

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, APRIL 30, 2026 – 2 PM

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

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

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

ATTENDANCE:

Commissioners Present:

Chair Josh Slotnick
Commissioner Juanita Vero
Commissioner David Strohmaier

Staff Present:

Cheryl Hartman, Commissioners' Office
Andrew Czorny, Chief Financial Officer, Missoula County
John Hart, County Attorneys' Office
Tim Worley, Planning, Development, and Sustainability
Sam Scott, Clerk and Recorder's Office
Tyler Gernat, Clerk and Recorder's Office
Jennie Dixon, Planning, Development, and Sustainability
Adriane Beck, Office of Emergency Management
Kevin Heisler, Public Works
Jason Mitchell, Public Works
Andrew Hagemeyer, Community and Economic Development
Patricia Spotted Wolf, Commissioners' Office
Allison Franz, Communications
Tenzin Lhaze, Communications
Carey Powers, Communications
Chris Lounsbury, Chief Administrative Officer, Missoula County
Jill Johnson, Lands and Communities
Erica Grinde, Chief People and Risk Officer, Missoula County
Mattie Scott, Commissioners' Office/Facilities
Analeshia Rodriguez, Lands and Communities
Jordan Hulla, Grants
Anne Hughes, Chief Operating Officer, Missoula County
Izzie Varley, Planning, Development, and Sustainability

Samuel D. Scott, Planning, Development, and Sustainability
Kyla Lehnerz, Lands and Communities
Erik Dickson, Public Works
Kevin Dantic, Planning, Development, and Sustainability
Flanna McLarty, Community and Economic Development
Patrick Swart, Planning, Development, and Sustainability
Vincent Pavlish, County Attorneys' Office
Karen Hughes, Planning, Development, and Sustainability
Kathleen Arthur, Planning, Development, and Sustainability
Melissa Richards, Grants
Rob Burgan, Telephone Services

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
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** [Time stamp – 9:11]
6. **CURRENT CLAIMS LIST** [Time stamp – 10:47]
Claims received as of April 16, 2026 to April 22, 2026 by the Commissioners' Office total of \$1,646,757.29.
7. **HEARINGS**
 - a. **Bowman Family Transfer** [Time stamp – 11:10]
Jennie Dixon, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County hereby approve the request by Sharon Bowman to utilize the family transfer exemption to create and transfer a family transfer tract on property located at 15098 Bud Lake Drive, legally described as Lot A of Saban Lots, as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2026-110 was sent to Sharon Bowman.]
 - b. **Montana Knife Company Tax Abatement per MCA 15-6-138** [Time stamp – 29:22]
Samuel Scott, Clerk and Recorder's Office

[Postponed until the Commissioners' Public Meeting on May 28, 2026]
 - c. **Montana Knife Company Tax Abatement per MCA 15-24-1401** [Time stamp – 29:22]
Samuel Scott, Clerk and Recorder's Office

[Postponed until the Commissioners' Public Meeting on May 28, 2026]

- d. **Wye Water System Purchase Agreement** *[Time stamp – 11:10]*
Flanna McLarty, Community and Economic Development

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County hereby approve the resolution approving the Purchase Agreement for the Wye Water System and sign the corresponding Purchase Agreement.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Resolution 2026-063 Book:1127 Page:1160]

HEARINGS (Planning and Zoning Commission)

- a. **Frenchtown Interchange Zoning Initiative (Part 1)**
Jennie Dixon, Planning, Development, and Sustainability

[Hearing was opened for public comment and will be continued to Commissioners' Special Public Meeting on May 12, 2026]

8. **OTHER BUSINESS**
[None]

9. **ADJOURN**
Chair Slotnick – Called the meeting to adjourn at 4:59 p.m.

BCC Public Meeting April 30, 2026 – 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.

0:25

Acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

0:31

We have any public announcements?

0:37

Hello, everyone.

0:37

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

0:43

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

0:48

Just a friendly reminder, there will be multiple chances during the meeting for public comment in person and virtually.

0:54

The Chair will open discussion for public comment after each staff presentation.

0:59

Please respectfully keep your comments to 3 minutes.

1:02

If you're on Microsoft Teams, we ask that you use the Raise Hand feature.

1:05

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

1:08

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

1:12

Then once called upon, you'll need to push *6 to unmute.

1:16

If anyone has any questions during the meeting, please come and get me and I will be as helpful as I can.

1:21

Thank you.

1:23

Thank you, Cheryl, and we have a proclamation and friend Juanita will read this.

1:30

WHEREAS Missoula County and the City of Missoula join an international movement to raise awareness in Montana, the Great Plains in the United States about the crisis of missing and murdered Indigenous women and people.

1:40

And whereas there is no comprehensive estimate of the number of Indigenous people who are missing or who have been murdered in the United States, due in part to systematic barriers such as fear, stigma, legal jurisdictional challenges, racism, sexism, and the high rates of violence faced by Indigenous communities.

1:56

And whereas Indigenous women are two and 1/2 times more likely to experience sexual assault than non Indigenous women, and one in three Indigenous women reports having been raped.

2:06

And whereas domestic violence happens across all gender identities and more than 84% of Indigenous women have experienced some form of violence and most violence against them perpetrated by non-native men.

2:18

And whereas Indigenous people are four times more likely to go missing in Montana than non Indigenous individuals.

2:25

And Montana is among the top five states for cases involving missing and murdered Indigenous women and people.

2:32

And whereas Indigenous women experience their murder rate 10 times higher than the national average.

2:36

And the murder is and murder is the third leading cause of death for Indigenous women and girls.

2:42

And whereas a red handprint across the mouth has become a symbol of the MMIP movement honoring those silenced by violence.

2:50

And the magnitude of violence against Indigenous women today is a direct result of colonization, disrupted tribal ways of life, and ongoing systematic injustices.

3:00

And whereas Montana in Montana, grassroots advocates, families, and tribal nations have built a powerful movement to search for loved ones, demand justice, and change broken systems.

3:11

And whereas following the 2013 murder of Hannah Harris on the Northern Cheyenne Reservation, May 5th was nationally recognized for the leadership of Montana advocates to honor missing and murdered Indigenous relatives and to call for action, accountability and lasting change.

3:25

Now, there now.

3:27

Therefore, we, the Missoula Board of County Commissioners and the Mayor, City of Missoula, do hereby continue to proclaim May 5th, 2026 as Missing and Murdered Indigenous People Awareness Day and commit to honoring the lives of missing and murdered Indigenous women and people, supporting the leadership of Native communities in advocacy and reform, and working toward a future where Indigenous people are safe and justice is served.

3:51

Signed by your mayor, Andrea Davis and your three Missoula County Commissioners.

3:56

Thanks a lot, Juan.

3:58

Before we dive in, we have an opportunity for public comment on any item not on the agenda.

4:03

So anyone who wants to speak on anything they would like is welcome to for three minutes.

4:09

This can happen in person right here or online.

4:21

Kevin Davis, you got 3 minutes Sir.

4:25

Thank you.

4:25

Mr.

4:26

Chair, can you hear me?

4:27

Yes, Sir.

4:28

Very good.

4:29

Just reporting back some a progress report.

4:33

This, by the way, Kevin Davis, long time Mazzolian and in my spare time I host a weekly Reserve St.

4:41

public working group.

4:42

Most of the time that's on Zoom on Friday mornings open to the public.

4:46

Last week we were.

4:48

We met in person on Earth Day, April 22nd, and it was a rare occasion, probably the only time of the year that Montana Department of Transportation unlocks the gates to the public at the Reserve Street Bridge to for the public to access the watershed.

5:07

And some of us met there again, this time to pick up a bit of trash, but nothing like what we, with your assistance, picked up and and hauled away a few years ago to the tune of 100 tons of trash as tracked by Republic Services.

5:28

Fortunately, this year we were there to celebrate the restoration of the area from prior human degradation and picked up a bit under the bridge, but for the most part celebrated the wildlife that we saw.

5:44

Lots of deer, 3 bald eagles looking down onto US from a tree and just seeing how far the community's come.

5:55

So it was quite a success.

5:58

Pleased to report that back to you and we'll continue to monitor the area to keep it up to par.

6:05

And then secondly, this week's Missoulian notated, I think the headline was including this recent bond, the county's elected officials have seen almost a 43% pay increase since fiscal year 2022.

6:23

And I was going to ask Cao Chris Lansbury to meet with our group again.

6:30

He did a couple of years ago when we saw a relatively high spike in salaries for certain county officials, and we're hoping to cover that again.

6:40

We have our last Friday in May open and perhaps if he's listening, he can get back to me and let me know in the next few days if that date will work to discuss these increases, how it falls in line with economic growth in Missoula and for those of us in the private sector, too, just to have a better understanding on our community investments or tax dollars, how that's being invested and would help us help us understand that better.

7:13

Thank you very much.

7:15

Thank you, Kevin.

7:17

Any other public comment?

7:23

OK, great.

7:23

We have 5 hearings today and we have ordered these quite intentionally.

7:27

We have three of them that should go quickly and the other two based on public interest.

7:32

That's letters we've received look like they could go quite a bit longer, especially the issue where I see most of you buy the color of your shirts are here for in Frenchtown.

7:41

We have scheduled this as well as I think two other meetings if necessary, not saying we're going to do it, but if necessary because we we're aware of all the public comment and public interest and because we have scheduled those two other meetings, we are going to end at 5:00 today.

7:58

That doesn't mean we're making a decision.

7:59

It's just we'll end at 5:00.

8:01

We'll pick up at the next date.

8:03

Cheryl, is it am I putting you on the spot to say the date?

8:05

Now if you want to look it up and say later, you're welcome to May 12th.

8:09

That would be our next one and we'll do another one after that if need be.

8:12

We want to make sure and hear from everybody who has something to say.

8:15

OK.

8:16

So we'll do the first 3 easy ones and then the next they'll they'll progress in difficulty as we go.

8:22

So our first one is from our first hearing is on the Bowman family family transfer and Jenny Dixon will present.

8:28

Yes, thank you very much.

8:30

So this family transfer, as you said, it's from the Bowman family, Sharon Bowman.

8:34

A family transfer is an exemption to subdivision review where you an individual may create a tract if it if they qualify under the provisions OF7632O7.

8:46

In this case, the property is located in Frenchtown off of Mill Creek Rd., which connects to Frenchtown Frontage Rd.

9:01

It the property's address is 15098 Bud Bud Lake Drive and you can This is to show the vicinity of where this property is located and you'll recognize it as actually being within the area proposed for zoning for a hearing that you will be having later today.

9:22

The property proposed to be divided by family transfer is 7 acres.

9:27

Currently, the Bowman's reside on this property.

9:30

The applicant wishes to transfer a single tract to their adult son Joshua, approximately 2.8 acres with one tract remaining in the claimants ownership of 4.12 acres.

9:43

You can see the drive that the Bud Lake Dr.

9:45

accesses the property and it's served by individual well and septic systems.

9:51

Properties unzoned.

9:53

The land use plan recommends residential one per 10 and just a reminder, this tract is 7 acres.

9:58

Exemptions are not required to comply with the Growth policy or comp plan designations.

10:05

You can see here the proposed division of the 2.88 acre tract with the Blue House is that would be the new house for adult son Joshua Bowman's residing on the track, the remaining track that's shown there as well.

10:20

Staff recommends approval and I've provided you with a motion.

10:24

Thank you, Jenny, you guys have any questions?

10:29

Anybody have a motion?

10:31

Oh, applicant?

10:32

Shoot, I'm sorry.

10:33

I'm ready.

10:33

I'm ready to move on to get to the difficult stuff.

10:35

Would the applicant or their representative like to speak?

10:41

Thank you.

10:41

Jamie, any public comment on this?

10:49

OK.

10:50

Oh, is there a public comment out there?

10:53

I move to approve the request by Sharon Bowman to utilize a family transfer exemption to create and transfer a tract to her son, Joshua Bowman on property located at 15 O 98 Bud Lake Dr.

11:03

legally described as lot A of saving lots as presented in an exemption application affidavit.

11:10

I will once again call for public comment.

11:14

OK, seeing none all in favor, Aye.

11:18

Thanks, Jenny.

11:18

Thanks, Jamie.

11:21

Next up, Looks like Sam Scott is here.

11:24

I was gonna ask your boss to come by.

11:25

Looks like you're here.

11:28

Nice to see you, Sam.

11:29

You as well.

11:32

Gonna be real quick.

11:34

So like I said very quickly, we Sam Scott with the Clerk and Recorder's office.

11:38

On April 2nd, you open the hearing on 2 property tax abatements for new and expanding industry and manufacturing machinery, fixtures and equipment for Montana Knife Company.

11:50

They requested that at that both abatements be tabled to today.

11:54

They have again requested that they be tabled further to till May 28th so that they can decide if they'd like to proceed with those applications or not or their best path forward.

12:06

We do have 120 days from receipt of these abatements to make a decision.

12:11

So that gives us until June 28th to make a decision.

12:13

So even with tabling, we're still within that timeline.

12:16

So that's all I have from the applicants.

12:19

I don't know if Andrew has anything else, but it's just a request to table till May 28th.

12:25

Both items.

12:26

We can do that so easily.

12:28

Thank you, Sir.

12:29

Consider it tabled.

12:33

OK, so now we're on to item number three, right?

12:39

Nope 4 the Y water system.

12:41

So here's how we're going to proceed with this.

12:44

First, our CFOCFOS, our CF OS are going to describe the the bond issuance in question.

12:53

And then Andrew Hagemeyer, who manages our Ted districts is going to provide some context for how these things work.

13:00

And then we will take public comment tech.

13:05

Yeah, Yeah.

13:06

Can I correct you please?

13:08

The first, we've actually got two different agenda items, OK.

13:12

The first is an asset purchase agreement, which I'll present on and then the bond resolution Andrew present on and I'll present on that with Andrew as well.

13:20

Great.

13:20

OK.

13:22

So yeah, the, so thank you.

13:27

I'm Andrew Hagemeyer, I'm the community and economic Development director from Missoula County.

13:30

And we've got, I'm just going to repeat myself because this is the way I practiced it.

13:34

We've got 2 agenda items here today for you.

13:37

The 1st is a basically a contract and this was something we would normally take to an admin meeting, but because there when sometimes when we've got them paired with public hearing items, we like to just bring those items together.

13:49

So I'll get into this asset purchase agreement in a little bit depth here in a second.

13:54

The second item is a resolution to issue a bond and that's what Andrew, the other Andrew will address.

14:01

So I've got a quick presentation.

14:03

I'll walk through the asset purchase agreement.

14:07

So first of all, this, the request is to approve the asset purchase agreement for the Y water system here.

14:17

We got the Y water system as it's being constructed.

14:19

This is out in the Y1 Ted out just South of I-90 in the Y area, if you recall.

14:28

Andrew, could you describe what Ted stands for?

14:30

Yeah, it's, I'm sorry, I, yes, of course it's a targeted economic development district and it's a, it's a mechanism that we use to fund infrastructure.

14:43

So if you remember back to 2005, February 6th of 2005, the county commissioners approved the use of tax increment financing from the Y1 targeted economic development district to the tune of \$5.3 million for the purchase of AY the Y water system.

15:04

And at that time we also entered into a contract with Grass Valley Industrial who is going to build that water system.

15:12

So basically we went to a private sector business and said, hey, if you build a water system, we'll purchase it from you and then it will be a county owned water system.

15:24

We entered it into a contract for them to build that.

15:29

They've built it, it's done.

15:31

And so now we're working on the actual mechanisms to A to finalize that sale.

15:40

So the asset, what the asset purchase agreement basically does is it's just this contract between the two parties that the builder and the purchaser that says what we're buying to Vt.

15:54

It includes all the manuals, all the permits, everything that we need to run this system.

16:02

It's all laid out in this contract.

16:06

It also includes the final purchase price.

16:09

So the purchase price of the water system will be about \$5.2 million, five, 5.259221, etcetera, which is a bit under budget.

16:21

So yay private sector doing a great job building that water system, how we're going to purchase it, where's the money coming from?

16:27

This is where Andrew will step in as we're issuing A TIF bond.

16:31

So of that purchase price of 5.259 million, 5.225 will come from the TIF bond.

16:38

Andrew will get into this, but the TIF bond is actually larger than 2.25 and he'll explain why.

16:44

Then typically this is very, very typical of a big construction projects.

16:50

Not everything is quite finished when you actually purchase things, things like landscaping hasn't been put in.

16:58

You know, there's some carrying costs that the developer is carrying as we go through the approval process.

17:05

So there will be about \$33,000 remaining that will use cash for that's an up to amount that \$33,000.

17:14

It may be less so financially.

17:19

Flannel went through this last week, but I'll touch on it again.

17:22

The Why 1 Targeted Economic Development District proposed 2027 budget, we anticipated annual revenue from tax increment of about \$800,000.

17:36

Our costs for administering the district are about 75.

17:42

And then we've got a few projects planned and we often we keep a retainer for any legal fees or things like quick studies we need from an an engineer or something like that.

17:52

We're also intending to do a preliminary engineering report on the water system itself once, once we own it.

17:58

And then we've already approved a fire need study for the Missoula Rural Fire District in Frenchtown Fire District out of this budget as well.

18:07

So with the debt service of about 450,000 a year, that leaves our total cost in this FY20 7 budget to be around proposed around \$667,000.

18:20

So we'll have a, we'll be in the black in this district by about 140.

18:24

And the reason why we're doing FY20 7 proposed is because our first payment won't occur until FY20 7.

18:30

So we do have some cash in that district.

18:35

I'd like to point out that the we're at the starting point of this wire water system.

18:39

It is not the water system that we want to have.

18:42

We want to have a water system that encompasses all of the Y1 Ted.

18:48

This only starts us off in a little spot and we've got to grow this system over time.

18:52

So this cash will really help us start to grow the system over time.

18:55

So the cash will be used to, to help fund that in the future.

19:02

So we did take the, this risk, you know, the this overall project requires the issuance of bonds which will extend the life of the tax increment Finance district, the Ted that targeted economic development district.

19:16

The commissioners had a meeting on that one week ago today that that was focused specifically on the need to extend the life of the district through bonding.

19:26

And the Commission last week voted to do that.

19:30

We took that.

19:31

We did present that to our Missoula Jurisdictional Advisory Committee, which is made-up of the taxing jurisdictions that are affected by Ted's so school districts, fire districts and the Mountain Lion Transportation District.

19:46

And we, they voted 5 to 2 in favor of it.

19:49

Two of the folks voted against it because they didn't want to extend the life of the district.

19:54

And then we took it to our Missoula Development Authority, which is made-up of citizens from all walks of life that look at these types of projects as well.

20:02

And they voted to recommend approval unanimously.

20:06

And with that, I have a a motion on the asset purchase agreement, the contract and then we'll move on to the bond.

20:18

You guys have questions on the asset purchase agreement?

20:24

Public comment, the public comment on this specific asset purchase agreement.

20:33

Oh, Kevin.

20:36

Yep, 3 minutes, Sir.

20:38

Thank you, Mr.

20:38

Chair, Kevin Davis once again speaking on behalf of the Reserve St.

20:43

Public Working Group.

20:45

I feel obligated to comment here because months ago, last year, also at a recent meeting I spoke about, I let this Commission know that I talked with three different Missoula County school superintendents, plus a Missoula County Fire Chief that expressed serious concerns about some of the negative impacts of tax increment financing just this week.

21:13

And kudos to our local media.

21:16

Once again, another article this week, this time about the Dismat school Superintendent threatening legal action against Missoula County.

21:27

Again, using our taxpayer dollars if this plays out, if this TIF bond is approved and funds continue to be diverted from that school district to cover a project like this.

21:43

So I say all this to strongly recommend the commissioners defer this to a later day for voting and give time to bring more of those voices to the table and give all consideration to those concerns that have been raised.

22:02

Thank you.

22:04

Thanks, Kevin.

22:06

Anybody else have any public comment on this, please?

22:13

And ma'am, make sure you push the button so you get a green light and then say your name and then we'll start the three minute clock and we got to lean in so everybody can hear you.

22:22

My name is Jan Ellis, I live in Frenchtown, and I just wanted to say how much I was impressed with the planning for the Y and this project.

22:31

And I also wanted to encourage the commissioners to look into how they've already planned for Frenchtown fires, District the fire to give some of the money to improve our fire district.

22:42

It is so important they're building houses there and we need that help.

22:46

We need it now.

22:47

So thank you again.

22:49

Thank you.

22:53

Any other public comment on this purchase agreement?

22:59

You guys have any questions?

23:01

No, I'm ready for a motion.

23:04

I, I have some public comment.

23:05

Oh, couldn't help myself.

23:08

So I wanted to point out just a couple things here.

23:12

The mission behind a targeted economic development district is to catalyze development, to lay out the infrastructure that would set the table for residential, workforce, housing development, as well as commercial, retail, industrial, all of it.

23:27

These districts are areas that are infrastructure deficient.

23:31

They haven't had development because the infrastructure that's required for development isn't there and it costs so much money.

23:38

So we were able to create what I'm really excited about, a pretty novel public private partnership with these two businesses where they came up with the money upfront to build this public water system and then we're buying it back with TIF increment.

23:52

They each needed water right away.

23:55

And by doing this, they paid less than they would have otherwise and we paid less than we would have otherwise to have a public water system.

24:02

And I know it's not as extensive as it will be, but it's a really solid start.

24:06

And once we have water and sewer and roads to come, we will see development of this area, which is our ultimate goal.

24:14

Wanted to point out a couple other things.

24:16

You you mentioned it, but I just want to say them again.

24:19

There is a board called the M Jack Board, which is the Missoula Multi jurisdictional Advisory Council, Missoula Missoula Jurisdictional Advisory committee.

24:31

Thank you.

24:32

What this means is the other taxing jurisdictions affected, and in this case it's primarily schools and fire districts.

24:40

So the folks that we're hearing about these districts that would, would or could be adversely affected voted to approve this 5 to 2.

24:48

And then as Andrew pointed out, the Missoula Development Authority, which are volunteers from the public who all have subject matter expertise in development, voted unanimously to do this.

24:58

So we didn't just dream this up.

24:59

It went through a lot of robust process.

25:02

That's how we got here.

25:03
OK, OK.

25:05
I would just second Commissioner Slotnick, Slotnick's comments and then say that this is, I think, the the epitome of investing wisely in the Y and in our community through infrastructure.

25:19
So I would move to approve & a resolution approving the purchase agreement for the Y water system & the corresponding purchase agreement.

25:28
Aye.

25:29
Or excuse me, I second Yeah, wearing it on my sleeves.

25:33
Thank you.

25:34
OK, before we vote any public comment, come on up.

25:38
Let's how we how we feeling today, everybody good.

25:47
How about you?

25:48
Good, good.

25:49
Les Meyer, Frenchtown School District Superintendent.

25:52
And I just got here and late.

25:54
So I, I know a little bit about what what we've been talking about and I'm not going to even pretend to know anything.

26:02
You know too much about the tiff and the Ted and all that kind of stuff.

26:04
But I want what I want to say though, is this like when you when you made the comment, it impacts schools.

26:10

It's not necessarily money that's coming into the schools.

26:14

It's the taxpayers of the school district.

26:18

So I'm here to represent taxpayers regarding this.

26:23

And if there is something that can be done as we go down this road, no one's against, We're not talking about going against growth or all of that kind of stuff.

26:31

What we're talking about is our taxpayers that are outside the TIF and taking care of them in some form or fashion.

26:37

So we're not overtaxing them as we come to tuition, transportation, those kinds of things.

26:43

So that's, that's what you're here for.

26:46

Another thing is I, I don't know if this is something that can be done.

26:51

And, and again, you guys have your, your protocols, procedures and, and know all of that and respect that from a, from a school standpoint, can something be looked at five years down the road from now from a, when we did talk, have some conversations about some sort of a graduated scale to again help offset things from a local taxpayer standpoint.

27:24

And if that can be done, I think that's awesome.

27:29

Thank you.

27:30

Thanks, Les.

27:33

Oh, please, we have a person online.

27:38

Good afternoon, Commissioners Damian Frisbee, Fire Chief for Frenchtown Rural Fire District.

27:44

And I just wanted to reinforce that I feel the same way that Les does about our district and the requirements that we

have to grow and our responsibilities, but also not putting too much burden on our taxpayers because they are already facing a lot.

28:02

And so I appreciate your time.

28:03

I appreciate your consideration.

28:05

I just really want to make sure that we're doing the right thing and spending this money wisely.

28:10

Thank you.

28:12

Thank you.

28:15

Any other public comment?

28:25

All right.

28:25

I hope, Kevin, Mr.

28:32

Chair, may I speak one more time.

28:35

We usually don't do that, but we'll do it right now.

28:38

Thank you.

28:38

I just wanted to point out in Mr.

28:40

Agmeyer's presentation today, we miss seeing what we often see in these types of infrastructure purchases, which is the maintenance portion.

28:50

There was no line item or projection that I saw noting the necessary maintenance down the road and repairs.

28:58

And when I'm hearing today from a Fire Chief and then from a school Superintendent about using our tax dollars wisely, I think that needs to be considered more than it has been today.

29:10

And that is we've talked about this in our working group meetings.

29:14

We have roads and bridges in desperate need of repair.

29:18

And we have so many deferred maintenance projects in Missoula County that here we go purchasing, making a major purchase today in the Y area that's going to require maintenance repairs down the road.

29:29

But we don't see any line items for that either.

29:32

So that's another consideration that should be made.

29:35

Thank you.

29:37

Thanks.

29:38

So Andrew, would you mind answering that question about ongoing operations and maintenance costs?

29:43

The targeted economic development district isn't paying for maintenance.

29:46

That doesn't do that.

29:47

So we've created a special district.

29:49

It's already in place, It's already collecting revenue.

29:52

The users of the system will pay for the maintenance and operation of the system, which is a standard way, standard operating procedure, standard way that sewer and water districts operate.

30:02

Thank you.

30:04

Do we have a motion on the table?

30:06
I don't even remember.

30:07
We do.

30:07
We do.

30:08
We're ready to vote.

30:08
And we did.

30:09
Public comment.

30:09
We did Second.

30:10
OK.

30:10
Any other comment?

30:13
OK.

30:13
All in favor.

30:14
Aye, aye, aye.

30:16
Thanks, Andrew.

30:21
The next one.

30:23
I'll pass it to the other.

30:24
Andrew.

30:24
OK.

30:25
Can you hear me?

30:27
Yes.

30:28
Go.

30:28
Big and loud.

30:29
Big and loud.

30:29
There you go.

30:30
Here we go.

30:32
The adoption of the bond resolution authorizes the county issue a bond that it is a Series 2026 tax increment revenue bond.

30:41
It includes establishing the following a principal amount of \$5,768,600 which includes a 457,665 debt service reserve account.

30:54
It will be used for the last payment of the bond issuance so the purchase price stays the same.

31:00
Interest rate I'd negotiated with First Security Bank to be 4.95% for 20 years.

31:06
The term is begins on January 1st, 2027.

31:12
Structures a single fully registered bond purchased by First Security Bank, Missoula Division.

31:16
Glacier Bank security repayment relies only on pledge tax increment and not the the county's general taxing authority.

31:26

The bond is not a general obligation.

31:28

The resolution authorizes the bond proceeds to be used for the purchase of the water system constructed by Grass Valley Industrial Park LLC, fund the required debt service reserve and pay issuance costs associated with the bond sale.

31:44

Formerly pledges the tax increment a portion of the increased tax revenue generated in district to repay the balance bond.

31:53

It also excludes specific permissive and voted mills from the pledge establishes of the bond is not enough general obligation of accounting.

32:01

Internally, the resolution establishes required financial accounts, tax increment, capital project account tax and current debt service account tax increment.

32:10

Development account resolution also establishes oversight, compliance and conveyance.

32:18

It lays out the term for additional bonds when parity bonds may be issued.

32:22

Financial tests must be met.

32:24

We must maintain a 125% coverage ratio.

32:28

We currently have a 141 coverage ratio and that we anticipate increasing over time.

32:35

Condition issue for issuing, refunding, or subordinately obligations are included.

32:40

Describes the redemption and payment mechanisms and may see legal filings that the project aligns with county growth policies.

32:49

Tax and grid revenue will be sufficient to pay the bond.

32:52

All legal prerequisites for the bond issuance of mid met sets the conditions and amendments for diffusions.

32:59

And in short, the bond is a legal blueprint that authorizes the bond, secures it with pledge tax increment revenue, governs how proceeds and revenues must be handled and then enables Missoula County to purchase and finance a new public water system supporting the wide.

33:14

Ted.

33:16

Thanks, Andrew.

33:16

You're welcome.

33:18

So Andrew Hagemeyer, could you provide a little bit of context for this bond?

33:22

Yeah.

33:23

So we've heard concerns about the school districts and fire districts.

33:30

And so I wanted to talk a little bit about engagement that this that we've done with these districts because it's kind of been an an ongoing conversation with both the school districts and fire districts around the not just the targeted economic development district of Y one, but the targeted economic development districts we have in Missoula County.

33:52

It specifically around the why we've done.

33:55

We did, we hired A consultant that helped us that basically mediated conversations with between the county and staff and the school district superintendents in 2024 and 2025.

34:11

We have ongoing district, ongoing monthly meetings right now with the fire districts, both French Town and Missoula rural Fire District.

34:19

And we also have that Missoula jurisdictional advisory committee and we meet with them quarterly.

34:26

So as we moved so there there's lots of conversation around the importance of permissive levies to these districts.

34:33

And as we move to create this bond, one of the things the, the well prior to the bonds, I mean, just in general, the, the, the districts have really, I guess I'm kind of repeating myself now.

34:46

They've really been concerned about permissive levies in the, in the Teds.

34:49

And so at hearing that and from both from the fire districts and then Desmet Elementary submitted a letter asking for their transportation and tuition, tuition to be excluded from the Y1 and Y1 to Ted as we went to create this bond.

35:12

You have to explain in the bond, you have to explain to the bank what it's be very specific about what levies or what, what are the funding sources that you're going to use to pay back this bond.

35:25

And we use tax increment.

35:27

And so in this bond, what we've designed it to do is we've designed it to not include those permissive levies that the cement asked to be excluded from the Teds and not to include the permissive and voted levies of the Missoula Rural Fire District.

35:44

So what that what that means is is they won't be pledged to the bond.

35:51

So we can continue to have discussions with the school districts and the fire districts about these levies, these permissive levies that are so important to them through through the life of the district.

36:03

And so they're not locked up in this bond.

36:06

So this conversation around permissive lobbies in the school districts and fire districts can continue.

36:13

That's super good.

36:14

Thanks.

36:15

So I'm gonna, I'm just gonna say that back to you, Andrew, make sure I got it right and make sure folks understand.

36:20

And then I'm not sure if Les is still here.

36:24

And then I'm gonna double check with our bond council from Dorsey and Whitney, who asked who basically approves all these things before we move forward.

36:33

So our understanding is that our repayment of this bond, I'll better say no, I'm going to try again.

36:40

No permissive levies from the school district or the fire district are pledged to the repayment of this bond.

36:47

At this point, there's certain specific permissive levies from the school district we are that are not pledged that that are that they requested to be excluded, correct.

36:56

Yeah.

36:57

So the specific permissive levies that the school district and the fire district asked to not be pledge to the bond are at this point not pledge to the bond.

37:06

We can pay back the bond without those levies and what we are committed to do, and I hope Les is still here, but he's not.

37:12

We'll reach out to him.

37:13

We are absolutely committed to being to remain in conversation with the fire district and the school district and checking in, as Les wisely pointed out, to look at the levels of development as we proceed and modulate what the what, where the increment goes.

37:29

We understand how important the functionality of these districts are and want them to be robust just as much as we want these districts to catalyze further development.

37:40

Dan, did I get that correctly, please?

37:44

And you need to introduce yourself to it's green.

37:50

So is that you go?

37:52

Yeah.

37:52

OK.

37:53

Hello, commissioners.

37:55

My name is Dan Simmons.

37:56

I'm a partner at Dorsey and Whitney.

37:58

And we're bond council to the county.

38:01

I think you've described it quite well in the in a typical tax increment bond resolution, all of the available tax increment is pledged to the repayment of the bond and sometimes that's necessary simply to meet the coverage requirements that a lender needs.

38:23

In this case, there was sufficient tax increment excluding what are defined in the resolution as the excluded permissive and voted mills to meet the coverage requirement.

38:36

So the county has elected to exclude those excluded permissive and voted mills from the pledge of the tax increment.

38:48

That doesn't mean that they are excluded from tax increment.

38:52

Right now they've continued to be included in tax increment.

38:56

It just provides the county room for discussion and consideration as to how best to resolve solve the permissive and voted mill question.

39:07

Had we pledge those they would have been locked up.

39:10

The bank would have said what like you want those back and and so we elected to nip that in the bud by proceeding this way.

39:22

I I would say so the IT gets pretty granular the the Teds and I off when I'm talking about this, I often say I'm giving a Ted Talk, but that's an aside.

39:38

So the one thing I would say is with regard to the with the the Missoula Rural Fire District, there were some voted mills that so voted mills obviously aren't permissive mills.

39:54

Those voted mills from 2014 and 2019 are also excluded from the pledge.

40:02

And then to address the concerns of of Frenchtown School district #40 in Frenchtown Rural Fire District currently.

40:13

Their levies don't give rise to any tax increment in Ted 1 and I you know the you really have to get granular on this stuff.

40:24

I think it's because the the property included in Ted, one that is subject to the mills of Frenchtown School District and Frenchtown Rural Fire District.

40:37

It's a centrally assessed property that has no evaluation.

40:43

So, but I will say to address the concerns of those two entities, the resolution provides that should permissive mills give rise to tax increment in the future in Ted 1, those would be considered at such time excluded permissive mills.

41:05

So we tried to cast a pretty wide net here to address the concerns of the of the the local taxing jurisdictions and to have the opportunity to have further conversation and and try to figure out a mechanism that that might address those concerns.

41:26

Great.

41:26

Thanks a lot, Dan.

41:27

Yeah, you bet.

41:28

Thank you.

41:33

You guys have anything else?

41:36

I just appreciated Dan and that this back and forth and I hope that Damian Frisbee and Les Meyers concerns are addressed.

41:43

I hope so too.

41:44

We, we heard, we heard them do a motion and then would we any other, any public comment on this?

42:00

We're ready for more public comment on this.

42:04

OK, Yeah.

42:07

Is there a language that is appropriate?

42:10

Sorry, I could whip something up maybe real quick.

42:14

I'd we we can, we can work off the RCA.

42:25

There should be an RCA in Cheryl.

42:29

You have the RCA.

42:31

Oh, good.

42:34

OK.

42:35

I would move that we approve & a resolution relating to 5,768,000.

42:40

I'm sure I got the right resolution.

42:42

OK.

42:45

I move that we approve & a resolution relating to \$5,768,600.73 tax increment revenue bond otherwise known as the Y targeted Economic Development District Series 2026 authorizing the sale and issuance and prescribing the form and terms thereof and the security therefore second, any public comment please.

43:14

Is this Ben?

43:19

Yes, Oh, I think she just turned it off and then lean in there and say your name, please.

43:24

Pauline Holmquist in Frenchtown.

43:27

I I have a question because I really don't understand what we're talking about.

43:30

So I feel really dumb, but maybe oh, don't, it's super technical and VD it's fine.

43:35

But overall, is there any idea how this impacts individual taxpayers?

43:43

I mean, I'm kind of confused.

43:44

I get this bond thing sounds like there's going to be increases in taxes and of course the concern we all have and I know I'm not just speaking for myself is they've kind of doubled in the last few years already.

43:58

So will I still be able to afford to live here after this happens?

44:02

What what does this mean?

44:04

I don't understand.

44:06

Great question.

44:07

Thank you speak to that I can and and the other Andrew could jump in as well.

44:15

That how tax increment finance districts works is they use the existing tax base to fund these projects and so the the the sale of this bond doesn't raise property taxes.

44:33

Yeah, but I'm not the chief financial officer from Eagle County, so if Andrew wants to add anything else general, I'll just go for it generally and you guys can fill in generally the the idea here is that the amount of money that taxes grow through the creation of new property each year.

44:52

That little bit is called the increment.

44:54

So that increment instead of being divided up among all the districts, some of it goes to the districts, but some of that money goes to a fund to cover the cost of projects in that district, like the infrastructure.

45:05

So the for the folks inside the district, they would pay the same amount of taxes as they would ordinarily.

45:10

This doesn't add to their tax bill.

45:12

But instead of all of those that money going to the fire district, the school district, the county, etcetera, a chunk of it goes to this fund that helps to cover the cost of infrastructure projects.

45:23

So it doesn't doesn't necessarily raise new taxes, it just diverts some of the money away from existing jurisdictions.

45:31

Now we're super careful as we just did in our last discussion, being aware of the impact of diverting some of that money away from existing districts.

45:42

Specifically, we're talking about these permissive levies that cover really important things like transportation and tuition.

45:48

So we're we're pledging to be thoughtful right now.

45:51

Hopefully we've demonstrated that and we're pledging to be continued, continue to be thoughtful in the future as to how we turn the dial up and dial down using some of this tax money to cover the cost of infrastructure and making sure that these taxing jurisdictions have what they need to do the job.

46:06

And we are in the same boat at the county too 'cause this money helps helps us remain in operation as well.

46:11

I hope that it's really really complicated.

46:13

It takes Oh and you're you're right on asking that's a that was AI think you made us do what we should have done by explaining this earlier.

46:24

So thank you.

46:29

We got a motion and a second any more public comment.

46:44

My name's Elizabeth and I live in Frenchtown and you were talking about diverting funds from other infrastructure to help fund this project correct.

46:53

Not from other infrastructure.

46:55

It's it would be as, as new property is built inside that district, a portion of the taxes though new property would pay would go into a fund to help cover the cost of infrastructure inside that district.

47:09

OK, So it's all, it's all about what's going on inside the district.

47:13

OK.

47:14

I, I guess I look at the school system like I look at the school buildings in Frenchtown that really are in desperate need of repair.

47:22

And I'm just wondering, are there funds set aside for that Like Andrew, can you speak to that?

47:32

It's a great question.

47:33

So we would because you can only use the money for projects that are inside the district.

47:39

What what is possible And we've we've had some really casual conversations with with less about this, but is we could figure out a it is possible to look at proportional where the school, where the kids are coming from proportionally.

47:55

And if there's a certain percentage of kids that are coming from within the head district that we could use some money to help fund some projects at the district that it it it that could be possible.

48:08

Very loose conversations.

48:10

They have to go through legal review and stuff like that.

48:12

So, yeah, and the school district can we can help with other things like planning and, and and things as well.

48:19

Or if if the school district ever needed to build a school in the district, then then it makes it a lot simpler to to help fund.

48:27

So the schools are eligible for for use of the money.

48:32

Thank you.

48:35

Any other public comment or questions?

48:38

This is complicated stuff.

48:49

My name is Shay Garrett.

48:50

I live in Frenchtown.

48:52

I just have a question, where is the water system located?

48:56

Andrew, can you bring up a map as well?

48:59

Is it over behind racetrack?

49:01

Yes, let me.

49:04

I'm just asking because I have a project over in there and if you're interested in hooking up, give me a call.

49:11

That's cool.

49:12

All right, We we'd love to help.

49:13

Yeah.

49:13

I'm getting calls from people that I want to hook up.

49:15

The reason I'm asking because that's a private owned water system right now.

49:18

And you guys are going to purchase it.

49:19

Yeah.

49:20

Yeah.

49:20

And it will be available to the public.

49:22

Anybody who lives nearby, you could tie into this system.

49:25

Sure.

49:26

Sure.

49:26

So the customer that I'm going to build the building for right behind the water tower, they're going to probably start paying you guys in the future.

49:33

Correct.

49:33

If they hook up, they wouldn't.

49:35

They'd have to pay for the hookup and then pay a monthly fee for operations and maintenance just like folks do who live in the city or Lolo or any other sewer and water district.

49:42

You bet.

49:43

Is there a, is there a budget on that right now?

49:45

Because I'm actually putting together a budget for this gentleman as we speak.

49:48

And that's and I can get with you later.

49:50

I think the best thing to do here would just you guys talk offline unless you have other general questions.

49:55

Nope.

49:55

That's it.

49:55

Thank you.

49:56

Thank you for your coming up, Jay.

49:58

Just for fun, Andrea, can you show people what you and Shay were talking about?

50:07

You know, it will take me a minute to bring the map up.

50:11

OK, we any, any more public comment on this?

50:17

It's been a great discussion.

50:18

Thanks for all the good questions.

50:22

OK, all in favor.

50:24

Aye, great.

50:26

Thank you.

50:27

OK, so I want to talk about our next one that we're diving into.

50:31

This is the, the big one that you are all are here for.

50:34

So on the advice of our of our counsel, we are, we would like to try a different methodology instead of everybody come and speak for three minutes.

50:44

What if this is what we'd like to do?

50:46

We'll start at 3 O clock.

50:48

So we'll have a little bit of a bio break between now and three and we're going to divide into opponents and proponents.

50:54

We can flip a coin as to who goes first.

50:56

Each one will get an hour and then if they're, if you still have things you need to say, but we didn't get to it, we'll do that next time and that.

51:04

So what I want, what I would encourage you to do for the next 5-6 minutes is get with your folks and see who wants to talk.

51:11

Y'all have an hour as opponents, hour as proponents.

51:14

If you want two people to talk for 30 minutes each, they could do it.

51:16

You could divide it up however you like.

51:19

And then each, each group would get an hour and then we will assess where we are and make a plan for next time.

51:27

Are you OK with that?

51:28

OK, we'll be back at 3:00.

51:30

Please make a plan.

51:31

Thanks, Tyler.

58:45

Hey, everybody, welcome back.

58:48

Glad you're here.

58:51

Find your seats.

59:16

All right, Thanks all.

59:17

We're going to jump to our next our next hearing.

59:21

And where's Jenny?

59:24

There you are.

59:25

Thank you.

59:27

So Jenny Dixon will present and then there's a twist of process.

59:31

We will convene as the zoning and planning, did I say it right, Planning and Zoning, District Commission, Planning and zoning Commission.

59:41

And that group, which is all of us here, will then make a recommendation to the three of us.

59:47

And we will, we will adjourn as the Planning and Zoning Commission and reconvene as the Board of County Commissioners.

59:52

But before all that, we will hear from Jenny Dixon, a senior planner who will describe this issue.

59:59

Thank you, Josh.

1:00:01

So to to introduce this project, the French Town in Interchange Zoning initiative proposes the creation of what's called a Part 1 or people sometimes refer to it as Citizen Zoning district #47 encompassing approximately 557 acres of currently unzoned land north of the I-90 French Town interchange through 2 related petitions.

1:00:26

Petition #1 represents approximately 400 acres submitted by Keeping Frenchtown, which has been certified with sufficient landowner support and is recommended for approval.

1:00:37

Petition #2 represents a separate 160 acre tract owned by Jim and Sierra Futch, and that petition is recommended for denial.

1:00:47

Together, these petitions present the Board with a decision on whether to establish a Part 1 zoning framework for this area, with staff recommending approval of petition #1 only.

1:00:59

The location of the properties are, as I said, at the French Town Interchange on the north side of the Interstate bounded generally by the Frontage Rd.

1:01:11

mobile home Residential Mobile Home Park and the school on the West, the section line on the north.

1:01:18

But for petition #2 which is the Fudge property shown in the upside down dark darker green L shape, Spring Hill Rd.

1:01:27

and Mill Creek Rd.

1:01:29

As I said, the property is unzoned.

1:01:32

However, there are recommendations in our growth policy.

1:01:36

Our comprehensive plan for much of the property is recommended for rural residential, which is A1 dwelling per 10 acre designation that is shown in the green over on the right map, right hand side map and you may recognize your property shape in there and on the West side of the area proposed for zoning as well as the fudge property.

1:02:00

The recommendation is for one dwelling per 40 acres.

1:02:04

It's called open and resource.

1:02:06

The plan is 1975.

1:02:09

It designates activity circles, the map on the left showing how activity circles are drawn along various concentrated centers along I-90.

1:02:21

In this case, the age of the plan does give pause and has created a situation where we've kind of really struggled with the validity of that plan and strongly encouraged applicants to wait for and citizens to wait for zoning this area as a more comprehensive approach that the county is going to be doing this fall.

1:02:51

However, we received petitions and we are obligated to act on those.

1:02:58

I'm going to talk a little bit, well, more extensively about petition #11 I hope to take no more than 10 minutes to explain the proposal to you.

1:03:08

And at the end I'll talk a little bit about petition #2 and then leave it open to the, the rest of the hearing.

1:03:15

So petition #1 as I said, encompasses about 400 acres of generally rural residential and agricultural land.

1:03:21

There are some existing commercial and industrial uses concentrated kind of in the the central area along the interchange or sorry the frontage Rd.

1:03:31

with mini warehouse, dental, physical therapy and propane and various other activities as well.

1:03:40

No worries.

1:03:43

I have incorporated a map here to show you what we received as far as signatures on the petition.

1:03:51

For the 400 acre area, we received 62.5% which meets the requirements of Part 1 zoning.

1:04:01

The larger tracks in this zoned area are not represented by signatures on the West.

1:04:07

Here, the more more of the signatures or or I would say all of the signatures are more on the kind of eastern and northern portion of the area proposed for zoning.

1:04:22

The proposed development pattern or other.

1:04:25

In other words, zoning districts that we received in the petition were for a designation comparable to our residential and agricultural district called AGRR 5.

1:04:37

And it's essentially, as I said, residential and agricultural allows one dwelling per five acres that some of the tracks in this area as you may know are less than 5 acres.

1:04:48

That does not in any way affect your ability to use the property as zoned if it were to be zoned, because it's already existing, it does not prevent you from expanding or using the property any differently than anybody else who has five acres or more.

1:05:06

The other proposed district in the red here is comparable to our residential and small agricultural district, which allows one dwelling unit per acre.

1:05:19

The proposal is to also include duplexes in that area.

1:05:24

And with the staff recommendation for approval, we are recommending that the six lots fronting onto Belker Lane be permitted to have duplex lots or duplexes on those lots.

1:05:39

And that's primarily because of what the covenants would allow there.

1:05:43

And I'm going to show you a map in a minute of what the covenants, where they apply and what they allow.

1:05:50

And you'll see that that corresponds the, the recommendation for duplexes on those six lots corresponds with covenants, some of the existing land uses in the these colors.

1:06:03

Oh, actually let me back up.

1:06:04

I forgot to mention the purple.

1:06:05

The purple is the light industrial zoning, which includes 4 lots that are already developed.

1:06:13

Some of the land uses as I was just saying do not conform to this zoning.

1:06:17

Those would be considered non conforming uses and may expand only through special exception review.

1:06:31

Along with this, these zoning designations AGR 5, RRS 1 and ICL that I just discussed, those come from our Part 2 zoning regulations.

1:06:42

Now, while this is proposed as a Part 1 zone, the application of this zone would be referencing back to our Part 2, two zoning regulations as a means to cover important design and performance standards such as protecting repairing resources along Mill Creek and conservation design development where prime farmland exists.

1:07:11

This is the map of the covenants that we mapped.

1:07:14

Where covenants apply and which the the different covenants are shown in the different colors.

1:07:19

There are there are actually four sets of covenants.

1:07:22

We I didn't map the Sabin Lots covenants, but the red is Mill Creek Ranches covenants from 1969 and 1974.

1:07:31

The blue is double G covenants and the green is Belker Lots covenants.

1:07:40

The orange is not indicative of covenants but rather of areas in those covenants where commercial or multi family residential is is permitted through covenants.

1:07:52

Now covenants are privately are private contractual agreement between land owners.

1:07:58

They vary by subdivision and they are privately enforced.

1:08:04

I want to share a map of a are the prime soils prepared by the US Department of Agriculture.

1:08:12

It indicates, according to their mapping, that the properties on the West End of this zoning district that would be Alexander.

1:08:21

The two town pump tracks the double G lots and some of these smaller lots have what would be classified as prime farmland soils if irrigated.

1:08:34

Now this has not BeenVerified in the field and it can be many subdividers do choose to do soils, soils mapping to determine if there is in fact prime soils on the property.

1:08:48

But during subdivision review, if you if you propose to divide your land under the zoning, if you have more than 5 acres or more of prime farmland soils, you the rezoning regulations require what's called a conservation design development.

1:09:07

What that means is pretty much what it sounds like you have to conserve part of the land and you can build on the rest of it.

1:09:15

It doesn't take away the number of homes allowed in the subdivision, it it dictates where you can build and you the in the brown area, zoning would require preserving half of the lot in a concert, what's called a conservation land set aside, and then the rest could be built upon at the same level of development as if there weren't prime soils.

1:09:44

Traffic was a key issue in the review of this proposal, particularly as identified by a variety of agencies.

1:09:55

Also, two traffic impact studies were provided in the application with divergent conclusions.

1:10:03

A comparison of those traffic studies shows that the principal traffic concerns are associated with the constrained interchange and the school corridor, as well as with high trip generating development scenarios.

1:10:17

The new plan for a larger truck stop larger than what was anticipated in the October 2025 traffic study by Sand Bell for Town Pump is expected to increase traffic by roughly one in .7 times what was estimated in the February 2026 E 5 traffic engineering study prepared for keeping Frenchtown.

1:10:44

So let me just say that again a little bit clearer.

1:10:50

Town Pump had their engineers perform a traffic study last fall under certain under certain parameters or conditions that they expected to be doing development.

1:11:01

They have submitted a building permit which we are currently reviewing for more than what they thought they were going to do last fall.

1:11:09

And the Keeping Frenchtown engineer looked at that and believes that it will increase traffic impacts roughly 1.7 times.

1:11:18

What I will say is that all of these traffic studies are going to be subject to review by Department of Transportation and Public Works.

1:11:28

We're looking at in this project looking at traffic from more of a an assessment of what agencies would have concerns about and in part led to recommendation for approval of the zoning given traffic concerns.

1:11:44

Frenchtown Fire District and the Frenchtown School District did express concerns about traffic in the area.

1:11:55

The area is within the water quality district boundary shown here in with the purple and outline in blue.

1:12:02

But outside of the water quality ordinance, which means there are limited regulatory protections for water quality, there are no regulations, local regulations on I'm sorry, the the area is characterized by a sole source aquifer that has fairly shallow depths to groundwater, in some cases within 10 feet of the surface.

1:12:25

Areas within EPA designated sole source aquifers means that it is a the primary drinking source with no viable alternative.

1:12:34

The French Town irrigation ditch raises groundwater levels seasonally, thereby increasing some contamination risk because the aquifer lacks a protective clay layer and so is highly vulnerable to contamination from surface activities.

1:12:48

The aquifer has a flat gradient, meaning slower groundwater movement and contaminants do not flush out as easily.

1:12:55

Historical studies have found above average bacterial contamination in private wells nearby and so a special management area was established just West of this area to limit development using septic systems as the source of contamination remains unresolved.

1:13:13

There's ongoing vulnerability and the Water Quality District commented in support of this proposal as a mean to protect water quality at this location.

1:13:24

There's also areas of repairing resource along the Mill Creek corridor and some associated additional wetlands have been identified through the Montana Natural Heritage Program in these areas.

1:13:38

Under the proposed zoning, the riparian setbacks that apply to all other streams in Missoula County in this area that are zoned would include a 50 foot protection area and a 70 an additional 75 foot buffer and future development if zoned would have to comply with those protection regulations.

1:14:00

However, it's really important to to keep in mind that if you have an existing structure or home or any kind of building within those designated depths from the high watermark of Mill Creek, there is one that construction location establishes your new distance requirement from the Creek.

1:14:28

So in other words, let's say you had the 125 foot distance that you were supposed to either not develop or have some limitations on development, but your house was built within 100 feet of, you know, went into that area 25 feet.

1:14:45

So you were at 100 feet, any that is that basically re establishes your set back from the Creek that line.

1:14:53

So you could add on to the house or build structures up to that line but not further since that area has not been infringed upon yet.

1:15:06

The wildfire hazard in the area increases from moderate to very high hazard as you move into the hills north of the valley floor and the colour intensities are shown here, yellow moderate, orange high and red very high.

1:15:19

The proposal attempts to keep densities lower in these high hazard areas and concentrates development closer to existing infrastructure.

1:15:28

Consistent with the Community Wildfire Protection Plan.

1:15:32

The majority of the land is within the sorry within.

1:15:37

The proposed boundary consists of flat land with gentle to moderate slopes, meaning 5 to 25% shown in green and yellow along the northern end of and northeastern portions of the property or the site.

1:15:51

The proposal attempts to keep densities lower in in steep slope areas and concentrate development closer to existing infrastructure.

1:16:02

I would note, of course, you've been living it.

1:16:05

Public comment reflects a highly divided community with both strong support for and opposition to the opposed the proposed zoning.

1:16:14

The staff recommendation of the of approval for the creation of the District under petition #1 is based on site specific information, potential impacts related to public health, safety and general welfare including traffic, groundwater, wildfire risk and infrastructure capacity.

1:16:35

It's based on physical characteristics of the property, including topography, soils, access, and existing development patterns.

1:16:43

And finally, generally consistent with the adopted comprehensive planned policy documents, general expressions of support or opposition by citizens were considered reflective of community sentiment, but were not relied upon as an independent basis for the the staff recommendations.

1:17:08

I'm gonna this is my only slide on petition #2 and I then I'll have a slide for what our staff recommendation is.

1:17:18

So the highlights of this petition are because I've covered a lot in the previous presentation about petition one that are very that are basically applicable here.

1:17:29

The highlights of this petition are that it was the petition was signed by 100% of the owners, which are Jim and Sierra Fletch owning this one property income staying at 160 acres.

1:17:40

There are no existing covenants on the property.

1:17:42

The driveway is approximately a mile long with an easement through town pump property.

1:17:47

The proposal for zoning was one dwelling unit per 10 acres, an AGR 10, also including the application of Part 2, Zoning Designs Standards, Performance standards.

1:17:59

That proposal for AGR 10 was not consistent with the growth policy, comprehensive plan recommendation, land use, designation of open and resource.

1:18:08

Therefore, staff is recommending denial of this petition request due to poor access, steep slopes far from services, farther from services, and very high wildfire hazard.

1:18:21

I will mention that the the district came, the proposed district came in as two petitions in part and probably primarily due to my recommendation or a county staff recommendation for the boundaries as originally proposed, which was the 400 acres.

1:18:40

The reason for that is I mean you can see even here where you start to get in a much different landscape as you go up the hill.

1:18:50

And so we looked at roads being obvious boundaries of the district, so Frenchtown Frontage Rd., Mill Creek Rd., Spring Hill Rd., and then the northern boundary being a section line, which does encompass some slopes, but it doesn't start to get into the hills as much as when we, when the, we received the second petition from the Fuchs.

1:19:17

And so that I do want to acknowledge, I know there's probably been a lot of question or how did the boundary, how, how were those boundaries decided?

1:19:25

And so I just wanted to make that clear.

1:19:31

Staff has recommended approval of petition #1 and denial of petition #2 because the well I've I've gone over the reasons and for petition number for petition #1, but for petition #2.

1:19:47

The primary reasons for denial are that while it does meet the requirements of 100% signatures on at least 40 acres of land in the in the application, it does not comply with the growth policy comprehensive plan land use designations, and it does not align zoning use intensity with constraints as described in the previous slides.

1:20:08

And I hope that covers everything that you'd like to know.

1:20:12

Thanks, Jenny.

1:20:12

So what we're going to do now is what Commission can ask questions you guys as well.

1:20:17

That's we're all the planning and zoning Commission.

1:20:21

And then after we're done with questions, we will do the proponents and opponents and we'll just divide our remaining time in half.

1:20:28

OK, Any questions please?

1:20:34

I'm going to start.

1:20:34

I'm going to ask this for you Jenny, but I am also asking it in the hopes I'm assuming the fetches are here.

1:20:39

But I am curious.

1:20:41

From my reading of the packet, it seems like the fetches were maybe the driving force behind zoning in general and we're not included in the original petition.

1:20:49

Is that the reason why the second petition was like, it seems odd.

1:20:53

The second petition seems odd.

1:20:55

I, I, I can certainly let them answer, but just in interest of time, my impression is that they were people were asking and questioning why they didn't include their property since it was contiguous.

1:21:09

And what I tried to do in this this presentation is explain why it wasn't included.

1:21:14

But because they received some pressure, they decided maybe it would be better to to go ahead and do that.

1:21:23

Thanks.

1:21:27

Jenny, a question for you.

1:21:28

So is it typical in a rezoning or zoning or rezoning process that we would try to align the zoning district with what is allowable or not in covenants, even though we do not as a government entity enforce covenants?

1:21:49

We don't, we don't usually pay distinct attention to covenants.

1:21:54

And certainly in a much larger scale that you're going to be seeing planning and zoning come this fall or in winter, there's no way that staff could look at covenants.

1:22:04

But but I felt that my due diligence in this particular case was to look at that and it helped actually I felt make the case that duplexes were not necessarily appropriate in that area because of covenants.

1:22:22

That's the primary reason.

1:22:26

So correct me if I get any of this wrong, but the proposed zoning would limit certain areas to one home for every 5 acres.

1:22:35

How does that differ from the existing zoning?

1:22:38

The land is all currently unzoned.

1:22:41

So what dictates development capability of these tracks in this petition #1 area or actually the whole thing?

1:22:50

It was really determined more by sanitation and access for fire and those kind of things, but not zoning.

1:23:00

So if agencies allowed, we could potentially have two or three homes on that said 5 acres currently.

1:23:07

That's correct.

1:23:09

Thank you.

1:23:09

How about I'll do a question and we'll just keep going till we're done.

1:23:14

Jenny, you highlighted right at the beginning of this that this is Part 1 citizen initiated zoning and we're using some of the regulations from Part 2.

1:23:22

And I wonder if just for a few minutes if you would describe the differences between Part 1 zoning and Part 2 zoning and why this is happening as Part 1.

1:23:30

Thanks.

1:23:31

Absolutely.

1:23:32

So I'll start with the latter part first.

1:23:38

The applicants originally sought Part 2 zoning.

1:23:42

The requirement for Part 2 zoning is 100% of the land owners within the area must sign on to the application or to zone the area under Part 2 zoning.

1:23:57

Part 2 zoning is what you may all know as just, you know, when you think about the city of Missoula or the county close into the city and it has zoning that's under a section, a different section of law than the zoning that you're contemplating today.

1:24:15

Part 1 zoning is from the mid 1950s.

1:24:19

It was the first way that Montana really zoned land and is done in a way that shifts responsibility for figuring out what you want and bringing it forward to, to citizens in this day and age.

1:24:35

It's, it's really, I think, burdensome and unpractical, impractical.

1:24:41

But in this case, when we were faced with an application that could not be Part 2 and had to be a Part 1 zone, my advice was Part 1 zones because you go through this process and you never want to do it again.

1:25:03

It usually becomes very rigid and static and like a straitjacket.

1:25:07

And it doesn't change with time.

1:25:09

And zoning is supposed to change with time.

1:25:11

And so because of that, my recommendation was let's let's do the Part 1 process for a Part 1 zone.

1:25:20

Follow all the laws relative to Part 1, including review by planning and zoning Commission and county commissioners, but use the standards that are already written in our Part 2 zoning that evolve over time and would not keep you limited as zoning practice grows in the community.

1:25:43

Thanks everyone.

1:25:44

Follow up on this.

1:25:45

So over the next 18 months, 24 months, we are looking towards doing a new comprehensive growth plan for the entire county and we'll be considering zoning for all of the county.

1:26:00

How will what happens today if this zoning becomes real And I'm not predestinating with the outcome at all, but suppose what if this this passes, how would this zoning mesh with our Part 2 zoning that the county will do over the next two plus years, right.

1:26:18

The planning that's anticipated over the next couple years is on a much broader scale.

1:26:23

It's pretty much all of the rest of Missoula County and the what we might call the satellite communities.

1:26:29

And so it's it's a huge project, a huge undertaking.

1:26:34

And sorry, but what would what would happen if this zoning becomes real today?

1:26:42

And So what I had let the the applicants know is that we are in the process and and in fact discouraged submission of this application because we're in the process of doing this planning and potentially zoning should citizens want it.

1:27:01

The possibility does exist.

1:27:03

And I let the applicants know that in that new process coming up, there could be a a new proposal for zoning that the commissioners could entertain as zoning this area differently than what we're or what's being proposed today.

1:27:21

Thanks.

1:27:21

I have a question.

1:27:24

OK.

1:27:24

So maybe the nut of this.

1:27:26

So if if zoning district 47 is approved, can a French can a town pump travel Plaza go in?

1:27:37

I don't know the answer to that question.

1:27:40

The zoning is attempting to establish zoning regulations on the land that would not allow a town pump.

1:27:47

However, there are other provisions, including something called vesting that we are trying to determine in house how to approach requests from Town Pump for vesting their development plans.

1:28:02

Between you and our attorney, could you guys describe what vesting is for folks out here who may not know?

1:28:15

Yeah, Commissioners, My name's John Hart.

1:28:17

I'm a deputy County Attorney.

1:28:19

My my name tag's over there, so I feel obligated to introduce myself.

1:28:26

Vesting rights is a concept that isn't defined in either common law, and that is decisions from the Montana Supreme Court and district courts.

1:28:40

It's not defined in zoning statutes that have been enacted by the legislature and it's not defined in our zoning, our Part 2 county zoning regulations.

1:28:55

So I tried my best before this meeting to find a definition and I didn't find a very good definition, but I'll read you what I found just so that we have some working framework for what a vested right is.

1:29:13

The point at which a landowner may continue with a land development project despite new land development regulations which now prohibit such development, generates an inquiry into vested rights and its close cousin, equitable estoppel.

1:29:37

That's just from a legal horn book.

1:29:41

Equitable.

1:29:42

What was the next word?

1:29:43

Equitable estoppel.

1:29:44

Let let's not use that phrasing.

1:29:46

We'll we'll just stick with vestibles like Roppel.

1:29:49

So our county regulations contemplate this concept of a vested right and our planning office actually has an application form for somebody who would like to have the county consider whether or not they have a vested right.

1:30:17

And the way that works in our regulations, which naturally I didn't bring with me and I can't quote from, but that is an administrative decision by the zoning officer for Missoula County.

1:30:31

The zoning officer for Missoula County is the Director of Lands and communities or his or her designee.

1:30:41

So that's that's an administrative decision.

1:30:43

There are some criteria that are in our zoning regulations and and I apologize I didn't bring those and if, if I would have read them to you, it would have been even more boring than what I'm saying right now.

1:30:57

But we the the county has received a a completed application from Town Pump asking the county to determine that it has a vested right for its development proposal on its property in this proposed zoning district.

1:31:19

And at some point in time that vested right application will be administratively decided by the zoning officer.

1:31:30

And that decision will probably not make everybody happy.

1:31:35

So there is an opportunity then by statute, by law, that administrative decision can be appealed to the County Board of Adjustment and they haven't, they have an opportunity to determine if it was a correct or incorrect decision.

1:31:54

And then after that it would go to District Court for for an ultimate work check by a judge.

1:32:06

I've lost my train of thought there was something else I wanted to say about this.

1:32:11

I think it's got a question it might might bring back.

1:32:13

All right, OK, just just just by virtue of a level setting so that we're or or less I came back OK.

1:32:23

The point I the point I wanted to make to you today is that there is a, there is a decision in front of the Planning and Zoning Commission and that that issue is whether or not the petition for zoning in this proposed zoning district should be adopted or not adopted.

1:32:47

That's the decision.

1:32:48

The decision as to whether or not a property owner, whether it be Town Pump or others have a vested right in a development proposal is not before you.

1:33:02

So just to follow up on that, John, hang on to that, Mike.

1:33:07

So just just gaming this out hypothetically since since we do have this administrative process to determine vesting and having a vested right to do something with a particular parcel, namely the Town Pump travel Plaza.

1:33:27

Conceivably we could adopt one of the zoning petitions before us and it would be determined that town Pumps use of the property for a travel Plaza is vested and we would simultaneously have zoning and a travel Plaza, which ostensibly is the reason why the zoning was proposed in the 1st place.

1:33:55

Hypothetically that is certainly a plausible OK.

1:34:01

Thank you Errol.

1:34:08

They're all rough citizen member of the funding and zoning.

1:34:13

I have a general question.

1:34:16

It might through the hornet's nest, but there is 60 plus percent of signed signatures, which makes it OK to proceed.

1:34:30

I I have a big question.

1:34:35

What happened to the other forty?

1:34:37

Were they approached?

1:34:40

Were they given the opportunity to sign or not sign or you follow my my just just want to say was were all of you approached and allowed to sign or not?

1:34:55

So that's a Jenny.

1:34:58

Yeah, I, I do not know the answer to that question, so I'm going to leave it to the board to request that information when appropriate from the applicants.

1:35:08

Any other questions before we do public comment?

1:35:11

Oh, thanks, Tyler.

1:35:13

Sorry, I've got 2 questions, 1 is probably for John and then the other one for Jenny.

1:35:17

John, the first question is the signature requirements on this is a little different than a lot of the normal petition signature requirements.

1:35:25

Can you explain how landowner signatures are counted?

1:35:28

And then I'll ask my question of Jenny.

1:35:31

Yeah, I'll do my best.

1:35:32

Tyler 76-2-101 is the statute that concerns the petition that's in front of this Commission, and it requires signatures from 60% of the affected real property owners.

1:35:55

Those 4 words are a quote from the statute Affected Real Property Owners.

1:36:05

Missoula County has a document on the in the planning department's area of the web page which gives some guidance on who is an affected real property owner.

1:36:25

And I felt obligated to because that's information we, we, we provide as a county to the, to the residents.

1:36:35

I felt obligated to follow that.

1:36:37

But I also agree with the, the guidance that's provided within it.

1:36:45

I let me preface this, I'm not saying that I agree that any of this is 101% fair, but I believe that this is an appropriate way to determine who is a real property owner.

1:37:02

And this is how I did it for a property owner.

1:37:10

What for property owned as a corporation, an LLC or other some sort of business entity that is one property owner doesn't matter how many shareholders they have, how many members that they have in their LLC, it's the the owner of the property is the business entity itself.

1:37:33

They get one vote the the same with a trust and and believe it or not, there were more than a few trusts in this in this proposed district.

1:37:43

And again, the title the, the, the property is titled in the name of the trust.

1:37:51

There are trustees that are named in that vesting deed.

1:37:55

But I discussed this with some property law attorneys and they made it very clear to me that it is the trust itself that owns the property.

1:38:05

The trustees hold and manage that property on behalf of the trust for the benefit of the beneficiaries of the trust.

1:38:15

So I counted each trust as one affected real property owner as well.

1:38:23

And then there's a lot of property that's owned jointly, you know, typically spouses, husband and wife, they own it jointly.

1:38:32

Those those individuals I counted AS2 affected real property owners.

1:38:40

They both have an undivided joint interest in the property.

1:38:47

And then honestly, this is where it gets it.

1:38:51

It it.

1:38:52

It seems like it could be less than fair.

1:38:56

There were a number of property owners that owned more than one piece of property and because of our county guidance document and if you read the words of the statute, affected real property owners.

1:39:18

I, I didn't, I didn't take any.

1:39:21

If you owned more than one piece of property, you still just had one vote.

1:39:26

OK, so there are, and you're going to, you're going to hear from these folks and they're probably, you know, we'll, we'll disagree with how I did that.

1:39:37

There are people that own multiple pieces of property in this proposed zoning district that got just one vote despite their numerous pieces of, of property.

1:39:47

But I, I can't read the statute any other way.

1:39:50

There are lawyers that I'm sure you'll hear from who either agree with me or disagree with me and they can statewide.

1:39:58

What other scenario did I owe?

1:40:01

There was 1 condominium in this district.

1:40:05

And and so there's three different units in the condominium, but all of those condominium units were owned by the same LLC.

1:40:19

So again, one boat and that's how I came up, that's how I crunched the numbers.

1:40:27

I looked at every single vesting deed for every property in this proposed district and I just tallied it up and I came up with 62 1/2% of the affected real property owners signing the petition.

1:40:43

Thanks, John.

1:40:46

I'm going to wait on my other question because I think we need to get to public comment.

1:40:49

I guess I would say awesome, great.

1:40:51

Anybody else?

1:40:53

Oh, you were good.

1:40:55

OK, so we have helped me with math.

1:40:57

Jason, we have 75 minutes till 5:00, right?

1:41:01
So if we do what, like 30?

1:41:04
Let's go over.

1:41:05
We'll do 35 minutes apiece.

1:41:08
That sounds good.

1:41:09
So we have a highly technical, we did plug this in.

1:41:12
It's all charged up.

1:41:13
It's ready to go.

1:41:13
Dave's going to flip a coin and Juan is going to decide who is the is a proponent, which heads or tails?

1:41:20
Proponents, opponents, UI, you decide heads, proponents, heads or proponents.

1:41:25
OK, this is a penny that I'm flipping.

1:41:33
Here's to be heads opponents go first excellent thanks OK so proponents you have and somebody help me with this clock 35 minutes so we're going to go to 4:20 4/20 thank you Juan 4/20 it is proponents come on up and please say your name and we'll just keep the mic on and make sure you lean in and speak loudly.

1:41:57
Hi, I'm Emily Wilmot.

1:41:58
I'm counsel for Keeping French Town, which is the petitioner here.

1:42:01
Can we learn a little more into the.

1:42:05
OK.

1:42:05

I am hoping that we could reserve 10 minutes of our time just to be able to respond because I want to make sure every the sea of orange here is able.

1:42:14

Yeah.

1:42:15

You got 35 minutes.

1:42:16

Do whatever you like.

1:42:16

OK.

1:42:16

All right.

1:42:25

Good afternoon.

1:42:26

How how is this?

1:42:27

Nice to see you, Dave.

1:42:28

Hey, how are you?

1:42:29

Good afternoon.

1:42:30

My name is Dave Thompson.

1:42:31

I'm the president of Keeping Frenchtown.

1:42:32

We're focused on keeping Frenchtown safe, keeping Frenchtown beautiful and keeping Frenchtown ours as a community.

1:42:38

Thank you for the opportunity to share proposal.

1:42:43

I'd like to take you on a drive down the frontage Rd.

1:42:45
from Houston to Frenchtown.

1:42:47
You'll see working fields and pastures, a few irrigation pivots.

1:42:50
This gradually gives way to rural homes on multi acre lots.

1:42:53
As you get a look closer to Frenchtown you'll notice more houses on the hillside and Frenchtown pond on your right.

1:42:59
There are dozens and dozens of homes in classic rural residential layouts.

1:43:03
Community that's grown gradually over the years as working land is slowly divided.

1:43:09
To your left you'll see a paved path called the AJ Hoyt Memorial Trail.

1:43:13
This is an 11 mile pathway stretching from Houston to the Y that was created in memory of a young child who was killed by a car along this road a few years ago.

1:43:20
Soon you pass French in high school and a small mobile Home Park.

1:43:23
The view opens to around 100 acres of working land across from the I-90 interchange.

1:43:28
Here you'll find about 33 acres of working in grazing land that's proposed as a travel Plaza.

1:43:34
If this proposal seems out of place, we think it is.

1:43:37
Frontage Rd.

1:43:38
and the footpath and their interactions with the Interchange and the overpass are critical arteries for the Frenchtown community.

1:43:43
Our friends and family and the children of Frenchtown use this infrastructure countless times every day.

1:43:48

Dropping a massive commercial enterprise into this mixing bowl would be disastrous.

1:43:52

Back on the road, as you make your way past the Interchange and continue the east on the front, continue east on the Frontage Rd.

1:43:58

You'll see a small cluster of local businesses near Belker.

1:44:01

Stealth Storage, dentist, propane sales, and a physical therapist.

1:44:05

They're all local, all serving the local community.

1:44:08

Next you pass a couple of churches, some more homes, and you turn left on Mill Creek Rd.

1:44:12

to find more community.

1:44:14

The north side of I-90 from the Houston exit to Mill Creek is dominated by residential and agricultural community.

1:44:19

Our proposed zone says that what you see along that roadway represents our community and our values, and it's worth protecting.

1:44:28

I'll cover a lot of, I'll skip a lot of what Jenny covered already.

1:44:30

Just just in the interest of time.

1:44:33

I would like to say that we talked, there was discussion of the travel, the sorry traffic studies, right.

1:44:40

The traffic studies were originally done based on an assumption that the proposed installation would be a 20,000 square foot convenience store with 13 fuel pumps and little no overnight parking.

1:44:52

The most recent site plan that we have shows a 30,000 square foot convenience store, 22 fuel pumps, overnight parking for 72 trucks, and the floor plans do show showers and a trucker's lounge.

1:45:07

We would like to say that our efforts align with the county planning goals.

1:45:10

The 2002 Regional Land Use Guide designates the farmland at this interchange as open and resource lands.

1:45:17

That land is.

1:45:18

The land proposed for this travel Plaza has been actively farmed and grazed for decades, and mapping indicates some prime soils.

1:45:28

In fact, you might find it interesting that the northwest corner of the proposed building site is defined by the center of an irrigation pivot.

1:45:35

The AGAGRR land designation for this area reflects its current character and seeks to guide and shape its transformation from agricultural into royal residential, consisting with the surrounding community.

1:45:45

I would also like to highlight that the commercial designations in the 2002 Regional Land Use Guide.

1:45:50

The guide specifically places truck stops in the general commercial designation.

1:45:53

It calls for local commercial and convenient shopping for local residents inside the Frenchtown activity Circle.

1:45:59

The distinction was created in this plan some 24 years ago.

1:46:02

It saw truck stops as fundamentally different from local commercial enterprise.

1:46:05

The existing businesses of that area are the local commercial that the activity center contemplates.

1:46:12

A-22 Pump Travel Plaza with rows of overnight truck parking is not local commercial for local residents.

1:46:19

I think we've already discussed that we aligned our plans with the existing Missoula County zoning rules, so I'll skip that part.

1:46:26

And we just do acknowledge the upcoming planning exercise.

1:46:29

And I will say if that was underway, we might not be here today.

1:46:34

I will say that this was a challenging process.

1:46:37

It was difficult to ask our neighbors to consent to another layer of county regulation and some in our community strongly oppose this initiative.

1:46:44

That said, we embrace the public comment process and I urge and I, I'm fully expecting that we'll hear from from folks that want to express their concerns.

1:46:54

We also want to hear from the people that support this initiative.

1:46:56

We continue to receive near universal support from our community at large and our neighbors inside the zone for the goals of this proposal, right?

1:47:03

Even if some of them are genuinely unhappy with the mechanisms.

1:47:08

The French Town community did not ask for the situation.

1:47:10

We learned in spring of 2025 that a travel Plaza was planned 1/4 mile from our high school, above our drinking water, and at the only interchange that first responders used to reach us in times of need.

1:47:21

Last year, more than 2500 members of our community signed petitions opposing the travel Plaza.

1:47:25

And at a commuting meeting community community meeting last summer, well over 100 residents post voiced overwhelming opposition to the project.

1:47:32

And I'll paraphrase one of the public comments on Missoula County Voice regarding this initiative for the zoning.

1:47:38

Just because Frenchtown has an exit doesn't mean it needs a truck stop.

1:47:42

We asked for help, we organized, we studied, we learned the hard way this was harder than anyone, harder than we expected.

1:47:49

And that's it.

1:47:49

What everybody told us it would be.

1:47:50

We worked with your planning staff.

1:47:53

We held community meetings.

1:47:54

We incorporated feedback as best we could.

1:47:57

We commissioned an independent traffic study.

1:47:59

We went door to door.

1:48:00

We gathered signatures from 60% of the affected property owners.

1:48:03

We did everything the law asked the community to do if it when it wants to protect itself.

1:48:09

We can't do this alone.

1:48:10

We are here representing our community and we do ask the Commission to support the recommendation for Citizen Zoning District 47.

1:48:16

All right.

1:48:20

I suppose with that I will turn it over.

1:48:22

I think here, do you need to send the answer and Dave or or Josh, while proponents kind of the applicants are up, maybe answer Errol's question.

1:48:34

Oh, yeah, of course.

1:48:34

Yeah.

1:48:35
So yes.

1:48:35
So we did reach out to everyone in the district.

1:48:39
At a minimum, everyone received notice of our intention by mail.

1:48:42
We went a door to door, spoke with as many people as we could.

1:48:45
We talked to people on the phones.

1:48:47
I would say that to best of our knowledge, everyone was contacted.

1:48:50
There's maybe one, one couple that lives out of state that we weren't able to talk to.

1:48:55
We talked to some of their, the folks that live at their house and tried to get a hold of them but weren't able to.

1:48:59
So, yeah, what would you like to do?

1:49:11
All right, All right.

1:49:19
Les Meyer, Frenchtown Superintendent of Schools.

1:49:23
I got a question for you.

1:49:25
Why did the computer show up late for the meeting?

1:49:30
It had a hard drive.

1:49:33
So which kind of leads to to this?

1:49:35
So anyway, we have a over 1200 students.

1:49:40

We have 200 staff members.

1:49:41

They're going to travel that the Frenchtown corridor every day.

1:49:45

We also have parents and, and workers and everything along those lines that are that are travelling that, that corridor.

1:49:51

Not all of them are going over the, over the, the, the Interstate there and, and going over the overpass, but there's a lot of them.

1:50:00

So every bus is going to go over the overpass.

1:50:04

A lot of the kids are going to go over the overpass whether they're driving or whether they're riding with their parents.

1:50:11

I've shared those concerns in writing before, but I'd just like to a few more points verbally.

1:50:18

Our district is unique and I think just about any Superintendent or any parent or anything along those lines is going to come up and say, hey, our, our district's unique.

1:50:26

Our district is, we are split into two campuses.

1:50:29

We're separated by, by a frontage Rd., I-90 railroad and A and a bike path.

1:50:38

So go ahead, Whitefish top that.

1:50:42

But anyway, so no matter what, no matter what, and I don't know if any of you guys have been out there, but you need to see the overpass in the morning.

1:50:55

You, you really do.

1:51:00

And that's not just the only time, but the one thing about the mornings that I've come across and, and all my years on earth is no one is going somewhere in the morning on a leisurely Dr.

1:51:15

Everybody's in a hurry.

1:51:16

Everybody's late.

1:51:17

Even if you're early for work or early for school, everybody's there in a in a hurry.

1:51:23

So no matter what, again, just to reiterate, something needs to be done with the overpass.

1:51:30

We are seeing additional growth.

1:51:33

That's not necessarily a be seeing additional kids.

1:51:35

That's pretty well documented in in Missoula County in terms of the number of students that we have.

1:51:40

But there's more vehicles, there's more driving.

1:51:44

And so again, just to reiterate that needs to be it needs to be on somebody's radar and it it needs to be addressed one way or the other.

1:51:55

So if we put additional residential, if we put additional commercial, if we put something else over there in that field, that's going to increase traffic, that is going to increase concerns, that's going to increase the opportunity for an accident.

1:52:12

Just to go along that last year we had, we had three accidents.

1:52:15

We probably had more, but anyway we had three accidents, two of them right there on that interchange.

1:52:20

I will tell you that one of them was our fault and one of them was a situation where somebody's coming up the overpass slick roads and, and hit one of our buses.

1:52:30

The other one was we had an accident coming right out of our, our, our driveway there at the high school getting onto the frontage Rd.

1:52:37

We had an accident right there fairly early in the morning.

1:52:40

And so this is what the comment will be.

1:52:43

Yes, you deal with kids less, there's going to be accidents.

1:52:48

Yes, two of those accidents involved kids.

1:52:52

Two of those at fault were adults.

1:52:57

So it's not just about kids because just because you you get over 18 doesn't mean you stop making mistakes.

1:53:05

So anyway, just wanted to hit on that.

1:53:08

I also want to say, and Tuesday and Wednesday of this week, we had middle school track track out there.

1:53:14

We are kind of a hub for the area in terms of hosting events.

1:53:18

That also increases traffic.

1:53:20

Yes, that's during the day, but the track meet started in the morning.

1:53:23

We had 15 buses there yesterday coming and going.

1:53:27

That's an increase in traffic.

1:53:28

That's an increase in opportunity for accidents.

1:53:36

So what I want to say is we are already strained at that area addition, regardless of what it is, is going to bring an opportunity for, for accidents to, to occur.

1:53:51

So I, I think there needs to be something done right, right away.

1:53:54

I, I don't like coming with a, with a problem and just without really a, a solution.

1:54:01

I think we're going to talk about some solutions here as as we go, but I just want to bring that, bring that forward.

1:54:08

But, you know, I think some people are going to talk about the water.

1:54:12

Obviously that's a that's a concern.

1:54:15

I think the, the septic can be a concern.

1:54:17

And I just in from that standpoint, I would, I would hope the process itself plays itself out.

1:54:22

But anyway, I'll shut up.

1:54:27

Plus, Hi, my name is Sierra Futch.

1:54:35

Thank you for coming.

1:54:36

Thank you for hearing us.

1:54:37

We appreciate you and all of your efforts.

1:54:41

We wore orange Protect Frenchtown T-shirts today in solidarity to be one voice for Frenchtown and to attempt to expedite today's proceedings to hopefully cut down on the amount of the time that we take up.

1:54:52

But I'm told you want to hear the community's comments.

1:54:56

We're hoping for a zoning resolution today because we need protection from Frenchtown as soon as possible.

1:55:03

We've tried to keep the focus of this initiative always centered around our community, and I've been told that it would be perhaps helpful to you to hear my and my family's why as to how we've come to be here today and why we need your protection.

1:55:17

My husband, Jim and I were raised in Frenchtown and Potomac.

1:55:21

We're lifelong Montanans that didn't come from families with wealth or property.

1:55:25

We love it here and we have shed blood, sweat and tears to be able to purchase our property out in Frenchtown.

1:55:32

We've spent years building our forever home and have endeavored that labor of love by ourselves.

1:55:38

We found out last year that Town Pump had purchased property right next to us and that they would be going in putting a truck stop in our driveway.

1:55:46

Our 14 year old daughter walks home every day after school and our 10 year old son will be as well.

1:55:56

Can you imagine how it feels as a parent to have a kid walking through a truck stop?

1:56:06

I ask you to consider, honestly, what would you do if this happened to you and your neighbor was proposing, this kind of neighbor was proposing to go in next to you.

1:56:20

How about if they were proposing 200 foot tall digital signs that we're trying to attract as many people off of I-90 as possible.

1:56:29

The Wilma is 103 feet tall for comparative purposes.

1:56:33

We would still feel the same way if this were a gravel pit which was also proposed in the same area 8 years ago or any large commercial development that doesn't benefit the community.

1:56:45

I ask you as well, why is it fair for a community for big commercial to be able to force themselves in and endanger and alter the entire community?

1:56:56

I looked on Missoula County Voice before coming in here.

1:56:59

Of all the comments, which are great and I hope you were able to read them, there are 54 comments in favor of the proposed zoning and one that's against.

1:57:09

Of the letters submitted to the county, there are 12 people against the zoning and of those 1210 live in the zoning area.

1:57:19

Frenchtown is an amazing community filled with wonderful people and it deserves to be protected.

1:57:24

It is worth fighting for.

1:57:25

We have fought so hard, and we'll continue to fight for Frenchtown to keep it what it is and what we stand for, but we desperately need your help.

1:57:34

I'm begging you to approve the zoning.

1:57:38

I would get down on my knees and beg you if I thought that would help.

1:57:44

I would.

1:57:46

For about a year now, you've hurt us and our pleas as a community.

1:57:50

You've told us that your hands have been tied.

1:57:53

We have worked hard to untie them here and give you the tools to intercede and help us.

1:57:59

Please, please give us the zoning.

1:58:18

Thanks and I just would love to say I really appreciate your enthusiasm and passion, but let's hold off on any applause or anything.

1:58:24

Just keep it all fair and even.

1:58:26

Thank you.

1:58:35

Hello, my name is Stacy Welderly Wade.

1:58:38

My home and property are located within the proposed zoning district.

1:58:43

My daughter, her family, and all my grandkids are also out in Frenchtown.

1:58:48

I am 110% in favor of this zoning.

1:58:52

Any commercial development of the area immediately adjacent to the westbound off ramp of Exit 89 and an extreme proximity to the Frenchtown schools is a disaster waiting to happen.

1:59:04

The imminent danger to Frenchtown's water supply could be catastrophic, the traffic congestion and related accidents a nightmare, and the negative impact to this rural agricultural community and lifestyle overwhelming.

1:59:19

This is not just speculation.

1:59:22

I submitted a request for relevant information from Missoula County public records related to local, state or national studies or data which reflect the impact of the location of a truck stop, bar, casino and convenience store on crime, underage drinking, vaping, tobacco use, drunk driving, drug and human trafficking.

1:59:47

I also requested information related to Frenchtown's water situation.

1:59:51

Missoula County's own water Quality District has clearly indicated that commercial development in this proposed area is not advised due to health and safety reasons, so I won't address that subject.

2:00:05

As to the remaining topics, As expected, the data indicated that there were direct correlations.

2:00:13

Between the proximity of this establishment and higher incidence, excuse me, these establishments, namely truck stops, bars, casinos and convenience stores, and higher incidences of crime, drugs and human trafficking, underage drinking, tobacco use, drunk driving and vehicular accidents.

2:00:36

What I found particularly interesting, however, is that in many of these studies, the proposed solution to eliminating and reducing these problems was to make wise use of zoning processes to regulate and prohibit certain commercial developments from locations which are in close proximity to schools or other areas where young people congregate.

2:01:02

In this specific situation, the intuition and common sense of the residents in Frenchtown is spot on.

2:01:12

This citizen initiated zoning proposal will accomplish exactly what all of the experts and the studies have proposed, namely to protect this community and the greater public at large from a wholly inappropriate and dangerous commercial development in a location for which it's not suited.

2:01:35

I urge Missoula County to adopt the proposed citizen initiated zoning proposal.

2:01:41

I do have a copy of my records request and I've highlighted some of the results provided by the records folks, if the commissioners are interested in reviewing them.

2:01:51

As to some of the questions that were proposed earlier, namely, if this zoning proposal is adopted, will it in fact stop Town Pump?

2:02:01

None of us have a crystal ball.

2:02:03

That's not a known factor at the moment.

2:02:05

However, what is known is that without this zoning, Town Pump or other commercial development will build.

2:02:18

There is absolutely nothing to stop it at the moment.

2:02:24

By doing so, there is risk to the Frenchtown water.

2:02:28

There's risk in terms of the congestion, the transportation.

2:02:32

It's going to be terrible.

2:02:34

And there's significant risk to the youth of Frenchtown and the community as a whole.

2:02:41

With the zoning, however, we may end up going down a longer path.

2:02:46

We may end up in front of a judge at some point.

2:02:49

But with the zoning proposal, the people of Frenchtown have a chance to protect their water, the transportation and their youth with regard to the question of, well, if we pass this proposed zoning now, what happens when Missoula County has an overlapping or fundamental zoning of the entire area?

2:03:13

Please keep in mind that this zoning proposal, at least proposal number one or or Level 1, is recommended by your own planning department.

2:03:24

It covers all the bases.

2:03:25

It protects the water, it protects the the transportation log.

2:03:31

The other thing that you have to keep in mind is that this current proposal takes into account what Frenchtown is like now.

2:03:39

I mean, it is being utilized.

2:03:40

It has been a community for for a long, long time.

2:03:44

And the proposal protects all of that.

2:03:47

So it's not going to change anything.

2:03:49

The new zoning will take all of that, those same things into account, including the water quality, the transportation and the community.

2:03:57

So again, I urge Missoula Counties the acceptance and passage of our proposal.

2:04:04

Thank you very much.

2:04:05

Do I have to hit anything to start the timer?

2:04:12

OK, My name is Dawn Decennep and I live within the proposed zoning area.

2:04:17

I own a home on five acres.

2:04:19

I live in a single family home that lies within the covenants and restrictions of Mill Creek Ranches.

2:04:24

When I bought my home, I signed my title papers and agreed to a document called the Declaration of Covenants and Restrictions.

2:04:31

Last night I looked up the definition of these words.

2:04:33

A covenant is a legal, legally binding agreement, a contract between two or more parties, restrictions limited or confined, referring to rules and regulations.

2:04:44

I was in favor of these restrictions and I was aware of how I could use my land and also how my neighbor could use their land.

2:04:50

These documents were designed to protect the rural residential living of the property tract owners, the agreement states.

2:04:56

These are legal binding agreement between land owners to ensure the preservation of those who sought out rural living.

2:05:03

One of the restrictions states that 10 acre parcels can be divided one time leaving 5 acre tracts that are not allowed.

2:05:10

Further division single family homes only that had to match to have matching exterior siding and two outbuildings.

2:05:18

No old buildings were allowed, no noxious weeds, no goats, no sheep, no pigs are permitted, no noxious or offensive activities, no discharging of firearms and etcetera, etcetera.

2:05:29

These are enforceable by other land owners that deem their rights outlined in the covenants are as being infringed upon by other land owners.

2:05:39

These rules and regulations increase our home values, give us privacy and allow for a few cows and horses.

2:05:45

It's a desirable place to live and hard to replace.

2:05:49

These restrictions don't expire and not and are not changeable without a vote of 80% of land owners.

2:05:55

As you can see, these covenants are much more restrictive than zoning.

2:05:59

Regarding zoning, I am in favor.

2:06:00

Why?

2:06:01

Because it adds an additional layer of protection that complements our existing CNRS.

2:06:06

It also protects our natural resources and lifestyle from from speculative investors and developers, which in turn will prevent undesired land development.

2:06:17

Such land development would jeopardize our agricultural economy, our protected public water zone for the pond, our irrigation ditch wells, and aesthetics and safety of our rural community.

2:06:28

This has been my home for 14 years, and these were the terms I agreed to and abide by.

2:06:33

I'm hoping my county commissioners will see how zoning will benefit the residents, the environment, and our rural lifestyle.

2:06:40

Thanks.

2:06:47

Yeah, I just wanted to kind of set the stage for, or at least acknowledge Emily's earlier request to have 10 minutes at the end.

2:06:58

And if it's 420, you're at your.

2:07:01

So Emily, you, you all should make a decision with your team how you want to spend your last 10 minutes.

2:07:10

You're done at 4:20.

2:07:11

You spend it however you like.

2:07:14

My name is Mike Tomel.

2:07:16

My wife and I do own 5 acres in the zoning area, so we are affected.

2:07:21

We encourage this zoning in order to keep the town pump from developing the nice agricultural land that's just north of the Interstate.

2:07:33

One thing that has not been brought up that I would ask people to consider Mill Creek is a very nice Creek flowing through the King Ranch Golf Course.

2:07:46

I don't know if there's been any hydrologic study as to where the the water flows underneath the ground there, but it's not that far from the town pump proposed location to Mill Creek itself.

2:08:01

If the water flows in that direction, any fuel spills, any contamination from septic systems or fuel pumps or ruptured tanks could potentially flow into the Mill Creek water, and that goes right through King Ranch Golf Course and right into the Clark Ford Valley.

2:08:44

Kelly Durbin Williams, thanks for letting us be here.

2:08:46

All I would is I intended to speak to the commissioners, but I I think I hear the whole process.

2:08:51

And so in my heart, I want to speak to French Town and I want to speak to town pump, to the French town community.

2:08:57

Keep going, keep going, keep trying to town pump beautiful, beautiful company built founded in Montana by a Montana family in 1953 and over 73 years they've kept it in the family and they believe in Montana values.

2:09:12

As a small business owner of 25 years myself in a as of a company built here in Montana, if the community came to me in this form, I would 100% listen as a business owner, even if it was to the good of my business.

2:09:25

I would listen to my my community and I would be a good steward of my community even as a business owner.

2:09:32

So if you would please go back to the owners of town pump and speak to their heart.

2:09:37

And if they would like to visit, I would appreciate it.

2:09:39

Thank you.

2:09:42

I just wanted to see if I'm assuming here we're not going to get to a a formal vote at the end of this meeting.

2:09:55

We'll see how long the opponents would like.

2:09:57

OK.

2:09:58

If we are not going to get to a formal though, at the end of this meeting, I would request that we have the opportunity to submit some additional briefing on the questions of vested rights.

2:10:09

I'll let them bring up their position, but I mean, we're in line with what the County Attorney has counted both for the signatures and for potential vested rights definition.

2:10:22

So great.

2:10:26

Yeah, you got you got 6 minutes.

2:10:28

Yeah.

2:10:28

I guess this is just a question if, if in fact we don't get to a vote, we'll be at the meeting on the 12th.

2:10:34

Correct.

2:10:34

And would we have additional public comment time at that point?

2:10:36

Is it only if people want.

2:10:38

OK.

2:10:39

So if yeah, if there's folks who feel like the haven't had their voice yet.

2:10:42

Absolutely.

2:10:43

OK.

2:10:43

Thank you.

2:10:49

Down till 4:20.

2:10:52

I just had a quick question.

2:10:53

I was wondering if the commissioners were able to read the comments on the Missoula Voice web page.

2:11:02

Yes, hello, my name is Caroline Habish.

2:11:14

I strongly in support of the zoning initiative as a Montana native, a Frenchtown resident, and a mother to children growing up in this community.

2:11:21

I have 3 kids, one of whom is here today, and all of them have gone to or are currently attending a preschool that is included in the proposed zoning and is now within a stone's throw of a proposed trucking Plaza.

2:11:33

Truck stops and preschools were never meant to be neighbors for too many reasons to name, but with the current lack of zoning, this could now become a horrifying reality.

2:11:42

This preschool has served hundreds of kids of local kids and it's been a staple in the community for decades, with many children attending now as their parents did before them.

2:11:50

These kids, as well as their brothers and sisters in the local schools down the road deserve continued safety, healthy drinking water and they deserve to know that their safety interests are being put above the financial gain of an out of area corporation.

2:12:02

As others have stated, with low water tables and exclusive dependence on wells, I asked the county what will happen if these waters are contaminated with with leaked gasoline as was recently the case with the Whitefish River.

2:12:14

What is the recourse?

2:12:15

There is no public water in Frenchtown.

2:12:17

Missoula County's own water district has stated this proposed count.

2:12:20

Commercial development is not compatible with this area.

2:12:24

Please let the citizens voices be heard and help us protect our home and our kids.

2:12:27

Thank you.

2:12:28

Thank you.

2:12:37

Hello, my name is Jessica Schaefer.

2:12:39

Formerly my maiden name is Jessica Billington.

2:12:43

My family is a generational Frenchtown family and now I'm raising my family there.

2:12:50

I have a nine year old son and a five year old daughter, both attending Frenchtown Elementary.

2:12:54

My husband and I carefully chose to raise our children in this community.

2:12:58

I thoroughly echo the issues raised before me and after me.

2:13:01

However, I want to share a different angle of risk and potential increased danger for the youth in our community and within walking distance from this proposed truck stop.

2:13:09

That issue is very real exposure to sex trafficking.

2:13:12

I want to be clear about something from the start.

2:13:14

This conversation is not about assuming every truck stop is dangerous or that every truck driver is involved in criminal activity.

2:13:20

Many truck drivers are hard working people and many actually become some of the strongest advocates in fighting human trafficking.

2:13:27

But national and state data do show that the truck stops and transportation corridors are recognized locations where trafficking activity can occur.

2:13:35

Organizations like the Polaris Project have documented cases where victims were exploited at truck stops in both urban and rural communities.

2:13:44

Survivors themselves report that trafficking often happens in places tied to mobility, places where people can move quickly and avoid detection.

2:13:52

Here in Missoula County, there has already been a reported incident connected to a truck stop at the Y where an underage girl approached a truck driver offering sex for money.

2:14:01

Thankfully, that truck driver immediately contacted law enforcement.

2:14:04

That story matters because it shows that issue is not hypothetical and it is not limited to big cities.

2:14:09

Transportation systems play a major role in trafficking operations.

2:14:13

National survivor data shows that 81% of victims were transported during recruitment, 70% or 76% during exploitation and more than half during escape.

2:14:23

Trafficking depends on movement.

2:14:24

Highways, commercial vehicles, and truck stops are a part of that system.

2:14:28

That's also why programs like Truckers Against Trafficking and the US Department of Transportation's Transportation Leaders Against Human Trafficking Initiative exist.

2:14:37

Truck drivers are trained to recognize warning signs because they are often the eyes and ears of our highways.

2:14:42

Entire national programs would not exist if this program were not real, and Montana is not immune.

2:14:48

According to the Montana Department of Justice, identified trafficking cases increased from 7 cases in 2015 to 143 cases in 2023, nearly a 2% increase.

2:14:59

State agencies specifically trained communities to watch for warning signs around locations like convenience stores, casinos and truck stops.

2:15:07

Again, this does not mean every truck stop becomes a hotspot for crime, but it does mean these environments are recognized risk points because of that combination of mobility and constant traffic flow.

2:15:18

So when we discussed placing this kind of development near an element or middle school, a high school, I believe it is reasonable to ask important questions.

2:15:25

How do we reduce risk?

2:15:27

How do we increase awareness?

2:15:28

What safeguards will be in place to protect children and families?

2:15:31

That question is not whether trafficking happens in Montana.

2:15:34

It does.

2:15:35

The question is, we are whether we are willing to thoughtfully consider the risks, listen to the data, and make decisions that prioritize the safety of our community against our community's most vulnerable people.

2:15:47

We don't need more fuel or snacks in the West Valley.

2:15:49

We have what we need.

2:15:50

The trucks can go to the Y, not right next to a school and on precious agriculture land.

2:15:56

Thank you for your time.

2:15:57

Thank you.

2:16:01

22 minutes if you want it, 2 minutes.

2:16:07

Hello, my name is Kaylin Derozier.

2:16:10

I have two students in the Frenchtown School District and live out in the area.

2:16:15

I don't have any prepared comments, but I just am struck by how seriously all these residents and community members are taking this.

2:16:24

This is difficult for Montanans, especially homeowners, business owners, land owners, to ask for the government to intercede on their behalf and get more involved in their lives.

2:16:37

And this is the time where the risk is too great to find ourselves on our own.

2:16:45

So we have come together, we've worked together.

2:16:47

Like Sierra said, we're asking for help in any way we can get it to protect our entrepreneurial spirit.

2:16:55

We're not against economic development.

2:16:58

We are business owners.

2:17:00

A lot of the people represented here today own their own business, are self-employed, have a business in their home and or are working in agriculture.

2:17:10

And we need to protect the water and the soils for our entrepreneurial community members.

2:17:18

And having a group come from outside of our community who doesn't understand our priorities and our values, it's just a really hard pill to swallow.

2:17:29

So here we are kind of going against how we would usually operate with the government and asking for help.

2:17:37

Thank you.

2:17:39

So I just want to say one thing about the government before we get to the opponents and then all seriousness.

2:17:45

Haley's on your community council.

2:17:48

Dave is on your community council.

2:17:50

The people you see here shop places you shop, kids play sports at, your kids play.

2:17:56

All you people here speaking today, you are part of local government today.

2:18:00

Local government is us.

2:18:01

I really want to try to shed this paradigm of the evil us and them.

2:18:05

You could be in any one of these seats if you chose to and you're here today.

2:18:10

You're in it today.

2:18:11

Thank you for coming.

2:18:13

Now we'll do the opponents and you can go to a little after 5 if you like.

2:18:17

And you're you're not obligated to use all the time, but you can if you like.

2:18:24

Thank you very much.

2:18:24

My name is Dennis Bowman, I live in the proposed zone area.

2:18:29

Give you a little history real quick is that we did not the family members did not sign this petition.

2:18:35

Couple of reasons is is that at the initial start of it, when it was proposed to us, it was not the right information.

2:18:41

We felt it wasn't given to us correctly.

2:18:44

The other part was is that some of the family's personal information was shared with some of the other neighbors and per keeping Frenchtown legal counsel says they cannot do that.

2:18:58

That's not legal.

2:18:59

So as a family we sat down and looked at it and whether we're for it or not or or against town pump going or whatever, we made a decision not to sign the petition.

2:19:10

We had additional questions which Jenny did an outstanding job answering.

2:19:16

Everything along with our help is Jamie from WGM outstanding in that we were raised is that if you're going to make some changes to the neighborhood or your property, whatever, you get 100% commitment from your neighbor so it doesn't affect them.

2:19:34

And the prime example of that is, is that with us trying to do some stuff to our property and with Jenny and WGM and Brian with WGM, we found out that the county does not have any groundwater data where we are off of Bud Lake and Mill Creek and part of the some of the property there at Mill Creek.

2:19:54

So we're doing a groundwater study with the county and and did additional test sites.

2:20:02

To help out the county to have that information which benefits our current neighbors or our future neighbors, that is going to help them in the future.

2:20:11

So we decide not to do it.

2:20:13

But the other part of it is, is that what I learned as deputy public works director of the utilities for the City of Missoula, working under Mayor John Ingen, is that you're going to have some negatives when you have meetings wherever.

2:20:26

You can't please everybody, but you try your best.

2:20:30

But look at what positive that could come out of some of this stuff.

2:20:34

What I look at you have 31 people that signed the petitions for 64 parcels.

2:20:40

Even though John explained it great, I understood part of it.

2:20:46

Sorry if I had flashbacks of meeting with Jim Nugent at the city, how he talked.

2:20:52

So but anyways, it it it, you got to look at the positives and everything.

2:20:57

So there's 31 part people that signed the petition for 64 parcels along with it.

2:21:03

You have a lot of people that are making comments, a lot of orange shirts and that which is great.

2:21:10

We live in America.

2:21:12

You get to do, you know, we get to within legal right and stuff.

2:21:17

But this is a positive for the county.

2:21:20

It's showing we need zoning not only for this area.

2:21:24

You have people that signed in that's not affected by this zoning, but they live close to it or let live out in Frenchtown that they want zoning.

2:21:35

We have more building going to be going on out there.

2:21:37

We know there's another subdivision going in at Mill Creek in front Frontage Rd.

2:21:42

Let's get together, work with the county.

2:21:45

The doors open for you.

2:21:47

People want zoning.

2:21:48

Let's do it.

2:21:49

It'll be better for the future because otherwise we're going to, every time something like this comes up, we're going to have disagreements.

2:21:57

Thanks for your time.

2:21:59

Thank you.

2:22:21

I'm not a very good public speaker.

2:22:24

I apologize.

2:22:25

My name is Shay Garrett.

2:22:26

I live in Frenchtown.

2:22:29

I've raised 4 kids in Frenchtown.

2:22:31

I own 7 parcels right down there off of Belker Lane.

2:22:35

I want to thank you guys for the my opportunity to be here.

2:22:40

I know it's these are tough decisions and I appreciate you letting me share my thoughts and opinions.

2:22:52

For the record, I've said in all the meetings, I'm not for this zoning the way that it's come about and I'm not for a town pump either.

2:23:03

I think all the things that both sides bring up as far as safety and water and traffic and all that is, is very valid.

2:23:11

But I think also the the way this zoning has come about is very valid.

2:23:21

You know, I feel like this has been a very fast-paced attempt to stop town pump.

2:23:29

I believe in my heart that it's the vested rights is going to come out and I don't know if it's going to stop town pump.

2:23:38

And I believe that we get this stuff zoned the way it's presented and then we get a town pump.

2:23:49

Again, I'm not against the zoning.

2:23:53

I've actually through this whole process has been very eye opening.

2:23:58

If you'd have asked this redneck individual a year ago if he wanted anything zoned, absolutely not.

2:24:05

I want to do with my property what I want to do.

2:24:09

But since this whole process has started up changed, Pat Hafner actually opened my eyes.

2:24:14

He owns 4 parcels and he only got 1 vote.

2:24:18

He owns about I think it's about 20 acres.

2:24:21

He only got 1 vote, but he told me he said Shay.

2:24:25

He said I'm not necessarily against zoning if it's done right.

2:24:29

And so that's kind of the way I'm looking at it now.

2:24:32

If it's done right, I don't have a problem with it.

2:24:36

I wanted to ask a question before the public comment.

2:24:40

I wasn't able to.

2:24:41

I just wanted to point this out on page in the zoning findings on page 7 #4 that number 8 map of the original covenants is incorrect.

2:24:55

And I know that you guys can adhere to everybody's covenants is like Jenny pointed out, but the commercial part of that the Mill Creek Ranchez is incorrect.

2:25:08

I don't know if you want to pull it up or look at it later, but I can tell you my duplex lots on the on the West side of Belker Lane is supposed to be commercial.

2:25:16

It was in the 1969 covenants.

2:25:18

This is also in the 74 covenants.

2:25:20

It's also in the double G rentals covenants.

2:25:22

Is that the county commissioners passed for me 5 or 6 years ago and we tried to implement a really nice place there, 3 duplexes, one residence and then one residence in the back with 12 acres of farm ground.

2:25:38

I apologize if I get rambling sometimes.

2:25:41

Like I said, I'm not good at at public speaking.

2:25:43

But anyhow, I I think the zoning should be something this takes time and you guys look at it.

2:25:52

You're working on a comprehensive plan that I mean just just on the I-90 exit right there.

2:25:57

NI don't want any kids hurt and I don't want anything going wrong.

2:26:01

But I think that's the perfect area for French town to grow.

2:26:05

Maybe somewhere for another restaurant, maybe a mechanic shop, maybe a a Barber shop, you know, maybe some some dense infill for some affordable residences.

2:26:16

I mean we're talking about affordable housing, 5 acre parcels.

2:26:21

There's one for sale about 1/4 mile east of where we're talking about.

2:26:25

It's \$369,000 for one chunk of ground and then put a starter home on there.

2:26:31

The 600,000.

2:26:32

It doesn't, it's not, it's not conducive for affordable housing.

2:26:37

Not to mention this is this is all an activity circle.

2:26:40

From my understanding, this is where we want, you know, things that grow for for the community too.

2:26:45

I'm not saying for individuals, you know, for the community, for the school, the signatures.

2:26:53

I was really confused on the signatures and it took me a while to figure it out.

2:26:57

I, I figured it out yesterday morning on how the 45 signatures got there.

2:27:01

And it's just like he explained because I saw it was 29 people signed, yet they see us 45 signatures.

2:27:08

Then I got to looking that 13 of the land owners get assigned twice because it might be a husband and a wife.

2:27:22

I'm OK with that.

2:27:24

Two of the people which I do want to comment on that.

2:27:27

Two of the people got to sign.

2:27:28

Two of the land owners got to sign three times.

2:27:32

That's Axman propays land because there's three people that own it.

2:27:36

And then the how place, which I'm assuming that's what you're saying is a condominium.

2:27:41

Condominiums aren't even allowed on individual septic systems and wells.

2:27:46

Or am I wrong?

2:27:46

Is that not the condo place?

2:27:48

OK, Yeah, there's, I think what you got in your hand is it's got some numbers at the bottom of them, right?

2:27:56

Those aren't my numbers.

2:27:58

No, I'm not saying they were.

2:27:59

I did a completely independent review And what was the first one that you just said got, I'm assuming it's the propane, Axman Propane's landowner.

2:28:11

Axman only got in in my tally.

2:28:14

Axman got one vote.

2:28:18

Well, I would, I don't want to waste time because I'm sure other people want to talk, but I'd really like to know at some point how these numbers got together because I mean, there's I'm, I'm totaling up 30 signatures.

2:28:34

But then when I got to doing the math and I see that there's two like a husband and wife, they get 2 votes.

2:28:41

And then but but yet my double G properties, which is all in one name, which is 5 parcels.

2:28:46

And yes, it's an LLC because we're trying to do the right thing as a business, but me and my brother own that.

2:28:51

So I feel like there should be two properties if if the if my property is under Shay Garrett, maybe I don't have my wife Tanya or my 4 kids on it, but that's my spouse for life.

2:29:04

She's a vested in that property.

2:29:06

I feel like she should get a say.

2:29:07

So, you know, I don't want to pick up too much time, sorry.

2:29:23

That's good enough for me right now, I guess.

2:29:26

Thank you for your time.

2:29:27

Thanks, Jay.

2:29:28

You bet.

2:29:29

Did you?

2:29:30

Just for the record, I'll, I'll put this in because I don't know that it's in any place else.

2:29:36

My tally, I came up with 72 affected real property owners, of which 45 signed a petition.

2:29:46

That's how I came up with 62.5%.

2:29:49

Thanks.

2:29:51

Good afternoon commissioners.

2:29:52

My name is John West.

2:29:53

I own 2 lots on Belker Lane, 21 acre lots and on those lots are duplexes.

2:29:58

Are you familiar with Belker Lane and the basic geography?

2:30:01

This is a yes.

2:30:03

Belker Lane is the northeast and southeast line of the Town Pump properties.

2:30:08

You could throw a baseball from my property and hit Town pump.

2:30:12

When I we purchased this property at 21.

2:30:15

My family that the property is approved in the covenants for commercial activity.

2:30:22

We made an investment in that property based on the duplexes, but also the duplexes future use.

2:30:29

I'm an attorney.

2:30:30

I want to turn these duplexes into professional doctors, lawyers, chiropractors.

2:30:35

They're perfect for that.

2:30:37

That's a future investment for my children that I made.

2:30:40

This zoning takes that away from my family.

2:30:44

God will never be able to do that.

2:30:46

And I think that's unfair.

2:30:48

I don't want the gas station.

2:30:49

I don't want it at all.

2:30:50

But on the other hand, this zoning takes money, future money from my children and possibly my children's children.

2:30:57

I, I raised my kids in Frenchtown.

2:30:59

I, my Hart is with everybody in this room.

2:31:02

But I don't think the zoning is the proper way of doing it for the reasons I just stated.

2:31:10

The proposed zoning, if you look at Belker Lane, there's 99 lots, only one lot is in favor of the zoning.

2:31:21

And if you go around the corner to the Frontage Rd.

2:31:23

most of those lots are not in favor of it.

2:31:26

There's already commercial activity on Belker Lane.

2:31:28

There's a dentist, there's a storage locker, there's ranching and there's a construction company on Belker Lane.

2:31:34

And if we go around the on the Frontage Rd.

2:31:36

there's more.

2:31:37

So there's already commercial activity here.

2:31:39

I saw that when I bought that land and I wanted to be part of it as it was as the needs of Frenchtown increase when we need doctors and lawyers and these sort of things.

2:31:49

And that's what I invested in.

2:31:51

And I'm I'm very upset that that will be taken away from me and my my children are something that we relied upon.

2:31:58

And that is the covenants that were in place when we purchased it.

2:32:01

And those covenants were passed by my neighbors.

2:32:05

The, the question of the gas station, there's, there's gonna be lots of hearings and lots of other ways to fight this.

2:32:15

And I will join with my neighbors just to do the traffic studies and look at the, the wells and the water.

2:32:20

But the zoning here, I think is, is not needed at this particular moment.

2:32:25

What's been brought up is does the town pump have vesting?

2:32:29

Well, we probably should resolve that question before we pass this zoning because we're putting the cart in front of the horse.

2:32:35

If they, if town pump's gonna get their vesting rolling, then this is all a waste of time.

2:32:39

And I lose, and not just me, but all the people on Belker Lane and all the people on the Frontage Rd.

2:32:44

who do not have presently a business.

2:32:47

We all lose the opportunity to have our, our, our, our, our commercial activity.

2:32:53

And I'm not talking about smelly businesses.

2:32:56

I'm talking about the kind of things that we need in our town.

2:32:59

And that is the what I've already described.

2:33:02

So I would encourage the commissioners to wait on this.

2:33:05

Let's see what happens with Pound Pump.

2:33:08

Now getting to now, I learned today through County Council here that I got one vote.

2:33:13

I own 2 lots in the name of a trust and I get one vote.

2:33:18

The County Council is now interpreting that multiple names on a deed get multiple votes.

2:33:26

That strikes me as very unfair.

2:33:28

And I'll let me point it out this way.

2:33:29

If I hadn't known that that was the rule, I would have quit, claimed my property to 30 relatives and I'd have 30 votes or maybe 100 votes tenants in common.

2:33:39

I'm going to go back to my property law days and counsel.

2:33:42

I I haven't researched this, so in many ways I'm going to defer to what he said.

2:33:45

But in property law, you have a tenant in common.

2:33:49

You could have three names on there.

2:33:50

They all own one thing, that one piece of land, it's an undivided share.

2:33:56

No one of the three people could do anything with that property without the other two signatures.

2:34:01

They own one thing.

2:34:05

So the number of names on a deed, I would, I encourage commissioners to not look at that.

2:34:12

Take the map and look at how many lots are in favor of this and what you'll see is along Belker Lane and the frontage road and as we move east from Belker Lane, there are not that many lots.

2:34:23

The majority do not want this.

2:34:26

And why is that?

2:34:27

Because the people along Belker Lane and on the frontage road and moving towards the veterinary clinic that's there invested in this area because it was obviously going to be commercial.

2:34:37

I think that that's the future of Belker Lane in that particular area.

2:34:40

And we may, we may defeat Town Pump on this, but there's going to be an Albertson's in that field or there's going to be an Ace Hardware store, or there's going to be some commercial activity.

2:34:50

And then people like me who invested in this area for commercial activity are going to be not going to be allowed to participate.

2:34:57

So I'm going to look at an Albertson's for my lots and I won't be able to, you know, this very close commercial activity and I will not be able to partake in that.

2:35:06

And I think that's unfair.

2:35:07

I think that's very unfair.

2:35:09

And I appeal to the commissioner's sense of fairness in, in the comments that I've, I've said so far.

2:35:16

So I'll sum it up by saying I think you should wait.

2:35:19

I think you should wait to let Town Pump do their litigation.

2:35:21

Cuz I'll tell you, Town Pump's gonna come and litigate that issue I just explained about the tenants in common and they're gonna have a field day with that.

2:35:28

I think all respects to council, you know, ask three lawyers for three opinions and how many will you get?

2:35:35

You know, 5.

2:35:36

So we all, we all disagree a lot of on a lot of different things.

2:35:40

So my opinions on this are no disrespect to County Council.

2:35:43

I think you should wait.

2:35:45

I think we should wait and see what Town Pump does.

2:35:48

I think we should fight the for my friends and neighbors.

2:35:50

I'm not your enemy, and I will support you financially, and if anything, I can do, but not on.

2:35:57

But on other issues, the water, the the the roads, the safety, the children.

2:36:02

And my kids have graduated from that high school, too.

2:36:05

And I bought that land to invest in my my community.

2:36:09

I hope the community will treat me fairly.

2:36:11

Thank you.

2:36:12

Yeah.

2:36:13

Sir.

2:36:13

Sir.

2:36:14

Question here.

2:36:14

Yeah.

2:36:14

While, while you're here.

2:36:16

So is your understanding that the covenants that encumber your property are not allow you to do more than what this zoning proposal would?

2:36:28

The covenants allow commercial activity on both sides of Belker Lane, I think up to 200 feet.

2:36:33

My properties, my duplexes, which are going to be easily convertible to professional offices, allow commercial activity.

2:36:43

The zoning does not allow me to change the nature of my property other than what exists today, townhouses.

2:36:51

Thank you.

2:36:52

Thank you.

2:37:02

Good afternoon.

2:37:03

I don't even need a microphone because I got a loud voice.

2:37:05

But my name is Colleen Erickson Dwyer and my mother let me let me take you back.

2:37:12

In 1972, my parents bought 20 acres of land up Mill Creek.

2:37:19

They subdivided one section, sold it in 2-5 acre plots because it agreed with the covenants.

2:37:25

Now with this zoning, my mom's 90 years old.

2:37:29

I lost my father two years ago and he was 90 1/2.

2:37:33

I've been living there.

2:37:35

I grew up in Frenchtown, last class to graduate from Frenchtown High School, went on to play college basketball.

2:37:42

And you know, I've have my son taught out there.

2:37:46

All the grandkids worked at my dad's meat market, Diamond Bar Meats.

2:37:51

He was one of the original owners with another guy.

2:37:54

So anyway, we have high really good roots here in the community and in French town, and I am.

2:38:03

So I don't want, I don't think my 90 year old mother should be included in this Sony.

2:38:08

She's followed all the covenants.

2:38:10

She doesn't have chickens, she doesn't have ducks, and yet she can't see enough.

2:38:15

So maybe I should put some on there, but no, I won't.

2:38:19

But I'm so against it because it's taking away, it's a violation of feel of what if zoning's so good and I know we're all trying to.

2:38:30

I don't want Town Pump.

2:38:32

I see what kind of business Town Pump does and everything.

2:38:35

But you know, I don't have a deep pocket.

2:38:38

I work at a school, so I have a para.

2:38:44

I work as a para at Hellgate Elementary School, so I don't get a raise, but yet gas is over \$4.00 and some cents a gallon and everything keeps going up.

2:38:56

My mother's on Social Security, you know, and we're trying to afford all the, all of the taxes and the upgrades and everything, yet you want to zone her at 90 years old?

2:39:06

She could care less, I'm sure, because she can't see.

2:39:08

But I'm always been there for I live with her, so I do all the work on the property.

2:39:15

And it bothers me that you want to do it on our side of the road.

2:39:19

Yet my neighbors right across the street from me, you're not going to zone them.

2:39:25

I don't want town pump, but I don't think that you should carry it all the way up into Millcreek because if you're going to zone us, we'll like to wait and be zoned with everybody else.

2:39:37

You can stop it, you know, at the frontage road or whatever.

2:39:40

But I just, I don't know how long my mom has left to go and I, it just kind of stresses.

2:39:46

I had people come by and she'd said, no, I don't want to sign.

2:39:51

Then other neighbors stopped by.

2:39:53

Maybe she'll sign from you.

2:39:55

I just felt like she was pressured because she was not.

2:39:58

The very first time you came, I was not there and they made her feel like she had to sign.

2:40:06

You have to sign.

2:40:06

You don't want town pump.

2:40:07

Well, no, I don't want Tom pump.

2:40:09

But they never disclosed that they wanted the zoning.

2:40:12

So she was on the first initial part of signing the petition because she just they were she was told that it just has to do with you don't want town pump coming in.

2:40:24

So I just hope that you hold off in your your zoning because I'm with the guy in front of me and let's just wait and see about town pump because why, why pull something in front of the cart before the horse?

2:40:39

You know, it's like hold off on your your thing until we see what Tom Pump's doing because they have a much deeper pocket than I've ever thought of having.

2:40:48

So thank you, ma'am.

2:40:52

Can I ask you a question?

2:40:55

Sorry, we're on a roll here.

2:40:56

So.

2:40:57

So no, I didn't write anything down either.

2:41:00

That's OK.

2:41:00

That's OK.

2:41:01

You can add Lib.

2:41:02

So did your mother actually sign the petition?

2:41:04

She signed the very first one.

2:41:06

And so does she want to?

2:41:08

No, she does not want to be zoned.

2:41:11

No, she doesn't want the town pump.

2:41:14

She's this property right here where my cursor is.

2:41:17

I didn't count.

2:41:19
No.

2:41:19
OK, so she's not counting.

2:41:20
You didn't count me right?

2:41:21
Us her, yeah, 'cause we, she had three people swing by and one guy we've known, she's known forever because she was a surgery supervisor at Community Medical Center.

2:41:33
And Dave is a very good friend and he's wanting the zoning.

2:41:37
But, you know, she just said I'm not signing, I'm not signing, but you can come on in, have a cup of coffee.

2:41:43
I like to visit.

2:41:44
So.

2:41:45
OK.

2:41:46
Thanks for the clarification.

2:41:59
Hello Commissioners, my name is Ed Alexander and I have the biggest piece of land affected by this citizens zoning and I am against the citizens zoning but I am not against zoning.

2:42:16
The reason being is the one in five acre proposal Shay mentioned it is an unaffordable housing situation and I believe that the highest and best use of this property is smart zoning with different types of zoning combined.

2:42:37
And I also think that the highest and best use of the property should be considered also the way that the Missoula comprehensive plan is going to be rebooted as far as like the first one came out in 1975 and our property was in the activity circle up to 1/4 acre zoning or quarter acre per house high density zoning.

2:43:14
And I don't agree with that, but I just think that this zoning measure has gone too fast and has not been considered by enough people.

2:43:25

And I just think that it should wait until the new comprehensive plan comes out for a more thorough, well thought out zoning.

2:43:37

Thank you.

2:43:39

Thank you.

2:43:58

Good afternoon, commissioners.

2:44:00

My name is Dan Manson.

2:44:02

I am with Town Pump.

2:44:06

I have several different issues that I'd like to cover today and and I think the most important one to talk about during the time that we have left is the certification process.

2:44:19

We have a significant concern about the way the certification process was handled.

2:44:25

Could you describe what that is please?

2:44:27

Yes, certification is the certification of the number of people entitled to vote and the number of votes that they that they were able to.

2:44:37

Maybe the proper word is validation, not certification.

2:44:39

Thank you.

2:44:42

So there's, there was talk about the statute, the County Attorney spoke of the, of the governing statute and then talked about the what I would call a guidance document that was generated by the by the department.

2:45:00

It has a footer on it dated 2017 and it talks about how votes are supposed to be counted.

2:45:09

One of the buzzwords that that you hear is in, in, in the property ownership, excuse me, I don't want to get this incorrect, is the term freeholders.

2:45:28

And when we look at the number of freeholders, I think that's what led John to the conclusion that he would count husband and wife twice and that he would count an entity once.

2:45:46

And then in the total number of freeholders that he would only count somebody like double G1 time even though they own 5 lots.

2:45:58

It's important to note the governing statute that was amended, it used to have the term freeholders.

2:46:06

It was amended and removed the term freeholders, right?

2:46:11

And and the the guidance document from the county on how to do this citizen initiated zoning didn't follow the amendments to the statute.

2:46:24

And so I think that when you consider the methodology used to count the number of votes and how that applies to the current statute, I think you end up with a with really a constitutional, excuse me, a constitutional argument that it's a violation of equal protection because there are similarly situated lots that are counted differently.

2:46:56

And so using the double G example, 5 lots about 18 acres and Shea gets how many votes?

2:47:07

One right across the road from him.

2:47:11

There's four lots total acreage less than four and they're each owned by husband and wife.

2:47:20

They get 8 votes.

2:47:23

And so when you think about the fundamental fairness of that system, it just, it just strikes me as being incorrect and a violation of the equal protection provisions in the Constitution.

2:47:47

I understand the term freeholders, right?

2:47:52

And and if we were looking at freeholders, you would, you would count two people, but the statute doesn't doesn't utilize that term anymore.

2:48:04

And so I think there's a fundamental error in the way that we have counted these votes.

2:48:11

And if you look at, and I think it's been brought up already, there were total number of lots, 6264, there were 31 lots that voted for this zoning, less than 50%.

2:48:32

That doesn't meet the threshold.

2:48:34

So the only way you meet the threshold is by using language that doesn't exist in the statute anymore and by not giving credit to people that own multiple lots, fundamentally unfair in, in my opinion and I believe violates the Constitution.

2:48:54

So that's our position on on the certification.

2:49:18

The other main point that I want to talk about is the appropriateness of commercial zoning for a parcel like this.

2:49:27

This property is located, as we've all heard today, adjacent to an interchange and it has frontage.

2:49:37

If you were to take a look at the existing zoning code for Missoula County, those are the areas where more intense development is encouraged.

2:49:50

In fact, there's a provision in the code about truck stops saying that they have to front an arterial road and they have to be within 2000 feet of an Interstate exit.

2:50:04

That's exactly where this property is located.

2:50:08

And so to say that this zoning is generally consistent with a 50 year old plan, which it may be.

2:50:19

It's also generally inconsistent with that same plan and with current zoning.

2:50:25

So in our opinion, commercial zoning, if you were to adopt zoning, is totally appropriate for this parcel.

2:50:38

There's a few statements in a document that was called frequently asked Questions, and I think that's a document, I'm not sure who, excuse me, who published it, but the department published it.

2:50:52

The first question said is this zoning an attempt to stop Town Pump?

2:50:59

And the answer to that question was no.

2:51:03

I think we can all sit here today and understand exactly what the purpose of this zoning is.

2:51:10

It's an attempt to stop the town pump, nothing more, nothing less.

2:51:16

Town Pump is not opposed to zoning in a normal process, but the citizen initiated zoning that takes a wide swath of property that is otherwise most highly and best used as commercial property and eliminate commercial uses.

2:51:38

That doesn't seem like a fairway to quote UN quote try to stop a project.

2:51:46

So we're opposed to the zoning initiative.

2:51:48

We don't believe that the number of votes necessary to advance it has been properly gotten, but for for a multitude of reasons, we are opposed to the zoning.

2:52:16

Yeah, Sir.

2:52:17

You got 5 minutes.

2:52:19

OK.

2:52:19

I'm sorry.

2:52:19

No worries.

2:52:20

Take your time.

2:52:20

You're good.

2:52:21

Or we you can go a little after because we went a little longer on the other.

2:52:24

I had some things in a particular order, but people have already covered them, so I'm no problem around at the end here.

2:52:29

You're fine.

2:52:31

It's very interesting.

2:52:33

And one of the speakers talked about it, but when you look at this proposed zoning district, all of the properties, almost all of the properties that voted for the zoning have already been subdivided and developed.

2:52:49

What what the way the district lays out those properties that are already developed are deciding how it is that unzoned, undeveloped properties are going to be developed.

2:53:06

That has a significant effect on the value of the properties that the attorney gentleman spoke about that we certainly bought the property with the expectation that there's no zoning there.

2:53:22

Mr.

2:53:22

Alexander talks about wanting to do something with his property.

2:53:27

He's been on that property for years and when he's ready to do something with it, he doesn't want to be constrained.

2:53:36

If you take a look at from Belker all the way around the corner to the end of this district, nobody voted for the zoning.

2:53:46

Those are all the properties that are primed for development and they're being controlled by properties that are already developed.

2:53:57

It's instructive to take a look at the West side of the boundary.

2:54:01

I'm looking at the map.

2:54:03

I think it's a trailer.

2:54:06

It's a trailer park.

2:54:07

It's a commercial operation.

2:54:09

That would not be allowed with this zoning.

2:54:13

The Axman business on the corner who votes for the zoning certainly would not be allowed if it didn't already exist.

2:54:23

It's coming into this zoning as a pre-existing non conforming use could never be changed into anything else similar, could never be developed from the ground up.

2:54:34

Today, a lot of the commercial activity that's right across Belker would not be allowed to be developed on the town pump or the Alexander or the double G parcels if this zoning were to pass.

2:54:51

So, so there's some real fundamental unfairness in the way this boundary is drawn and in the differences between the character of the residential property that's developed and the property that's down along the frontage Rd.

2:55:08

adjacent to the interchange.

2:55:10

We don't know how the normal zoning process would work out, but you could bet the district boundary wouldn't look anything like the boundary that's proposed.

2:55:20

It just wouldn't, right?

2:55:22

It would be more of a residential and more of a commercial mixed-use.

2:55:28

So, so this is this initiative is nothing more than an attempt to stop a project.

2:55:39

And I you know, with all due respect to, to the reasons and, and to, to, to, to the department stating that that that's not the reason.

2:55:52

I think we know that, that that's exactly the reason.

2:55:56

And we would submit that that's not a proper use of the zoning process.

2:56:03

I would reserve any comment on our vested right application because that's not before you right now.

2:56:13

But, but we feel very strongly that we we have valid invested rights and that our project and and property would be excluded from this zoning process.

2:56:28

Interesting note, we've owned the property for over 20 years.

2:56:33

The first parcel who did we buy it from buy Low Foods.

2:56:40

So before that buy Low Foods owned it and they were going to develop it.

2:56:45

So the thought that that commercial activity on a significant scale was never contemplated for property in this area doesn't seem to be the case.

2:57:01

And I'll and I'll leave, I'll leave that comment at that.

2:57:05

There has been plenty of opportunity to attempt to go through a normal zoning process and and I think relying on a 50 year old document that wasn't really adopted as a plan I don't think until 20 or 25 years after it was after it was worked up.

2:57:26

And and it does have an activity circle and we're in it and it does talk about commercial, commercial and large commercial projects being on an arterial and close to the interchange.

2:57:44

And, and so I would submit, even if that's a a valid plan, even though outdated commercial uses are very consistent with that plan.

2:57:59

And so to to say that this zoning isn't generally consistent, the reverse is also very true.

2:58:08

It's generally inconsistent with that plan as well.

2:58:11

And I can point you to numerous provisions there.

2:58:14

Thanks a lot.

2:58:15

I would appreciate it.

2:58:16

Thank you.

2:58:17

Cheryl, would you remind us again the date that we're going to continue May 12th and if necessary, May 28th at same place here in the Soapy movies room, May 12th, May 12th.

2:58:37

It's a Tuesday.

2:58:38

It is a Tuesday.

2:58:39

OK.

2:58:40

It's a special public meeting for this item as well as another one at 2:00.

2:58:45

Great.

2:58:45

We'll see you all then.

2:58:46

And thanks everybody for coming.

2:58:48

Thank you, everyone.

2:58:48

Thank you deeper, but I wasn't.

2:58:56

Oh, we'll, we'll carry on.

2:58:57

There will be time for 100%.

2:58:59

We'll go until everybody's felt like they've had their set.

2:59:01

Thank you.