All in favor, aye, I move to deny the variance from section 3.4, point 6.3, which requires a through connection to Walker Drive.

54:21
Any public comment?

54:23
I'll second that call for a vote.

54:26
All in favor aye, I move to approve Creighton's subdivision based on the findings of facts and conclusions of law on the staff memo dated October 17th.

54:36
Is that the correct date?

54:38
Yeah, the memo goes back to last week when it was put into Civic Clerk.

54:42
So it there's actually 3 memos and I tried to distinguish them by date.

54:47
So October 17th is the correct date.

54:50
It's basically the revised findings and conclusions and conditions staff memo dated October 17th, 2024, as amended.

54:59
All right.

55:01
Any public comment?

55:05
No.

55:05
Thanks again for everyone's work on this.

55:10
Yeah, man, I really hope we got this right.

55:14

I hope the folks who buy lot 7 feel good about it.

55:18

All right.

55:18

All in favor.

55:20

Aye, Aye.

55:21

Thanks.

55:26

Unless there's any other business, I think we're adjourned.

55:30

Nice.

55:31

Thanks everyone.