

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JANUARY 09, 2025 – 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 Juanita Vero
Commissioner David Strohmaier
Commissioner Josh Slotnick

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Jennie Dixon, Planner, Planning, Development, and Sustainability
Jackson Lee, Project Specialist, Parks and Trails
Tim Worley, Senior Planner, Planning, Development, and Sustainability
John Hart, Lead Civil County Attorney, County Attorneys' Office
Allison Franz, Communications Manager, Communications
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office
Katy Reeder, Planner, Planning, Development, and Sustainability
Brenna Davis, Engagement Coordinator, Communications
Patrick Swart, Planner, Planning, Development, and Sustainability
Mattie Scott, Administrative Assistant, Commissioners' Office
Carey Powers, Communications Coordinator, Communications

1. **CALL TO ORDER** *[Time stamp – 0:00]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:07]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:23]*
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
 - b. Proclamation: Martin Luther King, Jr. Day
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 3:42]*

- a. Recognizing President Jimmy Carter

6. CURRENT CLAIMS LIST *[Time stamp – 04:53]*

Claims received as of December 24, 2024 to December 29, 2024 by the Commissioners' Office total \$839,945.77.

7. HEARINGS

a. Pernell Commons Minor Subdivision *[Time stamp – 5:32]*

Jennie Dixon, Planner, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County to approve both motions to approve the Pernell Commons Subdivision and the variance request from the Missoula County subdivision regulations to gain primary access from the alley and allow the alley width to be less than the required 20 feet wide, subject to the amended conditions of approval discussed during the meeting and based on the findings of the fact in the staff report.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-002 sent to Habitat for Humanity, Inc. c/o Steve Rosbarsky]

b. Open Hearing-Marshall Mountain Analysis of Brownfields Clean-up Alternative

[Time stamp – 29:22]

Sindie Kennedy, Grants and Community Resources

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners open the hearing for public comment for 30 days.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Signed RCA returned to Sindie Kennedy]

c. Ranch Club Phasing Plan Extension

[Time stamp – 48:38]

Tim Worley, Senior Planner, Planning, Development and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the phasing plan extension, extending the Phase 10 final plat submittal deadline to December 31, 2025, subject to the master conditions of approval

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

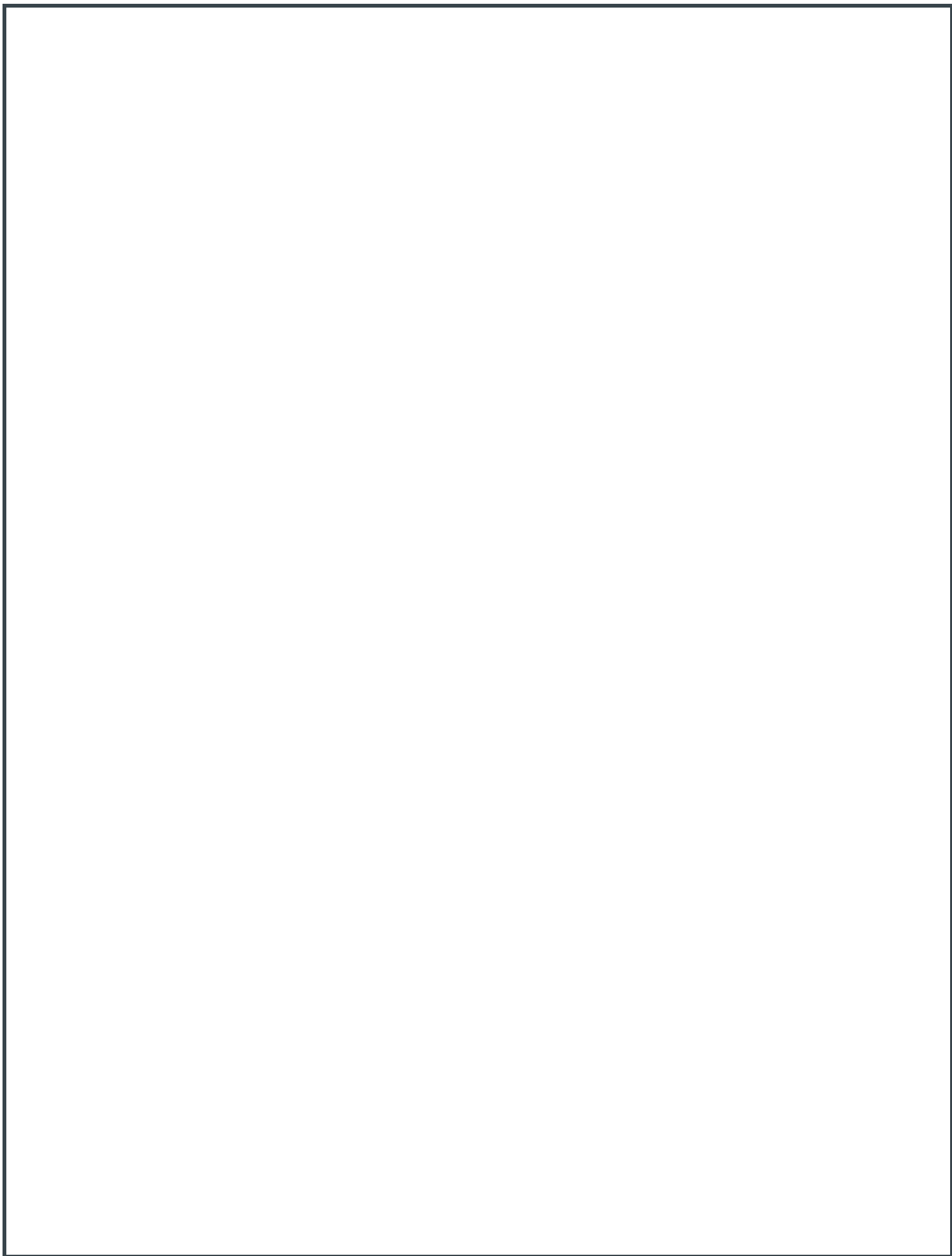
[Letter 2025-112 was sent to Chris Wasia, Genesis Engineering]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:18 p.m.



BCC Public Meeting January 09, 2025 – Transcription

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

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

0:02

Let's begin by Pledge of Allegiance.

0:10

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

0:26

And Missoula County acknowledges that this event takes place in the aboriginal territories of the sailors and Cleese Bay people.

0:34

Public announcements.

0:36

Cheryl, our closed captioning announcement.

0:41

Sorry.

0:44

Hello everyone.

0:45

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

0:51

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

0:57

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

1:01

We ask that all speakers today speak slowly and clearly.

1:05

This helps with the accuracy of the closed captioning.

1:08

If you are on Microsoft Teams, if you like to speak when discussion has been open for public comment, we ask that you use the Raise Hand feature.

1:15

This is the small hand button.

1:17

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

1:20

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

1:23

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

1:27

Thank you.

1:29

Thanks, Cheryl.

1:30

We have proclamation.

1:32

Either of you want to read it?

1:34
Sure.

1:39
Whereas activist and civil rights leader Doctor Martin Luther King Junior, whose birth we celebrate on the third Monday of January, was the third person in U.S.

1:49
history to be recognized by a federal holiday.

1:52
And WHEREAS through his courage and powerful message of hope and non violence, he devoted his life to addressing injustice, racism and fear with peaceful protests, unity and understanding, moving millions of Americans to enact profound social changes.

2:10
And whereas he endured imprisonment and adversity in the form of verbal and physical attacks, threats and arrests, and ultimately was assassinated in an effort to diminish his great dream of freedom and equality for all people.

2:25
And whereas our nation remembers Doctor King's commitment to the principles of this nation, which he championed through his unyielding faith and justice and unwavering belief and freedom and equality for all.

2:38
And WHEREAS Missoula County and the City of Missoula strive to be welcoming and inclusive communities where we continue to deepen our understanding and practice of providing equal dignity, respect and opportunity for all who live and visit here.

2:53
And whereas Doctor King's legacy in writings teach us that we are ultimately measured not by where we stand in moments of comfort and convenience, but by what we take on during times of challenge and controversy.

3:08
Now, therefore, in honor of Doctor Martin Luther King Junior, we, the Missoula Board of County Commissioners and Mayor Andrea Davis do hereby recognize January 20th, 2025 as Martin Luther King Junior Day and invite all citizens to consider this quote of Doctor King's life's most persistent and urgent question is what are you doing for others?

3:34

Signed by the Missoula Board of County Commissioners and Mayor of Missoula, Andrea Davis.

3:40

Thanks, Dave.

3:42

Is there any public comment on items not on the agenda?

3:48

Yes, commissioners, I think today is the day that we're recognizing the life of former President Jimmy Carter.

3:57

And while President Carter was a famous, famously unpopular president, I don't think we should try to remember that today.

4:07

We should remember how he was famously of the highest character, the highest integrity, and I think spent every day of his life trying to figure out a way to better humankind.

4:22

And he lived up to that.

4:25

Quote from Martin Luther King.

4:28

And may another Jimmy Carter be amongst us very soon.

4:37

Thank you.

4:37

Thank you, John.

4:41

Any other comments?

4:45

OK, we're moving into we have 3 hearings.

4:48

Is this order of hearings OK for everyone?

4:53

Oops, I'm sorry I forgot about the claims list.

4:56

Thank you.

4:57

Claims received as of December 26th, 2024 to December 30th, 2024 by the Commissioner's Office totaled \$839,945.77.

5:11

OK, on to hearings.

5:13

Jenny Dixon, the Pernell Commons Minor subdivision.

5:42

Thank you very much for the record.

5:43

Jenny Dixon with Missoula County Planning, Development and sustainability.

5:48

This is a minor subdivision located in East Missoula at the corner of basically at the corner of Speedway and Clyde.

5:59

So I'm giving you here a little bit of a context here over in East Missoula, Summers and Speedway.

6:05

This little marker here shows the location within the context of the neighborhood.

6:11

And this map adjacent on the right side shows kind of the configuration of lots in the area.

6:18

The proposal is from Habitat for Humanity.

6:22

Agent is Mike Main at IMEG.

6:25

As the map on the left shows, the purple zoning applies to the property.

6:30

It's live make, which is a zone that was adopted about 2 1/2 years ago with a new zoning code.

6:35

And that's essentially a residential zone, but also intended to allow for some small scale neighborhood commercial or artisan manufacturing accessory to residential.

6:46

So it is never intended to just be commercial alone.

6:50

And not only that, but residents have to live.

6:53

Residents that operate the businesses have to live on the property.

6:56

So it's it's a residential district.

6:58

It allows up to 11 dwelling units per acre.

7:01

The minimum lot size is 2500 square feet.

7:05

They have requested and been approved through a prior LZ land use and zoning compliance permit.

7:12

We call LZ 'cause that's a mouthful for a density bonus, basically a fifty, well, 150% density bonus or 50% beyond what they're normally allowed.

7:26

So the proposal is for four lots on this area outlined in red.

7:34

They also own the homes outlined in purple, or at least they did.

7:38

And have those homes were in place, they did a boundary line relocation to get them each on their own lots and now are proposing essentially the same type of development as they move eastward.

7:53

So it will look essentially just like that.

7:57

I'm gonna show you actually the plat.

8:00

So here are the two lots lag there, the two lots that are not part of the subdivision but within Habitat for Humanity's ownership and the homes will be very similar to what is there on these four lots that are averaging about 2400 square feet rather than the minimum 2500 square feet.

8:25

The density works out to about 18 dwelling units per acre, which is above the 11.

8:30

And the reason they could do that is because of this density bonus I mentioned they were approved for and they were approved for that because they're all six homes will be electrified and will not have a heating or cooking source fossil fuel based.

8:54

At the time they did that density bonus and got awarded points to then do a density bonus, they have additional points that are banked that what they will then use a time of permitting and construction of the homes to allow for some slightly reduced setbacks as well.

9:11

So that's you would see in the list of conditions of approval just memorializes the fact that they do have points leftover.

9:20

That's how we're at this point in time recognizing any surplus points for a project.

9:29

The as you can see here, actually, I'm gonna, this is the property looking.

9:38

I think of it as SE I guess the paved area in front is Speedway and that it's looking towards the alley.

9:49

The and it was, as I said here, a super sunny day.

9:53

Terrible photo, but you can see the property is essentially vacant.

9:58

There's some sheds and there's no curb or gutter or Rd.

10:02

improvements or or walkways of any kind.

10:08

And that is a view at the corner of Speedway and Clyde where you can see the for sale sign on the far left that's in front of the subject property.

10:16

And the two homes that Habitat constructed are right there with with the camper trailer and then the one behind it.

10:24

So this is the plat with a site plan on it that will that shows you their plans for development.

10:34

We've got Speedway, a paved Rd.

10:36

with no improvements, Clyde paved Rd.

10:38

with no improvements.

10:41

The those two, those roads meet the requirements for the subdivision.

10:46

However, they did request a variance regarding access to the two lots that sit behind the two lots that front or or have frontage on to Speedway.

10:57

So subdivision regulations require physical and legal access to all lots and and in this case physical and legal access will be provided.

11:08

Technically speaking, via Speedway to the front two lots and via the alley to the back 2 lots.

11:18

The alley is gravel and it is the right of way itself is 16 feet and so I'm going to estimate the the gravel width to be about 12 feet.

11:30

I have a couple of photos.

11:31

I'll show you the alley here in just a second, but I just want to tell you the regulations require what what we would classify the alley as an off site Rd.

11:40

would require it to be 20 foot drivable, unobstructed drivable surface, which is not possible because the alley isn't right away isn't even that wide.

11:50

All right.

11:51

What you can see here is a plan to and this is this will be evaluated at time of building permit, but we also are evaluating a time of subdivision to ensure that the access to parking areas is adequate.

12:04

So they have shown A4 parking lot, A4 space parking lot on the back of lot 3.

12:11

I don't know if you can see my cursor.

12:15

And so each lot will have the required 1 space all back here off off of lot 3 or off the alley adjacent to the home on lot 3.

12:30

So as I said, that's going to be reviewed at time of building permit because they could change their mind, they could decide to park each home off of wherever they have legal and physical access.

12:43

But this is their plan and I don't see, I don't believe they have any intention to change it because they don't have room as their lots are designed conceptually.

12:53

What you can see here are four homes each facing across a public walkway access, which they proposed because there's no public walkway requirement along Speedway.

13:07

But they wanted to be able to have folks who maybe are on Speedway or people in these homes to be able to get back to that parking area and across the site.

13:20

So that's an amenity that they offered to do not required, but for needing to get to that parking area.

13:29

So there is see if it's shown here.

13:34

I'm gonna go to Well, one one thing at one point I would make about that parking area is that during review, we collaborated with I Meg and came to the conclusion that that parking area wasn't deep enough to allow for turning radius backing movements to safely get in and out of there because there is this probably shows it the best a building literally on the property line.

14:00

I had Mike tester go out so we know it's not encroaching, but it is right there.

14:07

If I go back to this photo, it this is right here.

14:10

The edge of Clyde is my oh, it's boy, it's really slow.

14:17

I'm sorry for the lag.

14:20

Oh, OK, it's not up there yet.

14:21

OK, here we go.

14:24

So this is the edge of paved Clyde, and then you've got the Habitat for Humanity home over on this side.

14:33

And then you can see this is all just laid down gravel for this person's driveway parking area.

14:39

So we had recommended a condition that the gravel width be expanded to the maximum possible within the 16 feet, which might be 16 feet.

14:51

But we're going to let public works be review and approval of of the actual gravel, gravel surface.

14:57

And that's a condition of approval on recommending of of recommending approval for the variance to allow them to use the alley as their primary access.

15:09

Let's see.

15:19

OK, a little bit more on that alley paving issue.

15:25

The health department clarified during agency review and during pre app discussions, which is what the applicant based their proposal off of that alley paving was not required for Ally's built before.

15:39

I'm going to say September 16th, 1994.

15:43

I'm not sure what something happened on that day that I double triple checked actually with the health department air quality and you know, asked even if we expand the alley doesn't need to be paved and the answer was no.

15:58

So that that was the direction that we went that the alley wasn't required to be paved.

16:04

However, because they are asking for a variance and are proposing to park all four homes off the alley.

16:10

It is certainly within our your authority to require paving of that alley, which I know we have you've contemplated up to this point.

16:20

I think I'm Meg is going to address that.

16:23

The health department in recognizing that it wasn't a requirement did however, support if they decided they wanted to pay, but they were very much in favor of that.

16:33

And our public works department, I believe is Shane on the call that if you have questions about it, I'm hoping he's there and can can jump in.

16:45

Hi, Jenny, I'm on.

16:47

Excellent.

16:47

Thank you, Shane.

16:49

Last thing I would point out is there are utilities in the alley which would be sewer, electric communications.

17:00

So it's public sewer and then public water is in Speedway, which is out here on the left side of this photo.

17:09

And staff is recommending approval of both the variants.

17:13

If you want to change the surfacing to require that you know smaller than required alley to be paved but still support the variance, I can easily help you with the language for that.

17:27

And then also a recommendation to approve this full subdivision for lots as proposed with conditions of approval that address zoning compliance related to the the density bonus, the widening of the alley, expanding the parking area easement on Lot 3 and updating the covenants, most particularly related to a weed management and revegetation plan for the site and ensuring all covenants that we normally enforce as a county are not changeable without your approval.

18:03

So thank you.

18:04

That's my presentation this afternoon.

18:07

Thanks, Jenny.

18:09

Is Mike Mayne in the room?

18:12

Hi Mike.

18:14

Do you want, do you have a slideshow or do you want me to bring up any particular image, maybe a photo of the alley would be appreciated.

18:23

OK, thank you.

18:27

Thank you, Jenny for your presentation.

18:29

I appreciate that.

18:30

Very informative.

18:31

And as Jenny mentioned, Mike Mayne, I'm a representative of IMEG.

18:36

I'm also joined online with some of our staff member and then in person with Steve Rosebarski, who's representative for Habitat for Humanity.

18:46

And any of us can answer any help address any public comments that are received.

18:50

But really, I guess there's a few things that I wanted to emphasize.

18:54

And 1st is our use of the development incentive and bonus application.

18:58

And as Jenny mentioned, we're acquiring points on that application through the electrification of these homes, but we're also acquiring points on that application through these homes being deemed affordable housing.

19:12

And I just think it's really cool that the county has a system in place that allows for developer some flexibility in their designs if they're able to provide some other forms of public improvement.

19:25

And so that was my first time navigating that application, but I really enjoyed learning about it and and working with the county staff there.

19:32

So thank you, Jenny.

19:34

And then because Jenny brought it up to, I figured I would not just address the requirement of the condition for the potential paving of the alley.

19:44

And I spoke with Steve about that already.

19:47

And, and Steve's was very gracious for the county's help in working through this process.

19:52

And he mentioned that it would not be a project killer if if we're required to pave the alley and if it's deemed a public health and safety requirement would be, we'd be happy to do that.

20:02

But I did want to emphasize that, you know, our client Habitat for Humanity, they they strive to provide homes at or even below cost of construction.

20:14

And so any requirements to, you know, any requirements that burden them with additional cost would be, yeah, I guess we would just increase the cost of construct these homes.

20:28

And so if you did have any questions about how the homes are financed and sold to to potential buyers, Steve would be happy to address that and talk about how that process works and kind of how those numbers are calculated.

20:42

Do we know the estimate for paving this alley?

20:45

Yeah, great question.

20:47

And I do not know Shane, I saw your online.

20:50

I was hoping maybe Shane might know or have somewhat of an idea the difference between graveling and paving the alley.

21:00

I, I assume of course, that it's an increased cost, but I do not know at what degree your percentage wise it would be increased.

21:07

But yeah, I didn't, I didn't do a, a rough cost on, on the just the gravel.

21:14

I think you're probably in the ballpark and this was assuming like 120 feet of of alleyway.

21:22

I I came up with something in the ballpark of probably around 10,000, but I mean, those are hard just because I don't know how much that Mobe would actually cost.

21:32

And I was basing it off the fact that we aren't had already in the last few years did a a cost breakdown of trying to pave the 2 1/2 miles of all the alleys in East Missoula.

21:43

So I don't know commissioners, just keep in mind that there is or was interest from the community to pave the alleyways and or at least gravel them throughout the the community.

21:53

Thank you, Shane.

21:56

Thanks, Shane.

21:59

Thanks, Mike.

22:00

Yeah, you guys have or Steve, do you have anything to add?

22:10

Yeah, Well, Habitat Humanity is a unique construction company because we build homes at a loss.

22:16

So we never recoup all of our expenses for building a home that comes through donations.

22:21

And then we apply a second to the home that will last the length of its, it's a 0 interest second to bring the cost of the home down so that the homeowner can buy it because we serve 40 to 80% of AMI.

22:34

And, and so if we have to bring the cost of the home down to get the loan to work out, Habitat eats that as a second.

22:41

And we're now putting these ones, these ones will come into the Montana Land Trust.

22:46

So it'll, it'll, this will be part of a Land Trust.

22:48

So it'll go into perpetuity as a affordable home.

22:53

And so just any, anything that we can do to bring the cost down is really important to us.

22:57

And I'm just grateful that with the help of Jenny that we're able to put twice as many homes on these lots because Habitat is doing as much as we can.

23:06

But we're also very land poor as far as we have 4 lots sitting out there in East Missoula, these two and then two directly across the alley that we're hoping to build twice as many homes on.

23:16

And the other big thing I think that is we look at what's happening in East Missoula, It's the main goal of us is to not move people off of a lot and not give them a place to move back into.

23:25

And one of the homes actually of these four, one of the trailers that's on a lot that we're hoping to build on later is moving into one of these homes.

23:33

So we're trying to not displace people as we're trying to build affordable homes.

23:38

So yeah, if there's any questions you have for me, I can definitely answer those for you.

23:41

But anything we can do to bring the cost down for us, it doesn't get us to Hawaii or get us a fancier truck.

23:47

It really just goes back directly to the homeowner because we are building them at a loss and selling them for below cost.

23:52

So thank you.

23:53

Yeah, go ahead.

23:55

I didn't have a question, just a a thank you for that.

23:59

And and thanks, Mike.

24:01

Thanks Jenny.

24:02

And thanks to Shane too for offering this up.

24:03

I'm just going to throw out my own own version of things here given we're talking about four homes, four

homes for folks who are at 40 to 80% of AMI and I'm imagining for the recent past of their lives have been living in moderately substandard housing.

24:22

I think the \$10,000 is worth it spread across four homes and allowing these folks to live not just in a home of their own, which is a fantastic and a new home and a well built home, but not driving in a gravel, not even a gravel, a beat up alley in still what looks like kind of the wrong side of the tracks.

24:40

And if it was much more than that, I would my heart would go the other way.

24:43

But given we're talking about 30 years and four homes, I feel like the 10,000 is worth it for the air and for the quality of life of the four households that will live in these homes.

24:56

Thanks.

24:58

Anything to add or?

25:00

Oh yes, thank you so much.

25:03

Any additional public comment or questions for folks?

25:10

OK, yeah, I agree entirely.

25:13

We, we need to pave this section of Rd.

25:16

these alleys in East Missoula and otherwise they're not meant to be primary access points for homes, which this will be.

25:24

We are granting a variance to allow this to be the case.

25:28

And we have heard consistently from folks in East Missoula that they want improvements to the alleys.

25:37

And in the spirit of buying goodwill with the community, I think it's it's money well invested to demonstrate that we are along with including more housing opportunities, also improving some of the basic infrastructure.

25:54

So I, I would love to see that as part of the language related to the variance and thank you too for Habitat and all the good work that you do in the community.

26:05

Jenny, So what I would assuming that you are likely to make a motion to pave the alley, what I have here at the tail end of this slide presentation, I have the recommended motions, but I have pasted in all of the conditions of approval.

26:22

So let me just take a minute and just explain.

26:25

The 1st 2 are regarding zoning compliance and that only permitted residential structures.

26:34

The only permitted residential structures on these lots are single dwellings and they must be electrified.

26:39

And it talks about the points.

26:41

Then we have a standard condition #3 is it's required in on all subdivisions regarding statements on the plat.

26:49

Same for number 4 #5 is the condition that we would be looking at changing and simply saying the alley shall be widened with a paved surface to the and we can.

27:01

I don't know if Shane wants to specify a width, but I had stated to the maximum drivable width not to exceed 16, but could be up to 16.

27:10

Whatever public works determines and what I had said is an assumption was from Clyde to the northeast corner of the property.

27:19

So I'm going to just back up to a better plan.

27:25

So is it showing for you guys because it's not on the big screens yet?

27:31

Not yet, OK.

27:32

Or that is showing.

27:34

I know it's, I don't know why it's very, very, it's county Wi-Fi.

27:43

It'll be here any day now, I think.

27:53

Well, shoot, not sure why.

28:02

So it's essentially all the way to the furthest point.

28:06

There it is.

28:08

So we're talking from here along the alley where it meets Clyde, all the way back to what would be the North East corner of the alley.

28:17

Now one thing you could do is only required to the extent of where they plan to access their parking area and just come off to the southwest, assuming everyone will be going to Clyde or you can take it as I had assumed with the condition fully to the end of the property.

28:37

OK, OK.

28:39

Well, it'll probably take just as long to get back to those conditions.

28:42

So I'm just going to tell you condition number six has to do with the expanding the depth of that parking easement.

28:50

Condition 7 is creating drainage facilities that are approved by public works.

28:57

8 and 9 have to do with the weed management and re veg plan being incorporated into the covenants and 10 requires the covenants not be revised related to re vegetation and weed management address signs, living with wildlife and installation of wood stoves.

29:12

So with those 10 conditions as modified on condition number, what did I say 5 to change gravel to paved.

29:22

I can take you back to the motions.

29:31

I'm so again, I'm sorry.

29:33

That's why it's taking so long.

29:41

So you have the first motion is I move to approve the variance for the gain alley access from the alley and to allow it to be a width less than the required 20 feet.

29:54

You don't have to mention the paving in that motion for the for the variance because it's it's subject to the condition of approval as you know, as amended.

30:05

OK, well, and Mike, you're Steve like is this OK with you?

30:11

This, this can work.

30:14

OK.

30:14

We're getting a thumbs up from them.

30:16

So thank you.

30:20

Come on up to the mic.

30:21

Sorry.

30:25

Yeah, Like I said, it's not a deal breaker for us because we have lots that we're going to try to duplicate the same sort of process with just down the alley.

30:32

So I was just telling Mike we may just pave all the way to those lots and just kind of grease the wheels for the next 1 so it's a little bit easier.

30:41

Yeah.

30:42

Great to hear.

30:42

Thank you.

30:44

Sorry, Jenny, go ahead.

30:45

No, no, I'm just have the motions up there.

30:48

Hopefully they're they're readable and I'm happy to do 1.

30:54

I'd move to approve the variance request from Missoula County Subdivision Regulations Section 3.3 point 2.9 and 3.4 point 7.5 C .1 to allow lots 3 and 4 to gain primary access from the alley and to the alley with to be less than the required 20 feet wide subject to the conditions of approval to widen the alley to the maximum feasible based on the findings of fact in the staff report.

31:21

And I would just note, Cheryl, conditions of approval as amended in the in the next second that any further discussion.

31:30

OK, All in favor, aye.

31:35

And I would move to approve the pronounced common subdivision based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions of approval as amended in the staff report.

31:47

I'll second that any further discussions.

31:52

OK, All in favor.

31:53

Aye.

31:55

Thanks, everybody.

31:56

Thank you.

31:59

Yeah.

32:01

How do I?

32:04

Thanks, Jenny.

32:05

Yeah, you're welcome.

32:07

Yes, you're welcome.

32:09

OK.

32:09

Cindy Kennedy or.

32:13

Yeah, It's the Team Marshall Mountain analysis and brownfields clean up.

32:36

I believe Cheryl has the PowerPoint, are you good with that or I have my laptop if it's better?

32:49

So for the record, I'm Cindy Kennedy.

32:51

I'm a grants administrator in the Department of Grants and Community Resources, and Jackson Lee with Marsh.

32:57

The Marshall Mountain Park manager is here with me, as well as Colleen Owen from DEQ and Michael Kelly and Willie Wolsenbach from New Fields.

33:09

So we are here today to talk about the Marshall Mountain Park analysis of Brownfields cleanup alternatives, also known as the Marshall Mountain Park ABKA.

33:20

We will present info, information on the environmental due diligence that was performed before the property was purchased and then we'll talk about the environmental cleanup as a result of that due diligence.

33:34

And then Jackson will talk about some of the redevelopment plans and at the end we will have time to allow for questions and comments.

33:44

Next slide.

33:48

So the environmental due diligence that was performed, phase one environmental site assessment was done in May of 2023.

33:57

Of phase two environmental site assessment was completed in September of 2023 and Missoula County purchased the property in March of 2024.

34:09

The purchase of that property included three parcels, the Marshall Mountain Base parcel, five Valleys Land Trust parcel and the Conservation Fund parcel.

34:21

Next slide.

34:22

This is probably really hard to read or to see, but this is an image of the base of Marshall Mountain and the buildings and that was predominantly the subject of the environmental site assessments.

34:34

And this figure is also in the document, the APCA document.

34:37

All right, next slide, please.

34:42

So the environmental due diligence that was performed included the phase two environmental site assessment and what was found in that site assessment were some hazardous building materials, predominantly in the buildings at the base of the mountain and that included lead based paint, asbestos, universal waste and some soil contamination.

35:04

Lead based paint was found in the lodge building, on some painted surfaces in the base building and in some of the fixtures, and in the rope tow machine, predominantly on the wheel.

35:18

The rope tow wheel asbestos was found in the lodge building, the rope tow base shack and the upper pump house in the form of window glazing, slap brush texture and roofing tar.

35:34

The only universal waste that were found in the buildings were mercury containing light tubes in the lodge building and the base building.

35:43

And then there was some paint, lead based paint found on the exterior of a couple of the buildings.

35:50

And so soil samples were taken and soil samples taken at the at the rope toe building included some lead in the soil, not a lot of lead, but enough that we feel like we should abate it.

36:07

So just to clarify, there was no asbestos found in the base building.

36:11

There were no PCBS found in the any of the light ballast, which is a common finding in these things in these buildings.

36:19

And there was no old mercury containing thermostats and the lead based paint that was found on the exterior of the lodge building and the rope toe shack.

36:29

Soil samples were taken around the buildings and lead was only found in the soil around the rope toe shack.

36:37

And I just want to read a statement that new fields provided us, we did because there's been some publicity about this, about the Marshall Mountain ABCA.

36:47

There's has been some concerns about the safety at Marshall Mountain and the a lot of folks are recreating there.

36:53

So I just want to read the statement that was provided just to clear up any confusion.

36:59

So excuse me.

37:01

Regular recreational use of Marshall Mountain will not put the public at risk of coming into contact with these potential hazardous building materials.

37:09

These hazardous building materials are within nearly every building constructed before 1979, but rarely present a hazard to people living in the buildings.

37:19

The buildings at Marshall Mountain Park are no different, and the fact that we know exactly where the hazards are allows us to keep the public safe.

37:27

In general, the hazardous building materials are only an issue if disturbed.

37:32

If left alone, they pose no dangers.

37:34

Since the redevelopment plan involves potential deconstruction of some buildings and renovation of others, these contaminants need to be abated before proceeding.

37:44

Missoula County and Montana DEQ are arranging to have these materials abated in accordance with EPA and OSHA regulations by a professional company.

37:54

A third party company will oversee the abatement and the hazardous areas will be sealed until air sample analysis show clean results.

38:01

All right, next, slide 2.

38:04

Thanks.

38:07

So once we performed the environmental due diligence, then we engaged in some cleanup planning which included the analysis of brownfields cleanup alternatives and we came up with some alternatives and that's what we're here to talk about today, to share our preferred alternative and to receive any public comment on those on the preferred alternative.

38:28

So the alternative 0 is no action, Alternative one is abatement only and so we would only abate asbestos containing building materials, lead based paint, universal waste and remove soil around the lower rope toe building.

38:45

Alternative 2 is abate all asbestos containing building materials and universal waste, demolish and remove all buildings and remove soil around the lower rope toe building.

38:57

Alternative 3 is a bait all asbestos containing building materials, demolish and remove all buildings except the main base building, remove lead containing fixtures in the main base building, remove all universal waste and remove soil around the lower rope toe building.

39:14

A lot of these probably sounded very similar, but they're not.

39:17

There are some differences I'm alternative for abatement.

39:21

Abate all asbestos containing building materials and universal waste.

39:25

Remove lead containing fixtures in the main base building.

39:28

Demolish or deconstruct and remove the lodge with the clock tower and the rope toe base shack and encapsulate lead on the lower rope toe bull will and remove soil around the lower rope toe building.

39:44

Next slide.

39:47

So the preferred alternative is number 4.

39:52

So Missoula County staff and the project consultant Newfields have identified alternative 4 as the preferred cleanup option.

40:01

This alternative prepares the site for reuse by addressing all asbestos containing building materials, universal waste as well as moderated abatement of lead contamination.

40:12

It retains the base building for a future renovation and public use.

40:17

While the lodge with clock tower and rope tow base shack would be demolished or deconstructed and just a note, lead based paint in the lodge building would not require abatement.

40:30

If the building is demolished or deconstructed, it would become part of the waste, the waste stream.

40:38

Asbestos containing building materials must be abated by licensed contractors and the mercury containing light tubes can be recycled.

40:49

So we were able to apply to DEQ for cleanup funding and DEQ agreed to provide cleanup funding with their utilizing their EPA funds and they estimate that the cost would be around a little shy of 38,000.

41:09

And since the app cut includes or the app cut details exceed the cleanup process, DEQ will only cover the cost of abating the hazardous building materials.

41:22

They will not cover the cost of demolition or deconstruction.

41:26

So additional funds would need to be identified to cover those costs of demolition or deconstruction.

41:33

And then as part of the process of DEQ agreeing to provide funding for cleanup, they did consult the state Historic preservation officer and they did deem that the site is eligible as a for the National Registry of Historic Places under Criterion A.

41:55

And criterion A is the association with events that have made a significant contribution to the broad patterns of the history.

42:03

So in other words, the site is considered and are HP eligible due to its association with local history.

42:10

So the buildings are not eligible or considered historic.

42:16

And I will also read a statement that was in the DEQ's on his their ship OA document just to clarify what what they how they came to this conclusion.

42:30

So it is the position of DEQ that what makes the site significant under criterion A and what conveys the setting and filling of the area is the landscape and slopes of the area itself where the recreation activity took place, not any given structure, especially one that is not an original structure.

42:47

Therefore, destruction of the main lodge or any other existing structures would not have an adverse effect on the NRHP eligibility of the site.

42:56

All right, Now I am going to turn it over to Jackson to talk about redevelopment plans.

43:03

Want to change seats or oh, no, yeah, it's not wired.

43:10

Thank you, Cindy.

43:11

Good afternoon, commissioners.

43:12

Before I start, I just want to thank Cindy for all her work on this project, as well as the new fields and the EQ staff that are here today.

43:20

And so I really want to take a few minutes today to talk about redevelopment.

43:23

I feel like in these conversations we often get questions about what's next, so hopefully we can shed some light on that.

43:31

This funding and the brownfield program support coincides really well with what we're seeing already at Marshall Mountain Park as far as planning and fundraising for infrastructure improvements.

43:44

And Friends of Marshall Mountain is at the core of that momentum.

43:47

Further EPA opportunities, we've identified some that could be a good fit for continued planning and subsequent redevelopment.

43:54

But we're also really leaning into that collaboration with FOAM to secure outside funding towards site redevelopment.

44:01

And that would really be focused on improving the recreational experience at Marshall Mountain.

44:07

So answering that question of what's next at Marshall Mountain is well underway.

44:10

And thanks to that great collaboration with the City of Missoula with FOAM, as well as other community partners, something we really wanted to drive home today is there's a master plan in place for Marshall Mountain that was finalized back in December of 2023 and that had extensive public engagement as part of that process.

44:30

And within that plan, demolition or deconstruction of the lodge building was identified.

44:35

And So what a lot of this process with Africa has allowed us to do is really dial in what abatement activities are needed to move towards that vision of demolition or deconstruction of the lodge building, also to secure funding for those abatement activities and then refine the cost estimates associated with redevelopment of the site.

44:55

So we see, we feel like we're on a pretty good footing as far as not only with the ABCO, but also with what occurred within the master planning process for Marshall Mountain.

45:04

With that said, we know even the though the structures of the site don't contribute to the NRHP eligibility, we recognize that there's really iconic attributes, attributes of those structures and so we want to strive to retain or replicate those attributes where feasible.

45:21

As we talk about redevelopment, the history of Marshall Mountain as a ski area is something special to so many Missoula County residents.

45:30

And so we know a lot of good memories were made in these spaces and we want to make sure we are good stewards of this legacy as we move the park forward.

45:37

So we're keeping that in mind, but we think this puts us in a great spot to continue those conversations.

45:45

Share our next slide please.

45:49

So this is the kick off for a two week public comment period focused on the ABCA.

45:54

And so you have the opportunity to provide comment on the Missoula County Voice page as well as the DEQ website or here today at the public hearing.

46:03

And we will accept accept those public comments until January 23rd.

46:08

Next slide please.

46:12

And before we turn it over to questions or public comment, I wanted to open the floor to new fields or DEQ if they wanted to provide any more insight into the project.

46:26

OK, back to you.

46:28

Thanks, Jackson.

46:30

Cindy DEQ, New fields.

46:32

Yeah.

46:34

Any any further comments we take action to open or is it just open?

46:42

Have you claimed it?

46:43

I mean, how does the opening work?

46:49

So there has been, this has been published on the Missoula County Voice page as well as there is a public notice in the Missoula in today and the EQ has also published it on their website.

47:03

And so this is just launching the comment.

47:07

If there are no comments today, we've just encourage folks to go to the sites and provide comment there.

47:14

Great.

47:14

Thank you.

47:15

Yeah, thank you.

47:17

Oh, all right.

47:22

We've already been receiving comments on the lodge.

47:24

So I just want to give a bit more perspective on that process.

47:28

So the lodge currently at Marshall is in no condition to open back up to the public.

47:33

And some of that comes from the lens of today around contaminants, but also the architectural and structural assessments that were done during the master plan.

47:42

So we think that's really important context to provide.

47:45

Beyond that, it's also just a challenge for site management in its current state.

47:49

So it's something to consider.

47:51

And then redevelopment through preferred alternative forward free up space as well at the base area that could be better used for folks that are recreating up in Marshall.

47:59

Any comments about the clock tower?

48:01

The clock tower is an iconic attribute of the space and so it would fall within the hope to do something in terms of replicating that component given that would be a hologram.

48:13

Feasibility costs, you know, a lot to consider there.

48:17

But yeah, it's something we're tracking.

48:19

Yeah, great.

48:20

Thanks.

48:21

Thank you.

48:22

OK, any further comments?

48:25

OK, go ahead.

48:26

Just going to say thanks and look forward to what people have to say over the next two weeks.

48:32

OK.

48:33

Thank you all.

48:35

OK, our final hearing.

48:38

Tim Morley with the Ranch Club Phasing plan extension.

48:46

I'm sorry.

48:47

Oh, hiding.

48:48

Yeah.

48:49

It's sunny outside.

48:50

It's backward.

49:17

All right.

49:17

For the record, Tim Worley with planning, development and sustainability and this is the Ranch Club subdivision phasing plan extension request.

49:28

The applicant is Ranch Club Investments LLC represented by Chris Wasi of Genesis Engineering.

49:42

I too am experiencing a lag looks like here.

49:55

All right, here's Ranch Club.

49:56

It's about 3 miles West of Reserve St.

49:59

on the north side of Mullen Rd.

50:03

Zooming in a little bit, we have all but two phases filed.

50:07

At present, the two phases that are not filed are Phase 10 and Phase 11.

50:17

Ranch Club dates all the way back to 2003.

50:19

That's when the county commissioners approved it.

50:22

There have been a number of phasing plan amendments and extensions, the most recent of which were approved in late 2023.

50:31

Phase 10 has a technical expiration date of December 31, 2024, but an extension request came to us before that expiration date, so we consider it still active pending your approval today if you should so approve.

50:54

So in late 2023, the applicant requested a three-year extension for Phase 10 and 11, which would have extended the final plat submittal deadlines for both those phases to the end of 2026.

51:08

Missoula City Public Works and Mobility and City Fire commented on fire code requirements that would necessitate a second access Rd.

51:19

on to Mullen Rd.

51:21

A residential structure fire occurred in 2023 creating an obstruction.

51:26

Residents beyond could not access or leave and any further emergency would have obstructed firefighting procedures.

51:38

Staff considered recommending Emergency Access Rd.

51:40

construction by the end of 2024 and three-year extensions for phases 10:00 and 11:00.

51:48

The applicant expressed concerns about Access Rd.

51:51

construction and therefore staff recommended just a one year extension for Phase 10 and a three-year extension for Phase 11.

52:01

So this latest request came into US November 2024 and it was an A request to extend Phase 10 to the end of 2027 and Phase 11 to the end of 2029.

52:15

December 31, 2027 would be the maximum per this request and all phases have to be recorded regardless of the number of requests by the end of 2037.

52:31

So just some agency comments.

52:32

MDT commented no objection to the request and actually more time might allow for creation of an orderly access.

52:42

City Public Works and Mobility and City Fire really encourage completion of the second access through phase 9B, which is actually a filed phase.

52:54

One mechanism that could be used would be an improvements guarantee and they would like to see the second access completed by the middle of 2025.

53:04

This is just a graphic showing what an emergency egress from the existing file.

53:10

Phase 9B might look like an the second access point onto Mullen Rd.

53:18

So this is just a phasing plan extension request.

53:21

We believe that conditions should not be applied in this case, and we also believe there isn't really a mechanism to set up an improvements guarantee for a filed phase.

53:31

Again, that would be Phase 9B.

53:34

So our recommendation is for a one year extension for Phase 10 that is to the end of this year 2025.

53:42

S Commissioners, there's your recommended motion to extend Phase 10 to the end of this year subject to the master conditions of approval.

53:52

And so there's nothing to do with Phase 11, correct.

53:57

Yeah, at this point, it would expire at the end of 2026.

54:01

So we felt we could just leave that alone for now.

54:04

But that's commissioners, this is up to you as to how far out you would like to extend.

54:10

You could go out as far as the end of 2027 for both phases.

54:16

OK, thanks.

54:17

I didn't understand that slide, so thank you.

54:21

Oh, Chris.

54:35

Chris Wasia, Genesis Engineering.

54:40

Yeah, I think you think, I think Tim for it's fairly straightforward, but he did a great job of summarizing the history and what we've gone been through.

54:48

I'm here to answer any questions you might have.

54:50

I did want to mentioned something that I hadn't mentioned, I think in our Monday meeting.

54:56

You know, I do do sincerely apologize for having to be here and waste your guys time asking for another extension without having any of the infrastructure already approved.

55:07

That falls solely on my shoulders.

55:10

I'm responsible for making sure we get approvals.

55:13

And again, I, I want to thank you for considering this and again, apologize for having to be here.

55:20

I don't want to have to do this again, obviously.

55:22

And with that, I want to answer any questions that you might have.

55:28

So we can't technically ask about the access Rd.

55:33

or the emergency egress road and through 9 B that's not is that correct?

55:38

I mean, we can be concerned about it, but yeah, this this conversation is that I think it's OK to ask questions about the logistics of it.

55:50

And I think Troy Monroe is actually online from city Public Works and mobility if, if you'd like any technical questions answered.

56:00

Yeah, technically what what does that mean?

56:02

Like I mean, can just someone 4 wheel at the end of that cul-de-sac to Mullen or what?

56:08

What does a emergency egress Rd.

56:10

mean?

56:15

Let me I guess start and then if Troy has some comments obviously weigh in.

56:21

One of the the owners has actually purchased the the lot that that temporary easement is shown on in preparation for this plan.

56:32

So it's something that could be invoked.

56:34

We're in the process of making submittals to to MDT to see if this is something that they could support.

56:42

We've at this stage in time, we see it as basically a secondary access that will support fire trucks.

56:48

It'll be an all season access.

56:49

However it will be, it'll have a Knox box or a gate that the only the fire department uses.

56:54

So it won't necessarily impact Mullen Rd.

56:58

but it's there if there is a second emergency like we experienced in 2023.

57:03

OK, thank you.

57:09

So I guess just more specifically, what are the next steps to making what we see on the screen here a reality?

57:16

We've last year we surveyed actually in 2024 surveyed that and have have done a preliminary design plan profile.

57:26

So basically the next steps are to get that to the city and to MDT so that they can weigh in on it and say this is something that's either acceptable or offer comment and modifications.

57:38

It looks like.

57:38

Troy, go ahead.

57:41

Yes, can you hear me?

57:43

Yes, OK, thank you.

57:45

Yeah, Troy Monroe, City Engineer for development review.

57:48

Just to give you guys the background the the differences that we have between this being underneath the city's fire jurisdiction versus the rule is that the city's adopted code includes Appendix D Appendix D of fire code says that once you have 30 residential units, you need to have a second egress point.

58:10

So for Ranch Club this occurred, you know a decade ago.

58:14

So we have always been wanting a full-fledged second egress points, not just a fire access points.

58:23

So what was asked for last year to the county commissioners was to have Phase 10 be completed which would give that full-fledged second access.

58:34

What has been proposed is that they, the developer, provide us a fire only access points which is sufficient but is not desired.

58:47

So I think what what Mr.

58:49

Worley presented was just to move forward with Phase 10 within the next year.

58:54

That would give the full-fledged second access point which would be better for the residents and for emergency response.

59:01

So we would be OK with either one either requiring the emergency access at the end of Phase 9B this coming year or finish Phase 10 out which provides the full access.

59:19

Thank you.

59:24

Yeah, in in response to that, I, I don't think any of us are in disagreement with that, that ultimately we want to see a permanent second access and and egress point.

59:37

And that what we're talking about here by way of emergency egress would simply be a bit of a stop gap measure, not, not something that we would want to rely on in perpetuity.

59:49

So that is possible.

59:50

You can have this temporary if you will, for the next few years while phase 10 is being completed and the the true access is being built.

1:00:04

We would have this temporary emergency access available to people.

1:00:08

That is the intent.

1:00:09

The owner didn't want to not have an option so that we don't experience what we experienced in 23.

1:00:18

Would you mind bringing up that motion again?

1:00:22

Sure.

1:00:22

And commissioners you might want to take.

1:00:24

I think there's folks online who would like to comment so much.

1:00:28

Is there any, any other discussion or questions, comments online?

1:00:37

There's no one left in the room.

1:00:40

This is Kirby Christian.

1:00:41

I just wanted to be available if you guys had any questions for me.

1:00:44

But I think Tim and Chris have expressed the the development group's position adequately to you, to you all.

1:00:54

Thanks, Kirby.

1:00:55

And I believe there's Robert or I see an RL.

1:00:59

There was an RL.

1:01:02

Oh, OK.

1:01:02

Laura.

1:01:10

Hi, this is Bob Lukes.

1:01:14

I'm here with my wife Shannon.

1:01:16

We reside at 8151 Ranch Club Road and I think we would like to see phase 10 completed with that permanent Rd.

1:01:28

It's my understanding everyone we talk with in the in our community is very anxious to see that permanent Rd.

1:01:34

go through.

1:01:35

I think there's a lot of benefits to all of us that reside in that area, even much beyond the emergency access.

1:01:45

You know, when we purchase our lots there and build our houses, we all see that on the on the master plan.

1:01:51

And you know, we're told, yeah, so this is coming shortly or whatever the the the representations were.

1:01:58

But I think it's an important part of this phase and we'd like to see as much strong encouragement to the developer to have Phase 10 completed in a timely manner.

1:02:10

My concern with the temporary access is that it's just going to be used to delay Phase 10.

1:02:19

Thank you, Bob and Shannon.

1:02:23

Laura.

1:02:25

Hi, this is Laura and I am also a resident of the Ranch Club and we have about 7 members on the call.

1:02:36

I want to mirror what the Luke's just said and one of the other things besides the fire and emergency access, all of the traffic from the Ranch Club and just within the Ranch Club, we have 167 lots.

1:03:01

As you said, if once you hit 30, you're supposed to have two exits.

1:03:06

We only have the one and, and besides ours, we also have Phantom Hills and the townhomes all using one single exit out.

1:03:18

When the golf course has major events, the traffic and getting through the Ranch Club Rd.

1:03:27

can be very daunting and it's a traffic hazard.

1:03:31

It's a hazard for people crossing the road.

1:03:35

So there's more than just the fire hazard that we have to be concerned with.

1:03:41

And that's the end of my comments.

1:03:43

Thank you.

1:03:44

Laura, is there anyone else online, John Hart's moving his microphone closer?

1:03:54

Commissioners, I don't have a position.

1:03:56

Obviously I don't.

1:03:57

I don't as your legal advisor, I don't take positions on these unless asked.

1:04:03

But I think it's important that there be a record here based on the public comment that we just heard as to what is the delay from year to year in bringing Phase 10 and 11 to fruition.

1:04:23

I think that that's important for purposes of this particular request.

1:04:27

Thank you, Chris.

1:04:36

As I, as I said, we thought we were going to be able to get Phase 10 concluded within a year when I was here last year and we were not able to accomplish that or if a smaller firm not trying to make any excuses, but we didn't get things done.

1:04:51

So that was really the extent of our delay that we were responsible for.

1:04:56

I don't believe there's anything else other than that at this point.

1:05:02

Thanks.

1:05:03

Do you think you can get it done in the next year?

1:05:05

Yes, I do.

1:05:09

And does this temporary Rd., is this time happening simultaneously or how is, how are these accesses being done?

1:05:20

Again, Chris, with Genesis, we're moving forward with Phase 10, getting the approval for that through the city and and also the the access on the Mullen for Phase 10 for the Ranch Club Rd.

1:05:30

connection.

1:05:31

The, what Kirby has wanted to explore was making sure that there was another option available in case we get stymied by the review process.

1:05:43

And this is this gives him a second option that he believe that he believes would be a good option.

1:05:48

And that's why it's in there.

1:05:49

It's OK.

1:05:50

And what, what is the, the when does the stymie alarm go off or the IT obviously goes off.

1:06:00

I don't want to be up here next year asking you for an extension without having a physical solution for a secondary access.

1:06:05

See, that's either in an emergency category or full blown.

1:06:10

So it's probably tied to construction season would be what I would throw out and that means end of October.

1:06:18

OK, Yeah, thank you, Dave.

1:06:21

End of October for Phase 10 and the permanent second access because I, I guess my expectation is that within a year, Phase 10 would be buttoned up, the secondary access would be completed, but like immediately and as soon as possible, this emergency egress would be addressed as expeditiously as possible.

1:06:41

And again, I don't want to speak for the developers, the Kirby can weigh in here, but I, I do think that it, and this is also come in discussions from the city, you know, you can't, we can't bond the improvements for final plat so that we're not having to ask for an extension on phase 10.

1:06:58

But that doesn't solve the problem of the access if it's not constructed.

1:07:02

The temporary access through the end of Paniolo provides that to where there's we don't have her back against the wall and something like that.

1:07:10

That makes sense.

1:07:14

Hopefully I'm understanding this.

1:07:15

It sounds like we should have that emergency access right now in case there's an emergency and then within the next year build the permanent access as Phase 10 gets buttoned up, at which point the emergent, the temporary emergency access will end, its life of temporariness will go away and there'll be an actual connection to Mullen Rd.

1:07:35

Exactly.

1:07:36

Wait, go ahead.

1:07:40

That's that this, this emergency access is temporary.

1:07:43

Really what we're looking for is permanent connection to Mullen Rd.

1:07:46

via Phase 10, which we would want to see within done within the next year for all the reasons the residents discuss.

1:07:54

OK, so come October 2025, if the permanent Rd.

1:08:01

is not done, then the temporary access will be built.

1:08:05

It better be built a lot sooner it be built right now so that there is emergency access.

1:08:10

When you asked about what constitutes a temporary emergency egress, Yeah.

1:08:19

What constitutes that point where we are?

1:08:20

You said the bell button.

1:08:21

Where you the stymie button?

1:08:23

Oh, the stymie button.

1:08:23

Yes.

1:08:24

And that was my response to the stymie button because we don't want to go into next year without having the secondary access, at least emergency status.

1:08:33

I hear what you're saying.

1:08:35

I just.

1:08:35

And that's why I said there still is the option.

1:08:38

And Tim can help me with this if he wants to.

1:08:41

They could bond the infrastructure improvements to the plot and then not have to ask for an extension.

1:08:47

And I don't want that to occur without having an option for an emergency access.

1:08:52

Does that make if that makes sense?

1:08:55

Because it doesn't solve our problem.

1:09:00

And, and if you read in between the lines on that, what that means is it could be the following year that that gets final construction on phase 10.

1:09:08

But it it doesn't preclude the fact that we have an emergency access out paniolo this next year.

1:09:14

That's the point.

1:09:16

We'd love to get the emergency access and Paniolo complete or the phase 10 complete next year, But if it doesn't and follow and falls into the next year, we won't be here asking for an extension because it was bonded.

1:09:28

That's what I'm trying to say.

1:09:29

And so rather than saying 2 years, I don't believe that's, that's being disingenuous here to, to tell you that, I mean, that could happen.

1:09:38

That's why Paniolo is, I think paramount because we'll get a solution next.

1:09:43

This, this this year now and and Chris, if I if I could weigh in too, just for a minute.

1:09:49

Oh, please do.

1:09:50

Thanks, Kirby.

1:09:51

Yeah, yeah.

1:09:51

So I think to answer the question directly, I am concerned about fire danger out there.

1:09:58

We had an incident in 2023 did not like the fact that emergency services could get could not get through.

1:10:05

We've requested and or are requesting that MDT approve that temporary solution.

1:10:12

And to me, that's a separate issue.

1:10:15

I, I realize it's together for the community, but from the standpoint of just human safety, something we wanted to get accomplished.

1:10:22

With regard to Phase 10, you know, our company purchased three out of the, I guess, 9 phases that have been developed.

1:10:34

There were requirements when that was initially approved and those have changed substantially since the original phases were completely approved.

1:10:44

Part of what the city engineer talked about is city requirements, part is state requirements.

1:10:50

As traffic on Mullen Rd.

1:10:52

has increased, the requirements that they're asking basically by engineer Chris to engineer wider, wider roads, left turn lanes and all of this, you know, with the benefit of a smaller group of lots to pay for that.

1:11:12

And so I, I, you know, I want to be clear, it's our intention to complete all of that, but there are financial concerns, there are timing concerns.

1:11:21

And I don't want to not have Fire Protection if we get bogged down in an MDT discussion on whether or not, you know, we're building a, a, a larger Rd.

1:11:33

than was anticipated or budgeted for to service 23 lots, which is all that's in phase 10 with the amount of Rd.

1:11:41

that needs to be paid for and the potential infrastructure costs.

1:11:44

So, you know, just to be very straight with, with the community and with the Commission.

1:11:51

It's our intention to move forward, but it's got to make financial sense at a level as well.

1:11:55

And it's got to be something that we can finance.

1:11:58

I want to make sure that we have Fire Protection covered and then deal with the more community issues that

are something that are important to the development group and the community and something we're certainly aware of.

1:12:09

But or may not be fully within our control either as to what's being required by the state, what's being required by the city or what's financeable by the development group.

1:12:21

Thanks Kirby.

1:12:22

So in the end, something is going to happen by October 2025.

1:12:27

It might be the temporary road or ideally we all hope that phase 10, the permanent Rd.

1:12:33

will be in place.

1:12:34

It sounds to me then yeah, go ahead.

1:12:36

Sorry, sounds to me like it.

1:12:37

Please correct me if I got got this wrong.

1:12:39

Correct me that you guys aren't making any guarantees on the permanent Rd.

1:12:43

by October.

1:12:44

As you said, could be issues with dealing with the state, could be issues dealing with the city, could be issues dealing with the general business climate and and financing and and it might not happen.

1:12:53

And in order to make sure there is emergency access for it could be two years.

1:12:57

You guys want to do Paniolo as soon as possible.

1:13:01

That's correct.

1:13:02

Thank you.

1:13:02

And and the only thing that we need there is a temporary access approach from MDT and then a sign off from city engineer.

1:13:10

But it's a it's a my understanding and Chris, you can correct me if I'm wrong, is that is a more expedited review and something that we should be able to accomplish quickly and we've purchased the lot to allow us to do that.

1:13:22

So as soon as we get that approval, we will install those improvements.

1:13:28

Can I ask Tim, Tim a question?

1:13:31

So Tim, if we if we go with the recommended motion and extend Phase 10 for another year and these guys aren't able to get this done, what happens then?

1:13:47

Well, so the Phase 10 won't expire.

1:13:49

They would theoretically either have to file Phase 10 or come back and make another request to extend Phase 10 further.

1:13:58

And what's our, our decisions based on allowing these extensions, John?

1:14:08

Well, let me first address the if, if they want to file the final plat and then on or before a year, you can do that.

1:14:16

The Subdivision and Planning Act gives them the right to then propose an improvements agreement with the county and provide sufficient credit to guarantee the promises that they're making to then build the infrastructure within the time frame that's in that written agreement with the county.

1:14:36

They can do that.

1:14:39

And in terms of the another extension on the phase, you know, Tim reviewed the criteria that they have to show and you know, if they, if you find that they meet that a year from now, then your decision space could be to grant that.

1:15:06

So I'm just, I'm just listening to the residents.

1:15:09

This is, there's real emergency issues, but there's also real traffic issues too.

1:15:14

And let's say come October of next year, for all the reasons Mr.

1:15:18

Christian described, weren't able to get the road done and didn't want to take on the expense of bonding for these improvements.

1:15:26

And instead we're going to go with the easier and low cost solution of coming here and asking for another extension.

1:15:32

Could we say no?

1:15:35

You guys had a year, you were here, you had a year.

1:15:37

I know.

1:15:38

However, I think everybody has up to.

1:15:57

Commissioner, sorry to to speak up, but we can't hear whoever's speaking went away.

1:16:02

That's because I turned my mic off.

1:16:04

I'm sorry.

1:16:05

I'm sorry, Kirby, you could you could say no.

1:16:10

However, I think everybody has the same goal here and that is to get a second up to Standard Egress Rd.

1:16:22

built and completed for this subdivision and this this neighborhood community.

1:16:28

You heard that from the residents, you heard it from Mr.

1:16:33

Christian and his representative that it's their intent to build that road.

1:16:40

That's on the record.

1:16:42

They talked about some of the the impediments to that, but they're, that's still their intent is to build that road.

1:16:51

And I think it, you know, in my humble opinion, that should be the goal even if we're in the same position that we're in next year that we're in today.

1:17:05

That's of course assuming that the emergency access has been put in in the meantime and we have heard the commitment that that will happen sooner rather than later, right, right.

1:17:19

And I, I, I hear what you're saying, John and, and I agree that all parties are in agreement.

1:17:24

This needs to be done.

1:17:25

The difference would be on timing that for the, for the residents aren't facing the same set of conditions that the development group is facing.

1:17:33

They're, they're, they've got different perspectives on this.

1:17:37

It just would be wonderful if if you had to come back here, it would be great if you didn't have to come back here next October.

1:17:44

Either the road was built or you just bonded and we were all, all set.

1:17:47

The worst case scenario for us would be for you guys to come back here next year.

1:17:51

You're asking for an extension and us having to wrestle with this question.

1:17:55

So could you please not do that?

1:17:59

I would prefer not to.

1:18:00

I I do think what the gentleman said is is spot on though.

1:18:04

We are all compelled to find a solution.

1:18:07

Great.

1:18:07

Letting it expire may not get us closer to that.

1:18:10

I might actually push us further away.

1:18:12

Right.

1:18:13

Thank you.

1:18:14

Thanks.

1:18:16

Any other discussion comments?

1:18:21

Either of you have a motion?

1:18:22

I move to approve the phasing plan extension and extending the Phase 10 final Plat submittal deadline to December 31st, 2025, subject to the master conditions of approval.

1:18:31

I'll second that.

1:18:32

Any further discussion?

1:18:35

All in favor.

1:18:36

Aye, aye.

1:18:37

Thanks and good luck.

1:18:38

Thanks, Kirby.

1:18:40

Yes, and good luck.

1:18:43

And with that, I think we're adjourned.

1:18:46

Thank you all.