

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 28, 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
Christina Dewar, Commissioners' Office
Annie Cathey, Commissioners' Office
Melissa Fisher, Commissioners' Office
Chris Lounsbury, Chief Administrative Officer, Missoula County
Patricia Spotted Wolf, Commissioners' Office
Jill Johnson, Planning, Development, and Sustainability
Tim Worley, Planning, Development, and Sustainability
Tenzin Lhaze, Communications
Erik Dickson, Public Works
Carey Powers, Communications
Analeshia Rodriguez, Planning, Development, and Sustainability
Allison Franz, Communications
Mattie Scott, Commissioners' Office/Facilities
Izzie Varley, Planning, Development, and Sus
Nicholas Zanetos, Parks and Trails
Jennie Dixon, Planning, Development, and Sustainability
Kevin Dantic, Planning, Development, and Sustainability
Kyla Lehnerz, Lands and Communities
Karen Hughes, Planning, Development, and Sustainability
Patrick Swart, Planning, Development, and Sustainability
Kathleen Arthur, Planning, Development, and Sustainability
Chet Crowser, Lands and Communities
Lauren Ryan, Community and Economic Development
Vincent Pavlish, County Attorneys' Office
Matt Heimel, Planning, Development, and Sustainability

Katy Reeder, Planning, Development, and Sustainability
Shyra Scott, Clerk and Recorder's Office
Daniel Stone, Clerk and Recorder's Office

1. **CALL TO ORDER** [Time stamp – 0:00]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:02]
3. **LAND ACKNOWLEDGEMENT** [Time stamp – 0:21]
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** [Time stamp – 0:28]
 - a. Closed Captioning
 - b. Proclamation: Pride Month
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** [Time stamp – 1:18]
6. **CURRENT CLAIMS LIST**
Claims received as of May 06, 2026 to May 20, 2026 by the Commissioners' Office total \$7,741,293.46.
7. **HEARINGS (Planning and Zoning Commission)**
 - a. **Frenchtown Zoning Interchange Initiative** [Time stamp – 03:57]
Jennie Dixon, Planning, Development, and Sustainability

Petition #2

Commissioner Strohmaier made the motion that the Planning and Zoning Commission hereby recommend denial to the Missoula County Board of County Commissioners' for the part one zoning petition to create a planning and zoning district and adopt a development pattern with zoning regulations for 160 acres located at 15500 Malvin Dr., in Section 26, Township 15 North, Range 21 West, described as the south half of the northwest quarter and the west half of the southwest quarter, proposed as agricultural and rural residential at a density of one dwelling per 10 acres, based on the findings of fact and conclusions contained in the staff report and public testimony.

Commissioner Vero seconded.

[Motion Passed 5-0.]

[Resolution 2026-082 Book:1128 Page:1378]

Petition #1

Commissioner Strohmaier made the motion that the Planning and Zoning Commission hereby recommend approval of the proposal to create a planning and zoning district known as "Citizen" Zoning District #47 (the Frenchtown Interchange Zoning District) and adopt a development pattern with zoning regulations for approximately 397 acres north of Frenchtown Frontage Road near the intersection with Demer Street/I 90 interchange, whose legal descriptions are shown in Attachment D, based on the findings of fact and conclusions contained in the staff report and public testimony.

Commissioner Vero seconded.

[Motion Passed 3-2.]

[Resolution 2026-082 Book:1128 Page:1378]

Board of County Commissioners Votes:

Petition #2:

Commissioner Strohmaier made the motion that the Missoula County Board of County Commissioners' deny the part one zoning petition to create a planning and zoning district and adopt a development pattern with zoning regulations for 160 acres located at 15500 Malvin Dr., in Section 26, Township 15 North, Range 21 West, described as the south half of the northwest quarter and the west half of the southwest quarter, proposed as agricultural and rural residential at a density of one dwelling per 10 acres, based on the findings of fact and conclusions contained in the staff report and public testimony.

Commissioner Vero seconded.

[Motion Passed 3-0.]

Petition #1

Commissioner Vero made the motion that the Planning and Zoning Commission hereby recommend approval of the proposal to create a planning and zoning district known as "Citizen" Zoning District #47 (the Frenchtown Interchange Zoning District) and adopt a development pattern with zoning regulations for approximately 397 acres north of Frenchtown Frontage Road near the intersection with Demer Street/I 90 interchange, whose legal descriptions are shown in Attachment D, based on the findings of fact and conclusions contained in the staff report and public testimony.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Resolution 2026-082 Book:1128 Page:1378]

8. HEARINGS

- a. Resolution: Establishing a School Zone and Speed Limit School Zone on Potomac Rd. [Time stamp – 1:51:01]**
Erik Dickson, Public Works

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby adopt a resolution establishing a school zone and school zone speed limit on Potomac Loop and a portion of Potomac Road at the Potomac Elementary School.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Resolution 2026-055 Book:1129 Page:678]

- b. Guilhemotonia Family Transfer [Time stamp – 1:56:41]**
Katy Reeder, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the request by Sebastien Guilhemotonia to utilize the family transfer exemption to create and transfer a .5-acre tract to his father, Philippe Guilhemotonia, on property located at 7580 Arroyo Lane, legally described as COUNTRY CREST # 2, S1 1, T13 N, R20 W, Lot 008, as presented in the exemption application and affidavit.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Letter 2026-126 was sent to Sebastien Guilhemotonia.]

- c. Ranch Club Phasing Plan Extension** *[Time stamp – 2:01:30]*
Kevin Dantic, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve Ranch Club Subdivision Phasing Plan Extension, extending the Phase 10 final plat submittal deadline to December 31, 2026, and extending the phase 11 final plat submittal deadline to December 31, 2029, subject to Ranch Club Subdivision Master Conditions of Approval.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Letter 2026-134 was sent to Genesis Engineering in c/o Chris Wasia]

9. OTHER BUSINESS
[None]

10. ADJOURN
Chair Slotnick – Called the meeting to adjourn at 5:04 p.m.

BCC Public Meeting May 05, 2026 – Transcription

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

0:02

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

0:21

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

0:28

We have any public announcements?

0:30

Just a quick closed captioning one second.

0:35

Hello, everyone.

0:36

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

0:41

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

0:47

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

0:53

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

0:57

Please respectfully keep your comments to 3 minutes.

0:59

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

1:03

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

1:06

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

1:10

Push *6 to unmute.

1:13

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

1:15

Thank you, thank you.

1:18

Cheryl, do we have any public comment on items not on the agenda?

1:23

This means you can come speak for three minutes about anything you like.

1:32

Oh, OK, anybody online wish to speak about anything for three minutes?

1:39

Oh, and we have a proclamation.

1:43

Oh, we have no one needed.

1:44

OK, that was convenient.

1:45

She went to go get air con.

1:48

OK, we have a proclamation today in support of Pride Month.

1:53

Whereas, Missoula County and the City of Missoula acknowledged the lasting impacts of homophobia, transphobia and transphobia, which have manifested through acts of physical, mental, emotional, and institutional violence against lesbian, gay, bisexual, transgender, queer, intersex, asexual, and two spirit individuals and communities both in the United States and globally.

2:16

AND WHEREAS, Missoula County and the City of Missoula are home to these diverse communities and are committed to supporting the safety, visibility, dignity, and equality of all residents.

2:26

And WHEREAS, on June 28th, 1969, the New York Police Department conducted 2 raids on the Stonewall Inn, a popular gay bar in Greenwich Village, using discriminatory laws such as masquerade laws to arrest patrons and workers.

2:43

And WHEREAS, these raids sparked neighborhood resistance known as the Stonewall Uprising, led by transgender and lesbian activists, including transgender women of color, And the courage of these activists in the face of violence became a rallying call for the gay rights movement in the United States.

3:03

And WHEREAS while significant progress has been made towards policy reform and equitable treatment of this community, there are renewed efforts to discriminate and inflict harm upon

them, making it essential for local governments to stand in solidarity and take action to support those affected.

3:21

Now, therefore, we, Missoula County and the City of Missoula do hereby proclaim the month of June 2026 as Pride Month and invite all residents to observe this month through community program ceremonies and activities and by visiting [Missoula pride.com](https://missoula.pride.com) signed by the Mayor of Missoula, Andrea Davis, and year three Missoula County Commissioners.

3:46

Thank you, Dave.

3:47

We have a packed agenda today and our first one is the Frenchtown Zoning Interchange Initiative, which obviously why most of you are here.

3:57

What we would like to do is work on this from now until 3:30 and what we would do is cut the time in half, proponents and opponents.

4:08

But what I would like to encourage you all right now is to look at your chunk of time and really ask, is there something we're going to say that has not yet been said?

4:18

I would encourage you to cede your time to us to deliberate and actually make a decision today.

4:24

Now, if you feel like, no way, we've got tons of info.

4:27

I got a PowerPoint we need, we need to get our word out that it's your time to work with.

4:31

But if you in the interest of seeing a decision made today, I would encourage you to cede the time to us.

4:37

But that is entirely up to you.

4:39

Jason, can I look to you to help me with math?

4:42

Being an engineer sounds good.

4:45

If we were to end it, Yeah.

4:47

So what?

4:48

What?

4:49

We'll do it.

4:50

We'll do a, a, a time, a coin flip.

4:52

Who has a coin?

4:54

I think it was proponents.

4:55

Opponents.

4:56

We'll be back to proponents today.

4:57

I think that's how it went.

4:59

So proponents, you got 45 minutes.

5:03

If you want to talk, you can talk.

5:05

If you want to just see that over, we'll jump right to opponents.

5:08

And then when they're done, we'll start deliberating and hopefully get to a decision today.

5:12

But it is up to you how you want to use your 45 minutes.

5:18

Dave, Huddle.

5:20

Good idea.

5:21

Take a few minutes to huddle.

5:23

You guys can go in the hallway if you want to.

5:25

You don't have to do this here.

5:30

OK.

5:31

So Jason, when would these guys be done?

5:34

Thank you so much.

5:43

Yes, green button and then say your name and OK, Thank you, Good afternoon.

5:47

Thank you county commissioners for the opportunity to speak regarding the zoning initiative in Frenchtown.

5:53

I am Lori Kurth.

5:55

I live in Frenchtown on the South side of the highway, not within the current proposed zoning area, so I provide a different perspective.

6:04

While my property is outside the proposed zoning, the effect of zoning or potential lack thereof will have much broader influence over residents in the community well beyond the proposed zoning area.

6:15

I grew up outside of Chicago in a somewhat rural area with industrial sites not far away.

6:21

For 18 years I watched my father drive to the South side of Chicago where he worked for Sherwin-Williams Paint Company as a chemist.

6:27

Several miles from my home was a Texaco oil refinery that would pass nearly every day.

6:32

When I was 13 I decided I wanted to move West to the mountains and away from the busyness of the city, congestion, rapid subdivision and growth and the impact of industrial sites.

6:43

When I moved to Frenchtown 2007 for my career, I looked at many homes and locations in Missoula County.

6:49

Although the Y area would have been most convenient for my commute to work, I opted to purchase adjacent to King Ranch Golf Course as I did not want to live so close to the then 2 truck stops and other commercial industrial businesses.

7:03

Yes, I purposely chose Frenchtown for its rural small town, quiet nature with limited development.

7:09

The bike path along Moen Rd.

7:11

runs right in front of my house.

7:12

I often walk and ride my bike in a loop that takes me along the frontage Rd.

7:16

past the high school and to the overpass and back home.

7:20

I enjoy the open rural landscapes that provide a sense of quiet and solitude.

7:24

While I may have no legal vested right related to the zoning, I and other French residents have a keen vested interest in keeping the rural, small community nature of Frenchtown that we chose.

7:40

While it is clear that the zoning is part of an effort to stop the development of a large truck stop, it is also the start of much needed input from residents of Frenchtown to help determine the type of community Frenchtown will be.

7:52

At the last meeting, town pump representatives presented a lot of data regarding traffic patterns, soils, air quality, mitigation measures, and philanthropic.

8:04

If you're online, please meet yourself.

8:07

What was not discussed is that truck stops are typically located industrial in industrial zones due to the 24 hour traffic lights, traffic volume, large vehicles, noise and air pollution.

8:18

They simply are not located in residential or light commercial use areas or in close proximity to schools in order to prevent impacts and conflicts to those land owners and uses.

8:29

Additionally, according to the Federal Highways Works Administration, approximately 40% of truck stops are have spaces for up to 40 trucks.

8:38

40% of them have parking up to 9920% or larger.

8:43

So what is being proposed is not even a small truck stop by US standards.

8:48

Another interesting statistic, Montana has the highest number of truck parking spaces per 100 miles of daily vehicle miles traveled.

8:57

This is according to the Federal Highways Administration.

9:01

The October 2025 Missoula County Industrial Lands Report shows only the Smurfit Stone site as industrial in the Frenchtown area and does not discuss the potential for industrial development outside of this zone.

9:14

It is doubtful that a comprehensive planning effort would designate any of the lands around the Exit 89 interchange as industrial due to the current residential nature and the desire of citizens to remain rural.

9:27

The proposed zoning initiative is more in keeping with the likely direction of a comprehensive plan.

9:32

At the first hearing, one of the commissioners asked the question whether, if approved, will the zoning influence the county current county comprehensive plan effort.

9:42

I would propose that the counter question is important as well.

9:45

If the current proposal is denied and a large industrial use is developed in Frenchtown, will that influence the Comprehensive plan?

9:54

Last year when I first read that Truck Stop was being proposed at the interchange, I really thought it was another silly conspiracy designed to rile up emotions.

10:02

I was stunned to find that the proposal proposal was real as it simply doesn't make sense.

10:07

Town Pump is a Montana based company that has been successful and does give back to communities.

10:12

Rather than thrusting their will on a community, there is an opportunity to work with the residents and develop the land in a manner that would really help the community.

10:20

A Community Center with a park and affordable housing is 1 suggestion.

10:24

If there is no interest in listening to the community, then we must draw upon the county commissioners to help us.

10:30

As it appears, the Town Pump may have developed the mindset of any big city corporation and walked away from the connection to Montana communities.

10:39

When you think of the drastic change in the nature of Frenchtown, residents are being asked to sacrifice a lot to pad corporate pockets.

10:47

This is much more than any philanthropy can buy.

10:50

How many commissioners and and Town Pump owners and board of directors are willing to find their Montana dream adjacent to the proposed development and may be determined that Town Pump has a legal vested right to develop as they choose, but they will lack the moral license which is the communities to grant.

11:10

I find it quite ironic that this Chicago girl is here to ask a Montana company and the county commissioners to preserve the wide open spaces and values of the last best place.

11:22

I support this and future zoning efforts needed to keep French Town the community, we the residents, not the an outside corporation choose to live in.

11:30

Thank you for the opportunity to share my perspective.

11:33

Thank you.

11:35

We're not doing that.

11:36

We're not doing that.

11:37

We're not doing that.

11:39

No applause.

11:40

Sorry.

11:40

Sheesh, people.

11:41

All right, here we go.

11:42

I'm going to be quick.

11:43

Kelly Durbin Williams.

11:44

I'm a proud Frenchtown Husson resident and the parent of two children who graduated from the Frenchtown High School and one that graduates on Sunday.

11:54

You hold broad police powers under Montana Code to regulate land use and to protect public health, safety and welfare.

12:03

Passing local zoning is the only preventative land use tool that we have to protect French towns water supply right now.

12:10

And you've heard all about the water, so I won't go there.

12:13

Missoula County must exercise its public public safety mandate to protect our public health by ratifying the French Town Interchange zoning initiative.

12:25

Commissioners, let's be absolutely clear about the law.

12:28

A corporate threat of a lawsuit is not a legal fact, and a pending application is not a vested right.

12:35

Town pumps legal counsel would like us to believe that their hands are tied and there's a timeline, but I personally feel that's a corporate bluff.

12:43

In the Montana land law use, simply submitting paperwork is not an into a state database does not grant a developer a permanent unassailable right to bypass local community standards.

12:55

Under our state's administrative rules, an application must be deemed fully compliant and technically technically complete to carry out any legal weight.

13:04

Town pumps application is neither of those things.

13:07

Their engineered water waste model fails to account for the real world hydraulic surge volumes of an Interstate truck stop over a porous gravel aquifer.

13:16

They submitted, in my opinion, a fiction on paper and a deficient application cannot manifest A vested right.

13:26

Vested rights require investment.

13:28

Look at that 33 acres.

13:30

Town pump has not broken ground, they have not cleared trees, they thank God they have not laid a single ounce of concrete, and so on.

13:37

They have zero physical infrastructure.

13:39

La La, skip all that.

13:40

Make it short.

13:42

Zoning is the only tool that we have to save French towns water, and we need you to use it today.

13:48

Critics say that this citizen zoning is just a temporary patch and that Town Pump is saying that we're targeting them, but that's not true.

13:59

Passing this today gives Missoula County the vital time it needs to build a permanent safety net.

14:04

This initiative will serve as the legal baseline for our upcoming Countrywide Growth Plan, which I'm excited for us all to participate in.

14:12

It's going to be amazing.

14:14

It ensures that when permanent counting zoning maps are drawn, they must legally protect French Town's water from all threats, our own businesses included.

14:23

So voting yes today doesn't lock us into a box forever.

14:27

It creates the bridge to a smarter, safer future.

14:31

It allows us to design a long term growth policy that fully supports our local businesses while keeping high capacity toxic threats away from our children and the water they drink.

14:44

Vote yes and stand with your French Town citizens.

14:51

Don't clap.

14:52

Thank you, Kelly.

15:08

Dave Thompson, for the record.

15:10

So I just very briefly want to say that there's been a lot of discussion about this being targeting a single business and a single, of course.

15:16

Yeah.

15:17

Thank you.

15:18

Any better?

15:19

Good.

15:19

Yeah.

15:19

So there's been discussion about this targeting single business and a single use.

15:22

But I just want to imagine tomorrow morning we wake up and Tom Pump has heard the cries of the people and decided to sell their land.

15:29

But they've decided to sell it to Walmart to put it in a super center, right?

15:32

They've decided to sell it to Equinex to put in a data center, or they've decided to sell it to Lafarge to put in a concrete plant.

15:37

We're right back here for the same reasons.

15:40

Thank you.

15:46

Hi all.

15:48

Graham Coppel here on behalf of the the applicants, the petitioners, I'm going to be brief.

15:54

I'd like to answer any questions that you all have, which is I think the primary thing I can offer to you.

15:58

So please feel free to interject at any time.

16:02

My my clients, as you guys know, are seeking proactive protection from, from the Commission.

16:07

The effort by the citizens is by definition in the public interest because they're seeking to separate incompatible land uses, which is really what we're here discussing.

16:18

The staff of the county has determined that the proposed zone will protect the health, safety and welfare of the community.

16:26

We request that you listen to the staff here in this circumstance.

16:30

As you all know, Montana is changing incredibly quickly.

16:33

Missoula County is is not any different.

16:37

Those changes are driven by the insatiable economic interest to develop our land, whereas today the state has taken a completely hands off and deregulatory approach to all of these industries.

16:55

Local zoning, as you guys are surely aware has move from the back burner to the front burner and and the importance and the center stage that it takes in protecting community values that you've heard all of these folks speak about.

17:12

Whereas it exists today, we have programmatic environmental analysis and statewide programmatic permitting for every conceivable aspect of development.

17:22

There is really no site specific component to anything that is happening at any state level.

17:28

It's all happening here with you all, which I think is why you're seeing not just here in Frenchtown, but as you guys know, across Missoula County, citizens coming forward and saying we want our rural communities to stay rural.

17:44

That's why folks moved to rural parts of Missoula County instead of to downtown Missoula within the city.

17:58

This request meets all of the requirements of the statute, every single element.

18:05

And with that, we ask that you vote today on this every day and every week and every month that this goes on longer without a vote by the county.

18:16

There's more problems that are being created, not just in future proposals, but there's further expectations that are being made by all sides.

18:26

And so a vote today is imperative just to to get this issue dealt with.

18:30

And we respectfully ask that you guys do that today.

18:33

So if you guys have any questions, we're happy to answer them.

18:36

But with that, I'll sit down.

18:37

Thank you.

18:38

Thanks.

18:43

Good work.

18:43

Excellent.

18:44

So 45 minutes for opponents.

18:48

So Jason as professional time keeper.

18:54

OK, Good afternoon, Commissioner.

19:00

Planning and staff, I feel like we're getting to know each other pretty well by now, but I don't have a lot for you.

19:06

I'll keep it pretty, pretty brief.

19:08

Just a couple of things.

19:10

Oh, do you remind us of your name, just for the record, Sorry, Dan Sampson.

19:13

Thank you, Director Construction Development for Town Pump.

19:17

Just a couple of things, inaccuracies that have been brought up throughout that I felt were worth addressing.

19:24

Store square footage.

19:25

We've had a couple of claims that the store is way bigger than it was initially intended to be and went back and looked at my notes and a few of the news stories and the the store is published in the Builders Exchange is 25,701 square feet on the main floor.

19:42

Second floor houses office, mechanical, electrical, it's 3900 square feet.

19:47

And then we have a garage outbuilding that is 936 back at the community meeting held on July 10th, 2025 in Frenchtown, I let the residents know that our new stores range between 20 to 30,000 square feet due to the broader offering to our customers And this I confirmed this looking at the K Pax story by Cynthia Carranza at was published on 7/11/25.

20:13

Excuse me.

20:16

As far as showers, etcetera, those were also addressed at that community meeting.

20:21

We discussed that there would be showers in that building and that while we're not going to turn away large commercial vehicles, our main goal at This site is campers, RV's, etcetera and showers and those facilities are heavily used.

20:37

We have a sort store very similar in East Helena that is not on an Interstate that also has the showers and houses a ton of RV traffic.

20:47

As far as the truck stop, I know that's debatable as far as how people view it, but this again will not be a branded Pilot Flying J or any other major chain truck stop association name with it.

21:01

What we're looking at there is basically local guys, school buses, plow trucks, etcetera, agricultural logging.

21:13

That's really what we're after.

21:14

The Pilot and the Flying J and those larger travel centers of America, all those, that's what's designed to pull the trucks off of the Interstate, not a local gas station.

21:25

There's been a claim that there would be a liquor store here.

21:27

That is not accurate.

21:28

There is not a liquor store plan for this location.

21:31

License pending.

21:32

There is a beer wine casino plan for this location, but no hard liquor would be offered on or off premise.

21:40

The claim that there are 72 overnight truck parking spaces.

21:43

This is also inaccurate.

21:45

This number was derived from looking at a civil site plan and adding together 57 truck and RV spaces.

21:52

6 RV spaces dedicated to the West of the building for closer access.

21:57

8 fueling lanes for large vehicles.

22:00

There was 8 showing in the initial release of the drawings as it was a air between our civil engineer and our fuel design folks.

22:09

The miscommunication between the two has since been corrected to show 7, as was published in the addenda drawing dated 4926 on the Montana Builders Exchange.

22:20

As we've seen in other communities along the Interstate, during periods of bad weather and road conditions, excuse me, conditions, travelers and commercial drivers alike look for any place possible to pull out and get off of the the bad road conditions.

22:35

This lot accommodates those vehicles without having to pull off on the side of the road where it's a safety concern.

22:42

I don't know if any of you guys have been through the Y which houses the the vast majority of the commercial trucks, but when the weather is bad and the roads are, are just nasty out there, those are jammed up and there's folks parked on the off ramps.

22:55

You you need to get them out of that situation and not give them a reason to park out there.

23:01

While we recognize that some community members may have concerns, it's important that the discussion remain grounded and accurate information and verifiable facts.

23:11

Inaccurate descriptions and misleading allegations used to advance a particular point of view is neither constructive nor infirmative of fact and does not serve the best interest of Frenchtown, Missoula County or the developer.

23:24

And with that, that's all I've got.

23:25

I'll turn it over to the air, folks.

23:45

Mr.

23:45

Chairman, Commissioners, again, my name is Dan Manson and we appreciate the multiple opportunities here to speak regarding this important initiative.

23:57

I'm going to do the best I can to heed your advice and not cover ground that has been covered.

24:04

There are facets of things that we have discussed that I feel like I need to expand on a little bit.

24:10

So hopefully I don't.

24:12

I don't seem too repetitive of anything that was said before.

24:18

There was just some discussion about industrial uses.

24:23

The proposed development is not an industrial use, it's a commercial use, and I think it's important to understand that distinction.

24:33

It's also very important, I I think, to look at how the areas around the Interstate have developed without zoning.

24:43

The vast majority of development that has occurred adjacent to the Interstate is commercial uses.

24:53

If you take a look at the the South side of the Interstate for example, there are 7 businesses that sell alcoholic beverages basically located within a half a mile of this proposed development.

25:10

So a few people have spoken about the availability of alcohol and and how detrimental that would be to be in the area of where a school is, but I'd like to be sure.

25:24

I don't think it's been spoken of that there are currently 7 locations within a half a mile of this location that sell alcohol.

25:35

So this is not bringing alcohol into an area where there is none.

25:43

Council spoke of of the lack of some regulations.

25:48

1 regulation that I don't think has been spoken about is the distance requirement for a business that sells alcohol.

25:58

The distance between that business and a school or a church that ruled by statute is 600 feet, worth 3 to 4 times that distance depending on how it's measured from the Frenchtown school.

26:16

So, so the proximity is really covered by statute, although I believe some zoning ordinances have expanded upon that.

26:30

Really the fundamental question here in, in my mind is and, and, and I'm trying to stay away from this being targeted at stopping the town pump, but that that's really what it is.

26:47

What what we have before us is a proposal that would not allow any commercial activity on a significant chunk of ground that's right adjacent to the French Town interchange.

27:05

And if you look at growth plans and policies, and I want to expand on that a little bit, but if you look at those documents in general, what you see is that, that is where this type of activity, commercial activity is encouraged to be.

27:26

And, and so I respectfully disagree when, when the the statement is made that this proposed zoning is consistent with a growth plan.

27:42

And I, and I want to just take a minute.

27:45

I, I, I believe staff used the term in the initial presentation that this was generally consistent with the plan.

27:54

And so I, I need to take just a couple of minutes and talk about the plan.

28:00

The plan itself is, it's referenced in the, in the papers as a 2002 plan.

28:13

And really what that 2002 plan is, it's a verbatim restatement of a 1975 document that was the Missoula County plan at the time.

28:30

And in that plan, that's where this notion of of activity centers comes from as the 1975 plan.

28:40

And also in that plan is is this notion of open and resource or open resource properties.

28:50

Back in 1975 when that plan was adopted, the statement regarding the Frenchtown Hussan area was that there was over 5000 acres of property that had been subdivided for residential purposes that had not yet been developed.

29:09

So the encouragement at that time was to let the development catch up with the subdivisions that were already contemplated.

29:20

And none, since none of us were around, we can only we can only guess at why this open resource land was designated.

29:30

But it appears that that land was designated as those properties that were not yet subdivided.

29:38

And if you look at development that has occurred since then, much of it has occurred on land that was designated open and resource land as this land is designated.

29:53

And much of that development is commercial, much of the residential development as it is at significantly higher densities than what's proposed in this zoning regulation.

30:09

So couple more points associated with the with the 1975 plan.

30:16

And I apologize if, if this is repetitive.

30:22

I don't remember exactly what I what I said about the 1975 plan, but it encourages development to occur within the activity centers and it also encourages commercial development to occur on an arterial with highway frontage.

30:46

And so if you look at the town pump property, it's meets squarely what is recommended in that 1975 plan for development to occur.

31:03

There was a fairly significant recommendation in the 1975 plan and that recommendation was to study and adopt A standard zoning resolution and apply the regulation to each planning area.

31:22

This is 1975 that we're talking about.

31:26

We're now over 50 years later and there hasn't been any substantive work done in the Frenchtown Husson area to expand on the 1975 plan.

31:40

I'm not sure whether you've looked at that, but that recommendation is there and there's been essentially nothing.

31:47

The 2002 plan incorporated verbatim language regarding the activity centers and and those sorts of things.

31:56

So it wasn't really a document that did any substantive work with regard to Frenchtown.

32:03

In Hussain you can look around Missoula County for examples, and I just have a few of them here.

32:13

Seeley Lake has a plan, Miller Creek has a plan.

32:17

South Hills, Lolo Regional, Swan Valley, Condon.

32:21

Why O'Keefe Creek, Butler Creek.

32:23

Several others have adopted their own plan through a process, not through an objection sort of a process, but through a process that really determines what fits best for a community.

32:41

What we have here is something that is tailored to stop a project and in doing that they take a hatchet or a sledgehammer to any commercial uses of the property.

32:57

And and that really to say that that is consistent with any plan that's out there.

33:06

If it's generally consistent as as staff states, with with respect, I'm it's also generally inconsistent with what that 52 year old plan recommends.

33:23

And I think if it's generally inconsistent with a plan, it's really hard to make an argument that the proposed zoning is in is required by public necessity or convenience.

33:42

Sorry if I've repeated any information there that that I talked about earlier.

33:51

I need to talk a little bit about the, the 60% rule in the statute.

33:58

Council indicated at the last hearing that there isn't any serious question about whether the 60% threshold was reached with regard to the petition.

34:13

We respectfully disagree with that position.

34:16

And, and, and what we don't disagree about is we don't disagree that the count was done consistent with the 2017 guidance.

34:29

I'm not sure who prepared that guidance, somebody from the planning and zoning department.

34:35

And there's also been discussion of some guidance that Ravalli County uses.

34:39

That's the same way.

34:41

Our fundamental problem with the way that the count was done is, in fact, it's treating similarly situated property owners differently.

34:55

It accords, for the lack of a better term, it accords voting power to 1 property owner or a group of property owners in a different way than it accords voting power to similarly situated owners.

35:14

And, and I think I talked about the, the distinction, but I, I, I'll be brief, but I, I just want to state it so that there's not any confusion.

35:22

If, if I own property in a limited liability company, no matter how many members or owners of the limited liability company there are, I only get one vote.

35:35

If I own the property in a trust, which is very common for husband, husband and wife to create a, a living trust for the benefit of themselves, even though there might be two beneficiaries of the trust, they only get one vote under the guidance.

35:52

Contrast that with the husband and wife that own a piece of property individually and they get 2 votes.

36:02

So they have twice as much voting power as somebody who chooses to own a similar parcel of real property in a different legal ownership.

36:17

So, so when we think about those constraints and, and what what we have with this petition here, one other thing, excuse me, I got to back up just a little bit.

36:35

The other, the other critical item in the counting of these votes is if anybody owns more than one lot, they're only accorded the voting power associated with one lot.

36:51

And so a good example, I and I and I apologize if I'm repetitive on this, I think I touched on it earlier.

36:58

Double G Reynolds is 1 property owner that owns 5 or 6 lots within the proposed development area.

37:07

It's an LLC has 5 or 6 lots, 18 acres is only accorded one vote for that entire ownership and neighbor who has less than an acre owned by husband and wife, they get 2 votes.

37:23

So they have twice as much say in whether or not this threshold is met.

37:30

So when I talk about a process or an interpretation of a statute that that treats similarly situated land owners differently, that's what I'm talking about here.

37:47

And it's our position that that that treatment, that that disparate treatment, if you will, violates numerous constitutional provisions, one being equal protection and the other, the other thing I mean it, it really is akin to taking of property.

38:11

Should this be should this be adopted because of the impact that it has on on the values of those properties when somebody doesn't have an equal say so.

38:21

So that's what that's what I'm talking about on the 60%.

38:25

One example I could give that that maybe maybe put puts a head on on the point.

38:32

Let's assume I own A50 acre parcel and I own it in an LLC.

38:39

I've subdivided it into 25 two acre lots for development and the for for for sale to other to other parties.

38:49

I've sold one of the parcels to a husband and wife who owned 2 acres.

38:54

I own the remaining 48 acres.

38:58

24 lots, 48 acres.

39:02

They are accorded twice as much voting power as I get.

39:07

So I've got 24 lots, 48 acres and one vote.

39:13

They have one lot, 2 acres and two votes.

39:18

They could impose zoning under this counting mechanism.

39:23

And, and the way that the, the statute has been interpreted, the statute is not a model of clarity, but also what's clear there is it's not it, it doesn't give the green light to trample on owners constitutional rights with the method of counting.

39:44

And we believe that it does just that under these, under these circumstances.

39:51

So, so we believe the, this 6060% threshold is not met.

39:58

When you think about public interest and or convenience, which is the other statutory requirement, a lot of people have filtered that out to say if it's consistent with the plan it it meets that.

40:14

And and as I stated, we don't believe it's consistent with the plan.

40:19

When you think about public convenience or necessity, think about this, less than 50% of the affected lots within this proposed zoning district are not in favor of the zoning.

40:33

Is it in the public interest to adopt the zoning?

40:37

I would submit to you that the answer to that is not finally vested rights.

40:48

I don't know what to say about vested rights other than we have said that vested rights is not, is not part of this process.

40:57

And so I've, I've got a lot that I could say about that.

41:03

We've we spent, have spent over \$2,000,000 purchasing property, we've spent over \$700,000 in the development process.

41:15

We've completed architecture and engineering and gone out forbid and and drilled wells and done all sorts of traffic impact studies and and different analysis associated with the project.

41:29

Under any measure of how Section 1.9 is the is the section of the code which is which would will be the next step of this if the zoning were to be implemented.

41:42

We have advanced this project, we would submit far beyond what is required under Section 1.9.

41:50

So if the zoning were to be adopted, we have this blanket, this blanket prohibition on any commercial uses within the district.

42:02

And in all likelihood we have a scenario where some form of the town pump project is, is accorded vested right.

42:11

So what we've done is we've impacted negatively and importantly other property owners in the district that have commercial development intentions and, and, and also town pump.

42:27

I mean, I don't want to I don't want to diminish that should we decide to make any change in the future, we would be bound by pre-existing use requirements associated with the with the zoning And so we are opposed to it but but believe we have the vested development rights.

42:49

So with that I will see it any let me just make sure there's no we will see it when they're finished.

43:01

Thank you.

43:05

Hello.

43:06

My name is Michael Wallace, and I'd like to speak in favor of the Town Pump.

43:11

We are the Frenchtown community, the state champs in football.

43:16

I don't know if any of you got to see the game they played against the rich Billing Central, who recruits from all over the state, and we beat them.

43:23

And I think that's wrong because I think rich people should get whatever they want in this world.

43:29

And I think the third largest company, Montana should get whatever they want.

43:34

I don't think there should have to go 7 miles to another town, pump at the Y where there's already 4:00 to get their gas.

43:44

I don't think they're playing the whole state of Monopoly like it, or whole state of Montana like a Monopoly game.

43:51

What people love about Montana, you would think it's the wide open spaces, but it's not.

43:55

They want everything concreted and lit up like the Las Vegas Strip.

43:59

That's what people really want.

44:01

They want to do a sign that's 100 feet tall.

44:04

Is that tall enough?

44:04

I don't know because when I googled it on flat ground, you could see that for 12.3 miles.

44:11

And I don't think the people in Fred Town should be able to look up and see the ugly stars without seeing that beautiful town pump sign, because that's what Montana's really all about.

44:21

And when you have almost 2000 people telling you that they don't want Town pump, you're not welcome in our community.

44:28

I don't think you should have to listen to them because you're rich oligarchs.

44:31

You're billionaires.

44:32

They make between 1 and 3 billion, or that's the value of their company.

44:35

Between 1 and 3 billion is what they're worth.

44:38

And they say they're family, but families shouldn't have to come and talk to you.

44:45

They should send hired guns.

44:47

And I think you should listen to the hired guns because that's who you should work for.

44:51

My mailbox is stuffed full of campaign Flyers.

44:56

Everyone says the same things, and maybe you guys did when you're running for office, that you're going to be the voice of the people.

45:02

That's your job.

45:03

Well, the people have spoken, but I don't think you should listen to them.

45:06

I think you should listen to the rich oligarchs.

45:08

They should get whatever they want.

45:10

You should destroy the whole rural atmosphere that these people chose to live in.

45:15

They don't deserve to live like that.

45:18

They should have to live with concrete, lighting, diesel exhaust, constant running engines.

45:25

That's what they should get.

45:28

You know, for years.

45:28

The other thing Frenchtown James for is our fog.

45:32

It lays in there so thick you can barely drive on the freeway some days and the cars and the buses back up almost to the freeway.

45:41

I think the best thing for that situation is add some 70 foot big rigs and we've seen big rigs on TV and we know the drivers are all excellent drivers and never make mistakes.

45:49

So I think I think that'd be a great idea.

45:53

I'd like to call the Montana Highway Department, see if we could make changes.

45:57

I know these people have asked for years to make improvements to that two lane bridge with no sidewalk the kids have to ride their bikes over.

46:05

But I don't think they should listen to us.

46:07

I think they should make plans with these people.

46:10

Like these people said they talked to Montana Highway Department and they're going to use tax dollars to make them even richer.

46:16

It tax dollars shouldn't go to these people.

46:18

They don't deserve it.

46:19

OK.

46:21

In 2016, I was staying at that Jellystone campground.

46:27

My son was almost abducted.

46:30

A man, he was riding his bike around the back.

46:33

A guy grabbed him and said you have to come with me.

46:35

He came in terrified.

46:37

I went looking for the man, didn't find him.

46:38

The sheriff's deputy said that, well, it's pretty common that they stay behind the town pump there at the Y and these vagrants and these horrible people that tried to molest my child.

46:50

And I think we need more of that.

46:52

And I think the perfect place is within 100 yards, couple 100 yards between elementary and middle school and a high school.

46:59

I don't think predators should have to go so far and I don't think town pump does either.

47:04

You know, I mean, at one point I was, I had my head backwards like couple months ago about this.

47:09

And we took a trip to Billings and we stopped for gas and rocker and we pulled in and there was a town pump.

47:14

And I said, we're not going to town pump.

47:16

These people are evil.

47:17

They want to run everybody out of business.

47:19

And then we went across the road.

47:21

The other gas station was also a town pump because what you need is 2 town pumps on the same exit.

47:27

And I, I propose that we do a town pump truck stop at who's on exit and one also at 9 mile because people shouldn't have to drive.

47:34

I mean, I don't know if you know, but cars can't go more than 7 or 8 miles without needing a tank of gas.

47:40

So I think you town pump people are great people.

47:42

Don't listen to these people, just force it right down their throat.

47:45

Throw up lights, throw up pollution, throw up everything else because nothing else matters except for making a couple more bucks.

47:51

And I want you to know and I want you to show people they wrote who you work for.

47:55

You should be working for these people.

47:57

These people don't matter.

47:58

Their voices, they're all here.

47:59

They don't matter.

48:01

French sounds not a thing.

48:02

It's not a rural community.

48:03

You should destroy it and force them into the 20th century, 20, whatever 1st century, and light that thing up like the Las Vegas Strip.

48:11

Thank you for your time.

48:17

You guys like to speak anymore?

48:26

My name is Jeffrey James Halverson.

48:27

I'm a Missoula County resident.

48:29

I probably like everybody on both sides of the thing.

48:31

Drove a car to get here today.

48:34

Your car got filled up at a gas station that was probably next to a truck stop somewhere.

48:39

That gas was brought to you by a truck and they have to be somewhere.

48:44

I wasn't going to say anything, but the last comment really offended me by relating Tom Pump to oligarchy.

48:51

And oligarchy is where somebody's in business and they go out and they can kill their competitors, they can shoot them.

48:57

And that's not what happens in America.

48:59

That's what happens in Russia and everywhere else, and it's insulting to the victims of oligarchy to even relate that to town pump.

49:07

And I apologize to the town Pump for on behalf of Missoula citizens for being related to that.

49:13

He touched on child molesters and said that.

49:17

I don't know if you're saying all homeless people are child molesters or if the Town Pump truckers are child molesters.

49:22

I want to point out how many child molesters are teachers.

49:24

It's a very high number.

49:26

It's more than priests, so don't go out and point fingers if you're not going to point fingers at the school or something like that.

49:33

That has nothing to do with this comment.

49:35

Now.

49:35

I don't like casinos and I don't like alcohol.

49:38

And so that's it's very thing and I wish everybody could come together in a reason.

49:42

Maybe people should come together and say, hey, let's pool our money and buy this land and make it into a park.

49:47

But we live in America where people have the constitutional right to the use of their property.

49:51

They paid the taxes for it, they invested the money in it and that they get to use it.

49:55

It's not community owned.

49:57

If it wants to be community owned, that's great.

49:58

Let's all come together and let's make it into a park.

50:01

Let's put your money where it is and and maybe they'll look at the other way.

50:05

Next thing I wanted to speak on behalf of was Town Pump employees.

50:08

I have a friend who's a Town Pump employee.

50:10

She worked at very lots of other businesses, big corporations, and never got any farther.

50:15

And she got hired on at Town Pump, became assistant manager, became a manager, and then had her own store.

50:22

They definitely are part of a lot of people's communities.

50:24

Regardless of what people think, it's a lot of times bigger companies are better than smaller companies because they have the advancement opportunities, health cares, and everything else.

50:34

I'm trying to keep this short and the last one I want to talk about is truckers.

50:38

Truckers now have a system called ELD, electronic logs.

50:41

If they get stuck in traffic and they run out of hours per day, they have to stop their truck or they electronically get a fine.

50:49

They have to pull over where they're at.

50:51

You're only allowed to drive so many hours per day and then you have to stop your truck and take a break.

50:56

That might be on the side of the road, that might be to be in the middle of a cornfield, wherever it is.

51:01

And that also means somebody can be 20 minutes from getting home and they have to stop and pull over their truck and park.

51:08

They are serving every one of us.

51:10

We do not produce very much in Montana except for cows and some other stuff.

51:15

All of our products are trucked in here.

51:17

Those trucks pull in park, sleep at a truck stop that nobody else wanted built in their neighborhood.

51:23

Those products are built next to a factory, next to an industrial area that nobody wanted built there.

51:29

So everybody's a hypocrite when they say I don't want it next to my house.

51:33

We live next to the Interstate.

51:35

You bought next to a railroad track that's been there since the 1800s to transport industrial goods and good goods to market.

51:43

It's a long time that's there.

51:45

And like I said, I I think people have the rights to build what they want on their property, even if we don't like it.

51:50

But like I said, I wouldn't want a casino or an alcohol place next to my place.

51:54

But that's, that's just the way it is.

51:56

It's the other people are allowed to.

51:58

We live in America, not in Albuquerque.

52:01

Thanks, Jason.

52:06

Did you say 250th?

52:08

Somebody said 255.

52:09

OK, OK, thanks.

52:16

So before.

52:19

Oh, thank you.

52:20

Thank you, Dave.

52:21

Anybody online like to speak?

52:28

OK.

52:29

Jenny, would you do just a, a, a brief?

52:36

Yeah, Yeah.

52:37

Thanks.

52:38

Jenny, would you do a brief overview of what exactly the specifics we would be voting on and then the Commission will ask questions, the Commission, the all six of us and we'll go from there.

52:50

Absolutely.

52:51

I do want to remind you that you have not yet convened as the Planning and Zoning Commission.

52:55

So while I'm pulling this up, maybe you could do that.

52:58

Let us.

52:58

Thank you, Jenny.

52:59

Let us convene as the Planning and Zoning Commission.

53:03

That was quick done.

53:06

OK, here we go.

53:09

All right, So you have two motions before you and I have a slide for what is we're calling petition #1 which is the 400 and some acres, the larger area that does have frontage on the the French Town frontage Rd.

53:27

staff is recommending approval of that zoning, which is a combination of.

53:32

Let me see if I did I do a share yet?

53:35

No, AM I sharing?

53:50

Why is it not sharing?

53:52

Oh, that's why.

53:55

OK.

53:59

So the petition #1 does not include the dark green upside down L that is petition #2.

54:06

So petition #1 consists of three sub districts that are akin to some Part 2 zoning regulations in our in our zoning regulation book here, the AGRR 5 which is a residential one dwelling per five acres is the light green, which is the majority of the property.

54:28

Then there's some yellow which is proposed at an RRS one, which is 1 dwelling per one acre with an allowance for duplexes.

54:36

However, let's see, we are recommending duplexes only be allowed on the six lots that front onto Belker Lane instead of the full area proposed and yellow here I'm going to just zoom in a little to show you those six lots have the number 789101112.

55:05

The rest of those yellow lots we are not supportive.

55:08

That's the only difference between the applicants proposal and staff recommendation, which staff is supporting the proposal based on our findings and conclusions.

55:19

But we do not support duplexes on all of those lots for a variety of reasons which are outlined in the staff report.

55:26

And then finally, in this petition #1 we have an area proposed for industrial zoning which allows all of the uses that are currently there with the exception of the Axman propane.

55:40

They would be considered a legal nonconforming use.

55:43

So that's petition #1 we're recommending approval as I've described.

55:47

Petition #2 is this upside down dark green L, which is the fetch property, 160 acres meets the requirements for Part 1 zoning as as did the petition number one.

55:59

However, circumstances are much different on that part of the land, and staff is recommending denial of that request for a G RR101 dwelling per 10 acres given slopes, wildfire hazard and that type of thing.

56:17

Staff recommended against that proposal.

56:20

Thank you.

56:21

Yeah.

56:23

And at the end, I have two.

56:25

I have the motion for petition #1 and #2 as you get, and you can take them in any order.

56:31

OK, thank you.

56:32

So next thing we'll do is jump to questions from the Commission.

56:36

So Errol, Tyler, Jason, Dave, Juan, you all can ask questions of staff or anybody here today.

56:43

Errol.

56:49

OK, is this thing?

56:53

Yeah, I'll go go big in there so everybody can go big.

56:56

OK, there's been a lot of good valid information presented from both sides.

57:07

I mean, I'm impressed of the amount of work that has gone through.

57:15

I have two things in the back of my mind.

57:21

One is there seems to be a big inconsistent see with the voting of property owners that it's just out of sorts.

57:38

It doesn't seem right.

57:41

I'm not sure exactly how it should be, but it doesn't sound good.

57:46

And second of all, the county will be looking at rezoning Missoula County or doing the whole thing.

57:58

So I'm kind of of the thought, why not do all of that at the same time and tabling this at this time, please, please.

58:16

And this is probably a question for Dan and Graham mostly.

58:22

I want to get both of your perspectives on this.

58:25

When I look at the 1975 comprehensive plan that is then carried forward into the 2002, there is a consistent correct the safety problem on the road between the elementary and secondary schools.

58:36

So this has clearly been an issue since 1975.

58:39

At the very least one of the questions I had we've we've clearly never dealt with that.

58:45

If we zone this, I get the distinct impression we never will deal with it.

58:51

My impression is that there are some traffic mitigation issues that the town pump would implement where it's not issues, but solutions that the town pump would implement.

59:00

What would those look like and who would pay for them?

59:04

And I mostly want Graham's perspective in addition to Dan's just so I can get a counter perspective.

59:12

Thanks, Tyler Graham.

59:26

Well, the issue you raised is expressly mentioned in the plan and and what it actually says is correct.

59:33

The safety problem on the road between the elementary and secondary schools that comes immediately after and before to the goals of promoting incentives for continuation of agricultural operations.

59:51

So I, I think the big picture here is that there's a known problem that's been in existence, like you said for 50 years.

1:00:02

The question before you, is adding a enormous amount of traffic to that problem going to help or hinder the goal of fixing the problem?

1:00:13

And so I'm sure the town pump people are going to get up here and tell you that they have traffic studies and they have mitigation efforts that they are going to implement to assist with the additional burdens that they're going to add, right.

1:00:26

But so the question again is so we have the status quo which has been a 50 year problem that has been addressed as something that needs to be or or has been recognized as something that needs to be addressed.

1:00:40

And so I guess it's a little bit of a chicken or the egg situation where adding a major source of traffic to what is a known problem and then attempting to mitigate for the additions of that, is that better than just trying to address the problem and the zoning?

1:01:04

Keeping this in a rural residential state is certainly not going to add to the problem.

1:01:11

If anything, at worst, it's going to keep the problem at the status quo.

1:01:16

But adding a significant source of traffic is absolutely going to make the problem worse.

1:01:22

I think that's an undisputed fact.

1:01:24

And then what they're going to get up here and say is that they're going to attempt to mitigate the added source of the problem, right?

1:01:30

So I, I, I would suggest that adding to the problem and then trying to mitigate the additions is not in the interest of promoting the goals which have been recognized as a 50 year old problem.

1:01:45

So, and I guess my second point is that there is nothing in adding the zoning that is going to prohibit this body or this county from doing something that it's been intending to do for 50 years by saying we're going to keep the land status in the status quo of rural residential area.

1:02:03

That doesn't in any way hinder your ability, power, authority or any creative option or solution that the county can come up with to deal with the problem that has been in existence.

1:02:15

So there are no new roadblocks that would be being created by the zoning is essentially saying we are not going to allow new problems and new traffic infrastructure to be an additional hurdle in the way of you guys creating solutions.

1:02:31

But I am quite confident that this group of people here would be more than willing to interact with the county in addressing this problem that has been recognized.

1:02:41

And I think you've heard all of them say that they want it dealt with as well.

1:02:46

So I hope that answers your question.

1:02:50

And Dan.

1:02:59

Thank you, Sir.

1:03:00

Good question.

1:03:02

I, I think the the best way to answer the question and, and I disagree with with Council on, on some of that analysis.

1:03:15

We will be required to get approval from the Department of Transportation and, and the traffic studies and, and everything that goes into getting that approval for the access points.

1:03:31

Are we going to solve every problem that exists there from a traffic perspective?

1:03:37

Are we going to make the last 50 years of a problem go away?

1:03:41

I think the answer to that is pretty clearly no.

1:03:44

But I, but I think it's equally fair to say that the mitigation that we will be required to undertake in order to get the permitting is going to assure that this development does not add to the problem.

1:04:07

And so in other words, it, it, you guys, we're, we've got to be polite here.

1:04:14

Some level of respect, please.

1:04:16

I'm, I'm going to agree with no clapping, snickering, nothing.

1:04:18

We're just going to be quiet.

1:04:20

Thank you.

1:04:21

Thank you.

1:04:23

So, so there will be some there will be some mitigation required in order to get the permitting.

1:04:29

The other question if we assume, let let's assume just just forsake of discussion that the the property that's that's designated for zoning gets turned into 50 more residential lot.

1:04:47

Each one of those residential impacts is not going to trigger a traffic impact study.

1:04:53

So in fact, as this property develops aside from a commercial use, there could be unmitigated enhancements to the problem that already exists.

1:05:07

I'd like to have our traffic engineer address specifically the question of improvement.

1:05:15

One other thing before I call him there he is, is who who pays for it Dump pump pays for it, right.

1:05:25

If we have to implement, when we have to implement the mitigation that occurs, we pay for that as part of our development.

1:05:34

So Commissioners, Jeremy Herring with Sambel to provide a little bit more clarification as to the mitigation steps right now that we're working with Montana Department of Transportation on through our ongoing studies and analysis in this area looking at the increase of traffic and demand on the roadway system.

1:06:01

One the items that we're looking for is 2 signals placed, one at the westbound off ramp and then one at the Frontage Rd.

1:06:11

This will have geometric improvements to widen the roadway, provide turning lanes so we make things safer out there.

1:06:18

We've got high speeds, the geometrics, but additionally there's going to be working with the state they have.

1:06:28

We're looking at providing pedestrian crossing.

1:06:31

Right now there's no crossings across the bridge.

1:06:34

That mitigation will not be handled with this site.

1:06:38

However, there will be crossing of the frontage Rd.

1:06:44

That enhancement will be made with the traffic signal to better facilitate that safe crossing.

1:06:50

Additionally, they are looking at separating the trail from the additional access point into the site by providing a grade separated crossing for the pedestrian trail continuation so there'd not be any interference with those utilizing the existing trail and any traffic coming or leaving the site.

1:07:15

Furthermore, just part out not as part of the town pump site, but there is an additional study looking at developing improvements of connection for multi use path or non vehicular traffic from the South side of the Interstate to the north side.

1:07:33

And it is on a different project.

1:07:35

So there is some improvements already in place looking out there, but they need to have that system in place to connect to.

1:07:43

Thank you, Tyler.

1:07:45

Is that OK?

1:07:47

Thank you.

1:07:49

Anybody else?

1:07:49

Jason, Dave, Juan.

1:07:51

Yeah, I know it was mentioned that maybe the county would have a solution for that intersection.

1:07:55

It rests securely in Montana Department transportation purview.

1:08:02

Maybe just a quick question in terms of the rough order of magnitude of cost for something like that.

1:08:08

I mean, we're talking a traffic signal, you know, maybe 1.21.3 million a grade separated.

1:08:14

So I mean from our last conversations with MDT, we were not made aware of any of this.

1:08:20

We meet with MDT on a monthly basis.

1:08:22

We meet with them also Monday morning.

1:08:24

So maybe there's some fresh information they'll provide to us.

1:08:27

Just kind of curious that what kind of cost you're willing to put into this project and who you've kind of been working with at MDT on these fixes And sorry, I should have grabbed you while you were still up here.

1:08:42

Oh, you're fine.

1:08:45

You're fine.

1:08:47

Yeah, that's again, it's an ongoing process with the analysis.

1:08:51

We're going through systems impact process right now with MDT.

1:08:57

They've got that set up, but we've got specific discussions with the district and with the the state traffic engineer along with their various other engineers, roadway engineer within the traffic and safety department up in Helena.

1:09:15

As far as rough order of magnitude, you're correct.

1:09:18

1 signal you are looking about the 1.2 little bit over cost you double that look at improvements for the roadway widening and grade separated.

1:09:30

I mean you're you're quickly exceeding cost upwards of \$3,000,000.

1:09:37

Thank you.

1:09:39

Well, it's either for you or or Dan Sampson, but maybe I was confused.

1:09:44

There isn't going to be room for 70 parking for tractor trailers or is there?

1:09:52

I was confused by what was said.

1:09:54

I have that question as well.

1:09:57

Hello there and good question.

1:09:59

There's actually 57 trucking RV parking spaces and and the difference that wasn't indicated in that 72.

1:10:07

What they did was they took those some short term RV parking that is off to the West side closer to the building and in the fuel islands and adding them all together to become 72 and and said it was 72 overnight spaces.

1:10:22

There's not at most there would be 57.

1:10:26

Thank you.

1:10:27

Thanks.

1:10:28

Yeah, I had the same question day everyone for Jenny.

1:10:35

So petition number one, that includes the slice of industrial zoning, proposed zoning.

1:10:48

I could have sworn at some point in the myriad discussions we've had over the past number of weeks that someone raised a concern about there being a misalignment between what either exists currently or what is at some point proposed to exist along there and and that being out of sync with this industrial zone.

1:11:12

Does that ring a bell at all?

1:11:14

Is that Axman?

1:11:16

No, it wasn't Axman.

1:11:17

It was another property owner the the with the power homes in like the 7890 that would be in the yellow.

1:11:26

Oh that, but that could be it.

1:11:29

What I can tell you.

1:11:30

So just like let's just focus for just a quick second on the Gray.

1:11:34

The industrial.

1:11:35

You have mini warehouse permitted in industrial, you have dental and and then skip over Axman and you have physical therapy also, both of which are allowed in industrial.

1:11:46

So those can remain, can expand and, and like I said, the only one is Axman, which is this, this one right #24 right here.

1:11:54

That wouldn't be able to expand without special exception.

1:12:00

There was a man, I think his name was John West.

1:12:02

I think Juanita is correct.

1:12:04

Who was who was concerned about on this?

1:12:07

It's the yellow 10 and 11.

1:12:10

And he, my, my recollection is his comment was those are currently condos or townhomes or something like that that are duplexes and he wanted to be able to use them for commercial, which really in the residential district there aren't.

1:12:27

You can't use it for commercial, which is what it's being proposed for.

1:12:31

The duplexes would be residential.

1:12:34

Yeah, yes, I'm just talking about professional offices.

1:12:37

I think he brought up his therapist and attorney, Right.

1:12:40

I mean, I can, I can, I don't remember.

1:12:44

Oh, that, that's OK.

1:12:45

I that, that answers my question.

1:12:46

Thank you.

1:12:48

And sorry, Jenny, those, those lots are which two lots?

1:12:52

I I thought they were 10:10 and 11:00 right here in the yellow.

1:12:57

Yeah.

1:13:01

And they're currently condos right now or townhomes.

1:13:05

I yeah, I sort of remember.

1:13:08

Oh, yes, yeah, yeah.

1:13:11

Sir, if you could come up and answer my question, that would be great.

1:13:14

What, what what exists on the ground there right now and what might be desired?

1:13:19

So my name is Shay Garrett.

1:13:20

And I think what we're talking about is John West's comment on his two duplex lots, which is the 2 yellow lots, 10 and 11 on the east side of Belker.

1:13:31

Yep, right there.

1:13:32

Now they are in a, they are in use right now.

1:13:35

But I was also the one that brought up the, the old commercial part, which the three lots on the West as far as the covenants and everything, they're also right now have road and everything in it for duplexes.

1:13:49

And they, and that's what John was talking about.

1:13:52

If I or him want to make that into offices or something like that with this zoning, we would not, we would not be compliant.

1:14:00

Thanks.

1:14:00

Thanks.

1:14:00

Shay.

1:14:01

I would mention this zoning district RRS one does allow some things like artisan manufacturing, preschools, home occupations, funerals, homes.

1:14:16

I mean, so there are some bed and breakfasts.

1:14:18

There are some commercial opportunities and there's an opportunity to to go before the planning and zoning Commission and get a variance or or excuse me, a special exception, correct?

1:14:30

I mean, if you wanted an office building where you once had a condo, see here, professional, professional office, you would not be able to get a, a use variance.

1:14:43

OK, thank you.

1:14:44

No special exception, no variance, correct, please.

1:14:49

Which would mean you'd have to do a full blown rezoning as opposed to getting a variance or special exception, right?

1:14:56

Or comply with zoning.

1:14:57

That's there.

1:14:57

And that is always the option too.

1:14:59

Yes, that's just where my brain goes.

1:15:02

No, thank you.

1:15:06

Jenny, do you feel all right doing a brief description of comprehensive growth plan in the coming 28 months in the long term or 24 months in long term planning?

1:15:18

Well, let's just sketch that out.

1:15:21

I so I'm more in the current planning side of things, not really plugged into I'm I've been just really focused on a lot of current planning issues lately and not so much plugged into the long range

planning other than I know they are hard at work to prepare for this fall to do some comprehensive planning.

1:15:41

We fully acknowledge the age of the plan and and that we have nothing else at our disposal to guide and so we that is that is our guide.

1:15:56

We did try to look as comprehensively at other guiding factors that might lead us to a planning result such as the high groundwater, the riparian areas, the traffic issues that we, we hope that we were pretty on target with this recommended zoning that would be compatible with what the planning process might yield this fall.

1:16:24

Great.

1:16:24

And please correct me if I get this wrong.

1:16:26

The planning process that would begin this fall all over the county, we would do a comprehensive growth plan, kind of a land use element, tons of public outreach, create a map based on what people say they would like in their area and then translate that into zoning.

1:16:39

That zoning would then have its own public process and then we would all vote on it.

1:16:43

Now, let's say zoning happens today, hypothetically, then we go through this process a couple years from now, that zoning would supersede.

1:16:51

What is this?

1:16:52

What happens today?

1:16:53

Is that correct?

1:16:53

Yes.

1:16:54

OK, thanks.

1:16:55

I just wanted to be clear on that.

1:16:59

Any other police and and just so just to add a little more clarity to the clarity you've already provided there.

1:17:07

Your your sense is that and and of course we cannot be pre decisional in terms of what at the end of this planning process over the next couple of years and a potential zoning process that would follow that what the actual zoning on the ground would look like.

1:17:25

But you are of the mind that what is being proposed today and what I would consider a fairly piece meal, less than perfect fashion is not going to be significantly out of sync with what might be proposed in the future.

1:17:43

So that then we we have a bunch of non conforming uses that we are saddled with.

1:17:48

Yeah, I mean, I would, I would like to think so worked really hard and but it is a different animal.

1:17:56

I mean this is they're just two very different things trying to be responsive to this the request before US versus starting from a, you know process ground up from the ground up.

1:18:10

But there are constraints that we've that you've heard testimony about and that are in the staff report that do 'cause pause in the in some of these areas that you may, you might think, oh, it's on the frontage Rd.

1:18:25

we should have commercial, but there are some problems there.

1:18:27

And so we did well, one of the things we tried not to do was create zoning that set expectations that 2-3 years from now we pull back on, right.

1:18:40

So I I think that this is a, a somewhat conservative approach to what we might see through a planning process.

1:18:49

Yeah.

1:18:50

I have a question for John Hart.

1:18:53

In response to Earl's question and and Dan Manson about the counting, can you just cover their concerns again?

1:19:02

Yes, I can.

1:19:04

I think I talked at the first meeting about the process that I used to determine that there was 62 1/2% of the affected real property owners that signed this petition.

1:19:23

I was guided again by a document that had most recently been updated in 2017 that exists on the county website in the in the planning department's realm.

1:19:37

I was not familiar with this document until the time that it, you know, came to verify the petition.

1:19:46

When I reviewed that, even though I had not drafted it, I I think it predates 2017.

1:19:54

Obviously, if the last update was 2017, I I felt somewhat compelled to count the votes the way that that guidance is set out, set forth in the information we provide to the public.

1:20:09

And that's what I did.

1:20:10

And I counted the votes exactly as Mr.

1:20:13

Manson characterized them.

1:20:16

And, and, and Dan Manson and I, we respectfully disagree on on how to count those.

1:20:23

But what we agree on is that the statute is not clear.

1:20:29

There's no case law that gives us any guidance on how to determine who is an affected real property owner.

1:20:39

So what I did is use the guidance that we provide to the public in coming up with 62 1/2 percent.

1:20:46

What I what I want you to know though, and Mr.

1:20:49

Manson's exactly correct, that if one vote per property, if that's what the statute said, and the statute doesn't say one piece of property, one vote.

1:21:02

If you counted the votes that way, there's 63 unique properties in this district.

1:21:09

28 of those properties signed on.

1:21:11

So you're looking at 44%, not a majority.

1:21:16

So is this perfectly fair?

1:21:21

I'll leave that up to you to decide.

1:21:23

I did the best I could given the guidance that we provide the public.

1:21:28

The last point I want to make about this is that this, this 60% threshold is simply to get the proposal to a hearing.

1:21:42

It doesn't mean it has to be enacted.

1:21:45

It doesn't mean that it it doesn't compel you to do one thing or the other.

1:21:50

It simply gets it set for a hearing.

1:21:55

Thanks, John.

1:21:55

Thank you.

1:21:59

Anybody, anybody else have anything?

1:22:05

Always polite please.

1:22:09

I I feel, I feel like I'm ready to make a vote on this.

1:22:15

Conveniently for me, I am just an advisor as part of this process.

1:22:20

I'm not the one.

1:22:21

I'm just advising the Commission on what to do.

1:22:25

I want to start by saying how incredibly impressed I am with the French town community that has shown up.

1:22:32

This is a process that takes a a ton of time, effort, money, and you all have put your hearts and soul into it.

1:22:40

And that is not lost on me.

1:22:42

I very much appreciate that and appreciate the effort that you're going to to try and preserve what you view as your community.

1:22:51

With that said, I feel like that means I owe you an honest assessment of where I'm at, which is is essentially to not support this petition.

1:23:01

And the reason for that is multiple, to be honest.

1:23:05

One, I think the growth plan that we have in front of us, it is in my opinion virtually impossible for us to comply with substantially which is a requirement under the law.

1:23:16

And I say that because if we adopt your petition and implement zoning, I think there is a reasonable case to be made that it complies with the the growth policy.

1:23:26

At the same time, I look at the industrial uses along there and that's under the growth policy is supposed to be rural residential, one every 10 acres and we're zoning it for industrial uses.

1:23:38

Right next to it is where the town pump is supposed to go and we're going to be zoning that rural residential.

1:23:45

So it's impossible for me to say that that is a fair compliance with the growth policy and part of that is just I don't think we can comply with the growth policy.

1:23:56

Our growth policy for this area also says that truck stops should be located along major arterioles and highways.

1:24:03

The only areas within this activity circle that have general general commercial are downtown and they are honestly they are little islands not necessarily even on major arterioles.

1:24:17

So this is just a bad growth plan from 1975.

1:24:21

That being said, I think it's fair to say the zoning is not being put in place because of the growth policy and that is the biggest issue for me in in this regard.

1:24:33

It is impossible for me to escape this hearing with any conclusion other than this is designed to stop a town pump.

1:24:40

And that is not the purpose of zoning to stop one particular use.

1:24:44

I recognize that that may be the result of this particular zoning, but this, the entirety of testimony here, I think there's maybe been 3 to 4% of the testimony has been about anything other than a town pump.

1:24:57

And at the end of the day, I, I just don't believe, I believe that is essentially illegal spot zoning, that we are trying to zone out one particular use.

1:25:07

And Jim Nelson, who was a former Supreme Court Justice in Montana, had a dissent.

1:25:13

And so I will give you that little hope that this was a dissent in a case in Helena Sand and Gravel where, to paraphrase him applying it to this case, he says the zoning is not being put into place because of the growth policy.

1:25:23

Rather, this zoning is being put into place specifically to prevent, in that case, a gravel pit, in this case a town pump.

1:25:29

Illegal spot zoning does not become legal if there is something in the growth policy that might support it.

1:25:34

Essentially this is this is NIMBY zoning.

1:25:36

So we are trying to zone out one particular use.

1:25:39

In this particular instance, it is a transportation corridor.

1:25:44

A gas station is ultimately functioning as part of a transportation corridor.

1:25:48

I have a tremendous amount of respect for your community and I greatly appreciate the efforts that you've gone to to to try and do this.

1:25:57

I also, to be blunt, I think you have been LED down this path probably by Missoula County and I, I don't take that lightly either.

1:26:06

But for me doing spot zoning is just a, a philosophical difference that I can't get behind.

1:26:13

And so I will not be supporting this petition.

1:26:17

Thanks, Tyler.

1:26:20

Anybody else have anything motion, anything, Jason?

1:26:34

Yeah.

1:26:34

I guess I'll just make a few comments if that's OK.

1:26:36

Absolutely.

1:26:37

OK.

1:26:37

Yeah.

1:26:38

So I just, yeah, both sides just put together such articulate stances that, yeah, this has been a really, really tough decision.

1:26:48

And so I just kind of wrote down my thoughts.

1:26:50

And so based on recent hearings and reviewing all the public comment, both sides agree that zoning is needed in this area.

1:26:57

And it's really clear that many residents, including some proponents, do not want the Town Pump travel Plaza at this location.

1:27:03

If this citizen initiated zoning passes, it may not stop a town pump from building.

1:27:08

And it could also temporarily, temporarily limit how some property owners use their land until new zoning is adopted.

1:27:17

And fortunately, Missoula County will begin a zoning initiative later this year, giving anyone affected by the citizen action zoning an opportunity to reshape the the future zoning.

1:27:27

So for that reason, I'm going to support the citizen initiated zoning.

1:27:31

Thanks, Jason.

1:27:32

Errol, do you would you like to say anything again?

1:27:42

I was very impressed with the lot, the work that both sides have done and the passion of the Frenchtown residents and myself live out in the Florence area, just inside in Missoula County.

1:27:59

And fortunately I'm in the floodplain so I don't have to worry about new people coming in.

1:28:05

And I bought my place specifically because I would not get new neighbors.

1:28:10

And so I can really appreciate where you come from with everything discussed.

1:28:21

I'm really bothered with the fact that we have a problem that has been out there for over 50 years that has not been addressed.

1:28:31

I mean, that's just nonsense.

1:28:36

And we're looking at creating another business which is probably going to significantly increase traffic.

1:28:47

And they're the town pump has put tons of money, a lot of work into their proposal.

1:28:58

And I'm not sure if I'd want to live next to a town pump, but they do own that property and what they end up doing with it.

1:29:07

But based on the fragmented thoughts and you know, there are unified, but there was a lot of fragmentation.

1:29:19

I would like to see a comprehensive zoning be done on that area as well as all of Missoula County at the same time so it's done properly, correctly.

1:29:34

And at that time, I just think we'll get our ducks in a row in a better manner.

1:29:44

And so I would not be supporting this either.

1:29:51

Anybody have a motion or anything else?

1:29:56

Good, Jenny burning up the motions?

1:30:05

Yeah, let's do #2 first, and, and I just want to interrupt to be clear, this would be a vote of the Zoning and Planning Commission making a recommendation to the BCC, which would then make another vote.

1:30:20

Yes.

1:30:20

This is just getting it to ourselves.

1:30:22

Yeah.

1:30:23

And with it addition of our our three compatriots here.

1:30:27

Yes.

1:30:28

And I may have more to say when we.

1:30:31

Yeah, I hope you do So yeah, this.

1:30:36

Let's see here.

1:30:36

OK, here we go.

1:30:41

So yeah, this, this one in my estimation is clearly one to deny.

1:30:46

So I would move to recommend denial of the Part 1 zoning petition to create a planning and zoning district and adopt A development pattern with zoning regulations for 160 acres.

1:30:56

Located at 1500 five 100 Malden Drive in Section 26 Township 15 N, Range 21 W, described as the South half of the northwest quarter and the West half of the southwest quarter.

1:31:09

Proposes agriculture and rural residential at a density of 1 dwelling per 10 acres.

1:31:14

Based on the findings of fact and conclusions contained in the staff report and public testimony.

1:31:22

2nd any public comment.

1:31:29

Now for this part you just get 3 minutes and Dave is going to operate the shot clock and he will when be on you if you go bigger than three bam, smack down.

1:31:38

My name is Sierra Fudge.

1:31:41

My husband and I own that 160 acres.

1:31:45

We've read the recommendation carefully.

1:31:47

We were, we respect the planning analysis behind it and we're prepared to work with the commissioners and the county staff to find a path that's protective of our property and consistent with the county's planning framework.

1:32:01

I just wanted to let you guys know that we are, we are trying to practice what we preach here.

1:32:06

We like the idea of protection for our property for ourselves and when the initial borders were being sketched out, you know the northern edge of the of the property for Part 1 or petition 1 is a straight section boundary on the mapping grid.

1:32:25

That's a clean, logical boundary line that is common in land use planning in the entirety of our property runs north of that line at the early stage of that boundary.

1:32:36

It simply reflect reflected the most straightforward geographic starting point.

1:32:40

It was not a deliberate choice to exclude our property.

1:32:44

It was a mapping practicality.

1:32:48

But a couple of community members before our first neighborhood meeting said the family that's helping to drive this initiative had not been included their own property.

1:32:57

And we heard that.

1:32:58

And so without hesitation, we voluntarily added our 160 acres to the zone and we did so at a density that was more conservative than what we were asking of our neighbors.

1:33:09

That nearby area is proposed at AGR 51 dwelling for five acres.

1:33:13

We proposed our own land at AGR 10/1 dwelling for 10 acres.

1:33:18

We've accepted greater restriction on ourselves and we asked from anybody else.

1:33:22

And now unfortunately after staff review, the county's indicated they'd prefer 1 dwelling for 40 acres.

1:33:28

Our long term vision for that land is have the opportunities for our two children to build homes on it.

1:33:34

This is still years away, but the vision is that of three homes on 10 acre lots concentrated on the lower portion, lower slope of the property so that our family can live near each other as neighbors would.

1:33:48

A strict 40 acre designation would not permit the clustering homes and it spread our family further apart.

1:33:54

So we're we're respectful.

1:33:57

We respect the county's growth policy analysis.

1:34:00

We don't dismiss it, but we just wanted to ask the Commission to consider that full picture before you decide.

1:34:06

Thank you for hearing us.

1:34:08

OK, any other public comment and and to be clear, this is just on the 160 acre Fudge property, not not the bigger picture.

1:34:16

And on this level public comment, I just need to say it again.

1:34:18

You just get the three minutes and watch the shot clock.

1:34:22

This will be very short.

1:34:23

This is Stacy Welderly Wade.

1:34:25

And I just wanted to clarify because I know there's a record being maintained, but the vote and the motion, even though we're talking about Parcel 2, I believe that when the motion was read, it read parcel one.

1:34:41

That's all I wanted to do is just when I was reading a transcript.

1:34:45

Yeah.

1:34:45

I just wanted to make clear that we're all on the same page.

1:34:47

That's we'll double check.

1:34:48

Thank you for catching that, Dave.

1:34:52

You want to just read, read, read it with the right number.

1:34:55

I'm not sure it's wrong.

1:34:56

Oh, Part 1 zoning is what she meant.

1:35:03

Petition.

1:35:04

You use the motion for petition #2 for the fetch property.

1:35:07

Thank you, Stacy, because we do want to make sure we get it correct.

1:35:11

I don't see where there were was any error.

1:35:14

I wonder if there was confusing with the words Part 1.

1:35:17

Maybe we can read it again, Dave.

1:35:20

Well, I don't know that we need to, but Part 1 and Part 2 zoning are types of zoning, not referring to any specific parcel of land.

1:35:27

Yeah, and you leave, you gave the legal description of the property.

1:35:32

Yeah, motion was correct as stated.

1:35:34

OK, so we had a motion, a second, some public comment.

1:35:39

This is to recommend to the BCC to deny this petition for the Fudge property.

1:35:46

OK, all in favor.

1:35:48

Aye, thank you.

1:35:52

OK, now we get to take on the next one.

1:35:55

OK, so this is petition #1 for the larger, about 400 acres.

1:36:07

OK.

1:36:08

I will similarly make the motion and we'll have more opportunity as the Board of County Commissioners to take it up.

1:36:14

So to keep it in a positive form, I will read the motion as stated to recommend approval.

1:36:20

So I move to recommend approval of the proposal to create a planning and zoning district known as Citizen Zoning district #47 the Frenchtown Interchange Zoning District and adopted development pattern with zoning regulations for approximately 397 acres north of Frenchtown Frontage Road near the intersection with Demer St.

1:36:40

slash Interstate 90.

1:36:42

Interchange, whose legal descriptions are shown in attachment D Based on the findings of fact and conclusions contained in the staff report and public testimony.

1:36:53

I'll second this just to keep the conversation going.

1:36:57

OK, OK.

1:36:58

Any public comment and, and could just if you have, if only if this has not yet been said because we're we're we're doing good right now.

1:37:05

We're at 3:40.

1:37:10

Thank you.

1:37:12

OK, there's a motion and a second.

1:37:15

All in favor.

1:37:17

Aye, aye, aye.

1:37:22

So we've got four to two.

1:37:23

So the ayes have it.

1:37:26

We will.

1:37:26

Now, what's the right word?

1:37:29

We're going to disband.

1:37:30

We're going to be done as the Zoning and Zoning and Planning Commission, and we'll reconvene as the Board of County Commissioners.

1:37:37

Boom, that's done.

1:37:39

OK, so now as the Board of County Commissioners, we do have a recommendation in front of us.

1:37:50

OK, let's do it in the same order as the last time.

1:37:53

So this would be petition #2 and it's the motion down below for the county commissioners recommended motion, right?

1:38:05

OK, so let's take this up and, and as I think we've indicated it, certainly my, my sense is that the addition of this, this property to the north and I, I totally get it that and, and I appreciate the sentiment that if you're going to propose zoning for a broader district on other people's properties, then maybe you ought to have zoning and skin in the game on your own property.

1:38:30

Nonetheless, I think it's not appropriate to lump that into what we're contemplating today at the small scale.

1:38:38

So I would move to deny the Part 1 zoning petition to create a planning and zoning district and adopt A development pattern with zoning regulations for 160 acres located at 15500 Malden Drive in Section 26 Township 15 N, Range 21 W, described as the South half of the northwest quarter and the West half of the southwest quarter.

1:39:00

Proposed as agriculture, agricultural and rural residential at a density of 1 dwelling for 10 acres.

1:39:07

Based on the findings of fact and conclusions of law or conclusions contained in the staff report and public testimony.

1:39:16

Oh, second.

1:39:16

But oh, and there might be opportunity for the clutches to have you explored, conservation easements to get at what you're actually trying to achieve and and some clustering so that it might be a better land use fit than the zoning here, which isn't quite the right fit.

1:39:35

So I just encourage you to look at other other options that might help you achieve your goals.

1:39:40

So second, OK, any public comments, anything we have not yet heard, I'm going to make one comment.

1:39:48

I'm just going to echo what you said.

1:39:50

I very much appreciate that the Fudge family would like to walk their talk.

1:39:54

Totally respect that and commend you for that.

1:39:57

And also, I don't believe this is the right zoning for your space.

1:40:01

And Echo, I'm really glad you brought that up on there are other tools out there that might help you meet your family's goals and I hope you pursue them.

1:40:07

OK, a motion and a second, no comment.

1:40:11

Here we go.

1:40:12

All in favor.

1:40:13

Aye, thanks.

1:40:15

OK, Next up.

1:40:20

Station 1, I will move to approve the proposal to create a planning and zoning district known as citizen zoning district 47, the Frenchtown interchange zoning district and adopt A development pattern with zoning regulations for approximately 397 acres north of frenchtown frontage road near the intersection with demur St.

1:40:51

Interstate 90 interchange, whose legal descriptions are shown in attachment D based on the findings of fact and conclusions contained in the staff report and public testimony.

1:41:00

And I'd also just like to add that I have deep respect for Earl and Tyler and I, I, I don't disagree with anything that you've said.

1:41:14

I just think this is a unique opportunity to let this process play out and I'm curious to see where it goes and I really value the expertise on both sides of this issue and I want to see where it goes.

1:41:29

Well said.

1:41:32

I'll second that.

1:41:33

And just a few comments here.

1:41:36

First off, thanks to everyone on literally both sides of the aisle here.

1:41:41

As it turns out, in terms of the, the level of of interest and also the, the depth and the value of comment that's been presented.

1:41:53

I do think this is this is really a pretty poor way to go about land use planning and and zoning.

1:41:59

And from the standpoint that ideally if we were just taking this in a linear fashion, we would have an updated and not a 50 year old growth policy to go by.

1:42:14

We would move through a public process for that and a public process for zoning.

1:42:20

This is clearly a very piece meal approach to zoning that gives me a a good deal of discomfort.

1:42:31

On the other side though, I think the staff has provided some some good arguments and and

statements in terms of how this will likely not be out of complete alignment with what we end up or what we contemplate a few years down the line.

1:42:52

And and I am heartened for that.

1:42:56

If it was not, if that were not the case, I would be a firm no on the petition.

1:43:01

I will say be careful what you wish for.

1:43:04

I am not going to be pre decisional here.

1:43:07

I'm not going to be 1 the one deciding this, but there will be a process to determine vesting and I will not at all be surprised if you in the community end up with zoning and a town pump simultaneously.

1:43:23

And so we'll see how that plays out.

1:43:26

But just to temper expectations, what we are doing here today is not going to be the final backstop on whether there is a town pump at this location.

1:43:37

But having said that, I will be supportive of the motion.

1:43:45

OK, we have a motion and a second.

1:43:48

We've had mountains of public comment.

1:43:50

I'm going to make my own little comment right here in part to echo something that you already said, Dave.

1:43:56

Were it not for the county about to kick off a potentially multi year process to do comprehensive growth planning and zoning, I would feel differently about this.

1:44:06

There will be ample time for real public engagement.

1:44:10

The creation creation about in the essence of land use element, a map, a zoning that would really reflect what people want and be done in depth with lots of conversation with the community and work by real land planning, land planning professionals.

1:44:25

And I know that that's about to happen, which makes me feel much better.

1:44:29

I totally get on the piece meal zoning.

1:44:30

If that wasn't in the works, I would feel very differently about this.

1:44:33

But that is about to begin.

1:44:35

So with that, I will call for a vote.

1:44:39

All in favor, Aye.

1:44:42

And gonna make one.

1:44:44

I wanted to say one other thing.

1:44:45

The the shot clock is up.

1:44:47

No, he whimpied me.

1:44:48

He whimpied me.

1:44:49

I would just really wanna say thank you to everybody.

1:44:52

These are really intense emotional issues and for the most part, everybody held it together.

1:44:56

You acted well.

1:44:57

The Town Pump folks did great job with your presentation.

1:45:00

Great job and information.

1:45:01

You all, Dave and your crew corralled each other well.

1:45:04

I appreciate that you participate in this process.

1:45:06

This is real on the ground democracy.

1:45:08

This is what it looks like and it is difficult and messy and you all showed up and I commend you for that.

1:45:14

Thank you all.

1:45:14

We are going to jump to the next thing.

1:45:17

So thank you.

1:45:18

Thank you, everyone.

1:45:23

Thanks everybody.

1:45:24

Thank you.

1:45:25

I didn't think that I didn't thank these guys.

1:45:30

Thank you, PNZ.

1:45:31

What's our next thing?

1:45:54

Good question.

1:45:55

The next thing is, yeah, yeah.

1:50:49

I I talk your phone number maybe she doesn't have no.

1:50:59

OK, thank you everybody and welcome back.

1:51:01

We are now going to hearing have a hearing about establishing a school zone and speed limit in Potomac and Eric Dixon will present.

1:51:12

Yes.

1:51:12

Good afternoon commissioners.

1:51:13

Thank you.

1:51:13

Eric Dixon with Public works.

1:51:16

This request started back in January when Justin Iverson, who is a member of the Potomac Elementary School Safety Team, contacted me when they had concerns about the signage around the Potomac school.

1:51:30

It was a little inconsistent.

1:51:31

They were requesting A lowered speed limit.

1:51:36

Currently the the roads around the school are 35 with a 25 mile an hour school zone speed limit.

1:51:43

So they were concerned with those speeds for as much activity goes around, goes on around the school and I'll show you what those existing signs are.

1:52:02

You can see that they're a little inconsistent.

1:52:04

You have a speed limit sign and then the school zone sign on the North End.

1:52:08

On the East End, it's a school zone sign, then a speed limit sign, and there's nothing that indicates Potomac Loop has a school zone speed limit on it.

1:52:16

So current state law requires that we work with the school district when establishing or altering a school zone speed limit.

1:52:25

So Doctor Emily Sully, who is the principal and Superintendent at the school, took the request to the school board and they ultimately came back with a request to have a permanent 15 mile an hour speed limit established within this school zone.

1:52:43

So we had the first hearing in March.

1:52:45

This second hearing will be to obviously close the hearing and allow you to make the decision and when or if the resolution is approved.

1:52:56

This is what the proposed signage would be.

1:52:59

See, it's a little more in depth.

1:53:02

It meets current regulations from the MUTCD and state law, calls attention to Potomac Loop also having a school zone speed limit and establishes intersection control, particularly at the South end where the school regularly uses the Community Center for activities throughout the day.

1:53:22

So this would be what would be established when the resolution is approved.

1:53:28

And I believe that we have members of the Potomac School here if they would like to comment.

1:53:38

Thank you.

1:53:51

Hit the green, hit the button, please.

1:53:52

Thank you.

1:53:53

Better.

1:53:53

There we go.

1:53:55

My name is Emily Silly.

1:53:56

I'm the principal and Superintendent at Potomac School.

1:53:58

I don't have any anything else to add.

1:54:00

Eric did a fantastic job encapsulating all of the concerns and then further safety measures we want to take for not only our school, but residents that are also on the North End of that loop.

1:54:11

I believe there are a few here remotely and I'm not sure or if they plan to speak or not, but there is definitely a safety consideration during school hours, particularly at arrival and dismissal and then

throughout the school day as we have students and staff traveling between the school and the Community Center probably upwards of 20 times a day.

1:54:31

So I thank you for your time and consideration.

1:54:33

And Eric, thank you again for your help.

1:54:35

Thank you.

1:54:44

Oh, I thought he was coming up.

1:54:47

Eric, do we have some motion language?

1:54:53

I move that we establish a school zone on a permanent 15 mile per hour school zone speed limit on Potomac Loop and a portion of Potomac Road at the Potomac Elementary School.

1:55:02

I'll second that.

1:55:04

And just by way of comment, I would say in the spirit of tempering expectations, there will as as in all of these speed zone changes, there will be a certain percentage of the population that sees the speed limit sign and will actually of their own accord comply.

1:55:25

In other cases, if there, if there are folks who are already in this, this is so obvious to as to go unstated.

1:55:32

But if there are folks who are already exceeding the speed limit that's posted right now, it's unlikely that they will voluntarily comply.

1:55:43

And I would say that given the staffing levels of our Missoula County Sheriff's Office, I would not hold my breath that there will be a much more of an increased law enforcement presence out here.

1:55:57

But having said that, I am supportive.

1:56:02

Great.

1:56:02

So we have a motion and a second.

1:56:05

Any public comment?

1:56:09

OK, all in favor, Aye.

1:56:11

Thanks, Eric.

1:56:14

OK, Next up, Katie Reader with a family transfer.

1:56:40

Thank you.

1:56:41

Good afternoon.

1:56:42

Good afternoon.

1:56:43

Commissioners, this is the Gilhi Mattonia family transfer request for the property located at 7580 Arroyo Lane.

1:56:53

The owner of the property is Sebastian Gilhi Mattonia and the project is being represented by Sean with Four O 6 Engineering.

1:57:06

I'm having some lag here, I apologize.

1:57:13

This aerial map shows the location of the subject property.

1:57:17

The property is located off of Mullen Rd.

1:57:19

generally situated between Grassland Drive and Ranch Club Rd.

1:57:26

The subject property is approximately 1 acre in size and contains one existing single family residence under the 2019 Missoula Area Land Use Element.

1:57:35

The property is designated as Rural, Residential and Small Agriculture, which recommends a density of two dwelling units per acre.

1:57:43

The property is also zoned Rural Residential and Small Agriculture RRS .5 which also allows a density of two dwellings per acre.

1:57:56

The property is currently developed with one existing single family residence.

1:58:00

According to the application materials, this residence is currently being used as a rental.

1:58:07

The applicant is requesting approval of a family transfer exemption to divide the existing one acre parcel into two half acre parcels.

1:58:15

According to the application, the intent of the proposal is to allow Sebastian to relocate his father Philippe onto the newly created parcel while his wife's parents would resign in the existing residence on the remaining parcel.

1:58:29

The proposal is intended to place both grandparent households in closer proximity to Sebastian, his wife and their children to support long term family care and intergenerational living arrangements.

1:58:44

As part of the review process, the proposal was referred to applicable agencies for comment.

1:58:49

Missoula County Building Division noted that any future development on the property would require the appropriate building and or trade permits.

1:58:57

Missoula County Environmental Health stated that future development would require sanitation review and or applicable sanitation exemptions.

1:59:04

Missoula County Air Quality noted the property is located within the air stagnation zone.

1:59:10

If an existing wood stove or pellet stove does not meet current installation requirements, it would be required to be removed upon transfer of the property.

1:59:21

In reviewing this request, no rebuttable presumptions or general evasion criteria was identified to indicate subdivision evasion.

1:59:30

In lieu of the family transfer questions, this application included the new affidavit issued by the state and with that, staff is recommending approval.

1:59:39

Commissioners, here's your language.

1:59:41

Thanks.

1:59:43

Is the property owner or their representative here like to speak?

1:59:46

Come on up.

2:00:02

Good afternoon.

2:00:02

Oh, I'm super hit the green button, Sir.

2:00:06

It's actually black, only green one after you hit it right?

2:00:09

Well, the light is, but the button is.

2:00:11

Oh, exactly.

2:00:11

Good afternoon, I'm Sebastian.

2:00:13

Thanks for coming questions.

2:00:15

No, no, this looks pretty pretty for me anyway, pretty clean and straightforward, but wanted to give you an opportunity if you need to, if you felt like you need to say something.

2:00:23

And I think there's been a lot of talk in here today.

2:00:25

OK, good.

2:00:27

And you can stick around afterwards.

2:00:29

There will be more talk after this too.

2:00:31

So it's like your job, you guys good.

2:00:35

I would move that.

2:00:37

We approve the request by Sebastian Gillimatonia, apologies for that, to utilize the family transfer exemption as presented in the exemption application and affidavit.

2:00:50

Second, any public comment?

2:00:54

OK, all in favor.

2:00:55

Hi, Thanks, Sir and thank you, Katie.

2:00:58

Getting this done.

2:01:00

Next up, Kevin Dantic with the Ranch Club phasing plan extension.

2:01:30

Good afternoon, commissioners.

2:01:31

For the record, my name is Kevin Dantic, planner with the Missoula County Department of Planning, Development and Sustainability.

2:01:38

Today we'll be presenting the Ranch Club Subdivision phasing plan extension.

2:01:42

This is phases 10/11 of the Ranch Club Subdivision.

2:01:45

Applicant is Ranch Club Investments LLC.

2:01:48

The technical Rep is Chris Washa for Genesis Engineering.

2:01:53

And just to get our bearings, this is a continuance from the March 26th Board of County Commissioners hearing.

2:02:01

The Board had granted continuance to today's date in order to construct a temporary emergency access out of the Ranch Club subdivision that went through Phase 9B about 3 miles West of Reserve St.

2:02:14

eastern side of the Ranch Club.

2:02:15

Here we're going to zoom in a little bit.

2:02:18

Little History 2003 was approved as Phantom Hills 323 lots.

2:02:23

There have been six previous amendments and extensions to the the subdivision itself.

2:02:31

Four of those have been phasing plan extensions.

2:02:36

It has been annexed into the city.

2:02:38

It does have City of Missoula zoning surrounded by Missoula County zoning.

2:02:42

The Missoula County did approve the subdivision itself.

2:02:47

Hence we are required to bring forth any phasing plan extensions to the board, phasing plans extension or phasing plans themselves.

2:02:59

Again, phases 10 and 11 here, 11 is the top in the purple.

2:03:05

We have 10 here in the turquoise color.

2:03:09

Those are the final two phases to be filed.

2:03:12

The proposal for the phasing plan extensions is Phase 10, which includes the second point of ingress and egress to the Ranch Club subdivision via the extension of Ranch Club Rd.

2:03:22

as proposed to be filed by December 31st, 2027 and Phase 11 by December 31st, 2029 with approval.

2:03:32

The second permanent egress is and always has been dependent on the filing of Phase 10.

2:03:40

It's in the original approval from 2003 for the subdivision.

2:03:44

Again, this is the Ranch Club Rd.

2:03:45

on the east side of the subdivision.

2:03:47

That would mean Mullen Rd.

2:03:50

City of Missoula comments.

2:03:52

We did have comments from the city that there has been expectations of the build out of this second point of egress.

2:04:00

In previous extensions, no groundwork had been completed.

2:04:04

The testimony from the developer in 2025 saying it would be done and that the extension does delay the implementation of a basic public health and safety feature.

2:04:14

We did have the MD Montana Department of Transportation approach permit, which was approved on February 26th, and this was that temporary emergency access from Pontiole Place out to Mullen Rd.

2:04:25

in Phase 9B of the subdivision.

2:04:27

Again, that's been filed and mostly built out.

2:04:31

Here's the approach permit itself.

2:04:34

The approach is temporary.

2:04:37

It will be removed once the Phase 10 is filed and Ranch Club Rd.

2:04:42

has been built out.

2:04:43

As a second point of egress, the conditions have to be removed, replaced back to their original condition.

2:04:51

We have to replant the grasses, just remove everything, get it back to its natural state.

2:04:57

This is the temporary emergency access as taken just on Monday of this week, excuse me, Tuesday of this week.

2:05:04

This is looking N from the gate off of Mullen Rd.

2:05:08

towards the end of the cul-de-sac on Ponneola Place.

2:05:12

Here we're looking at kind of northwest back towards Ponneola Place.

2:05:15

Here is the emergency gate that emergency crews do have access to with a code.

2:05:21

This is looking South or east SE on towards Mullen Rd.

2:05:26

You'll see the traffic on Mullen here.

2:05:28

This is the improvements that have been completed since the continuance was granted at the end of March.

2:05:34

Again, this is the temporary emergency access that will go away once the Ranch Club Rd.

2:05:39

is constructed.

2:05:42

We do have an approach permit from that has been resubmitted to MDT Application 13028.

2:05:50

Responses from the technical representative, Krish Washa to Montana Department of Transportation questions and clarifications on the permit.

2:05:59

And this would be the approach permit from Mullen Rd.

2:06:02

onto Ranch Club Rd.

2:06:04

that would be constructed depending on the filing of Phase 10 does include turn lanes, deceleration lanes, acceleration lanes, etcetera.

2:06:14

Once again, that was submitted back to MDT on May 14th.

2:06:17

I haven't heard anything back on that one yet.

2:06:21

The City of Missoula does have the Phase 10 infrastructure plan set that was resubmitted.

2:06:27

It's in the final stages.

2:06:29

It'll be submitted back in the coming days.

2:06:32

The project is very near to having a complete construction set for all the roadway, the water, the sewer, the storm water, etcetera.

2:06:41

As you can see here, we just have some examples of those particular constructions.

2:06:48

Here is the basin exhibit for the storm water.

2:06:52

Here's a we have a the Ranch Club Rd.

2:06:54

with some elevations there.

2:06:56

So again, the City of Missoula is approving the extent or the road itself.

2:07:02

Ranch Club Rd.

2:07:04

It will be built to city standards as it is annexed into the city of Missoula and the applicant has been in touch with the city throughout the whole process.

2:07:14

Recent development As of this morning, we do have a public right of way easement that has been

signed and notarized by a member of the Ranch Club, Ranch Club Investments, LLC that has not had City of City of Missoula acceptance as of yet.

2:07:35

However, the Civil Attorney for the City of Missoula has verified with staff that this document, the edits and this document are acceptable to the City of Missoula and their requirements.

2:07:50

What we have with this public right of way easement is Ranch Club Investments LLC is granting grantee to the City of Missoula the right of way easement in case the road does not get built out again.

2:08:05

If the grantee rights to Missoula, they will construct, maintain, repair, replace the roadway just as any normal maintenance goes on any other city streets.

2:08:16

The grants the right the public to access the easement area for transportation purposes.

2:08:22

1 conditional nature of the easement.

2:08:25

This easement is granted to the grantee in anticipation that the Missoula County Commissioners will approve a pending subdivision Phasing Plan amendment request submitted by the Grantor Ranch Club Investments, LLC.

2:08:38

In the event the phasing plan amendment is not approved, which is where we're here today, this easement shall terminate and they will have to undertake a new development project and pattern for the property that may require different access and traffic patterns.

2:08:53

In the event that the approval today is not granted, the City shall return this executed easement back to the Grantor Ranch Club Investments, LLC and the easement shall terminate and have no further effect.

2:09:08

This is the easement itself here that was submitted as exhibit A of the public right of way easement.

2:09:14

As we can see we have the easement built out of ranch club Rd.

2:09:18

This is going through phase 10 N is to the about your 11 O clock here.

2:09:24

This is the intersection of Mullen Road and Ranch Club and this is the easement that has been granted to the city for completion of the road if the grant tour fails to act.

2:09:38

We did have quite a bit additional public comment since March 26th and I would like to summarize just a little bit of that right now.

2:09:47

Public comments generally express strong opposition to granting an additional extension for completion of the phase plan extension.

2:09:55

The commoners raised concerns related to public safety, emergency access, increasing traffic volumes, construction traffic, and long term accountability for completion of the required Rd.

2:10:05

improvements.

2:10:06

Several residents referenced prior incidents, including the structure fire that resulted in a lot of the subdivision not be able to leave the subdivision and they created an egress problem.

2:10:18

Multiple commoners stated the previous extensions have already been granted over several years without the completion of the second access and expressed concern that additional extensions may further delay construction of that roadway.

2:10:30

Comments requested that any future inspection, any future extension, should include a stronger financial guarantee and enforceable completion requirements such as an improvement guarantee, a performance bond, or other financial mechanisms to ensure the road is completed without burdening the taxpayers or the neighboring property owners.

2:10:51

Additional comments addressed increasing traffic congestion and safety concerns impact to residents and they also comments noted that the emergency access only currently constructed does not provide a functional public access for residents during non emergencies.

2:11:10

The City of Missoula was not interested in a perform or excuse me, a financial bond for these improvements.

2:11:21

The City of Missoula, however, did sign or has not signed off, but is OK with this easement in the end.

2:11:31

Commissioners, I do have some language on the screen before you and I do believe the applicant is here if you have any questions.

2:11:40

Thank you.

2:11:40

Kevin Kirby would like to speak.

2:11:51

Thank you.

2:11:51

My name is Kirby Christian.

2:11:53

I'm one of the applicants in the development group.

2:11:57

Chris Wozia is here and available to you, I believe online.

2:12:02

I didn't, it didn't come in person, but I really, I think you, you know where I'm, where I'm coming from.

2:12:10

We, I'd like for the public because I know there's quite a little bit of public concern and comment here.

2:12:16

I'm going to address a couple of issues that that I've heard, but maybe address it after they've had an opportunity to speak as well.

2:12:24

The main thing is I think there's some misunderstanding as to my obligations and and maybe the developers desires I guess with regard to the property.

2:12:36

We very much want to do this phase.

2:12:38

We would like to do it in the next two years and we would like to build the road.

2:12:43

So thoughts that we're trying to shirk that responsibility or push it off on somebody else, I think are misplaced.

2:12:51

The other thing that I think is, is misunderstood is my obligation to do it in absence of a phase.

2:12:59

We bought a project that was in financial distress.

2:13:03

We worked with the community closely, built 2 new parks, hauled off 25,000 yards of material at

the developer's expense, worked with the community who actually put in financial of compensation themselves to, to build out parks that were in prior phases.

2:13:26

But this is a future phase that, you know, it took a while for us to get here, but we want to, we want to complete this phase.

2:13:33

We don't want to leave the community half unfinished.

2:13:35

We do want to build homes with this proposal that we've got in front of you and with all of the recent approvals that we've got.

2:13:44

And I think we're in a position to do that.

2:13:47

One of the main obstructions for us was the fact that MDT as part of this final permitting process added a whole lot of cost and expense based on the development that was going on on Mullen Road.

2:14:01

And we understand sort of how that process when and how long that took.

2:14:05

But I think Chris is comfortable that we've come to terms on what is going to be necessary to put a safe approach off of Mullen Rd.

2:14:14

into the development.

2:14:16

We also worked with the city on a newcomer agreement to the extent that there's a substantial amount of improvements that are going to be necessary to the road that may benefit adjoining properties.

2:14:26

And while that's not been signed, we're confident that we can work with the city to complete that.

2:14:32

So in I guess in short, we're committed to the project.

2:14:36

We want to see it go forward.

2:14:40

It doesn't help us build the road to not have this phasing plan extended.

2:14:47

As a matter of fact, I think it accomplishes exactly the opposite of what the concerned citizens that are here want.

2:14:54

If the phasing plan is not extended, I have no legal obligation to build the road and that burden then will fall on all of us because I have the same burden you do.

2:15:05

I'm one lot owner out of a whole subdivision, much of which was developed by other people, that is shorter Rd.

2:15:14

I have the advantage of being able to build that road if I'm granted an extension and I want to do that.

2:15:20

I don't want the burden to fall on the community, but but convincing this council that it would somehow be better to deny the subdivision extension is hurting what you're, I think you're trying to accomplish, which is the completion of a very nice Rd., a very nice community, and what I hope is a, a wonderful place to live.

2:15:42

So I'd like to like to turn it back over, I guess to you all.

2:15:47

And if there's any questions for our engineer, he's online.

2:15:51

And if you have any questions for me at any point, I'm happy to answer those.

2:15:54

Great, thanks.

2:15:56

So we have opportunity for public comment.

2:15:58

Anybody can speak to this and get 3 minutes?

2:16:08

Hello, my name is Troy Monroe.

2:16:09

I'm the City Engineer for Missoula Development Review and Inspection.

2:16:13

I just want to cover a couple items that yes, the emergency access is in.

2:16:18

We met with Missoula fire yesterday and they brought their ladder truck both in and out of the subdivision using this access Rd.

2:16:25

Everything's good in that, in that form.

2:16:28

We also do want to make a comments maybe a little bit more blunt than what Kirby was saying.

2:16:34

That's without the extension, this subdivision dies today and we have no ability to continue that road in the future.

2:16:43

So it's important that when we get this easement that was presented to us today, that easement would allow us, if the, if the developer does walk away from this project, we, the city can build that road and have a legal access.

2:17:01

If the subdivision dies today, we won't have that legal access.

2:17:04

And the streets that you see in that subdivision today are all that will remain.

2:17:10

So I just want to make sure that that's, that's known.

2:17:12

We've been working with them for the past couple of years, making sure that all of this moved forward smoothly.

2:17:19

We don't have any control over this.

2:17:21

The, the connection was done in the original subdivision 19 years ago where that connection was tied to Phase 10.

2:17:29

So that's where we're stuck at, but we do want to just stress that that by do by you, you granting this, it gives the developer a chance to finish this subdivision including that road and it gives us the fall back safety of having the easement.

2:17:45

So any other available for questions when you guys have them?

2:17:49

Awesome.

2:17:49

Thanks.

2:17:50

Troy, any anyone else like to speak good day.

2:17:58

I'm Bob Lukes, 8151 Ranch Club roads.

2:18:01

I live out there with my wife Shannon.

2:18:03

I think it's in everyone's best interest for safety concerns and for convenience if we get this road done as soon as possible.

2:18:11

And I think granting the granting this extension is probably the best way to do that.

2:18:16

But I think we need to ensure that it's done.

2:18:19

The concern is that there's a two year extension.

2:18:22

Before the two year extension is completed, there is an application for a final plat that's approved.

2:18:28

Then they have more time to do this.

2:18:30

I don't know how long, and maybe that's a question for John Hart.

2:18:33

How long would they have to do to complete the road after the final plat is approved?

2:18:39

And the concern is that then maybe we're out close to three years from now and the developer for whatever reason, is unable to complete this road.

2:18:48

At that point we would have the easement, which is is great that I see that that's going into place now.

2:18:54

I'm surprised that the city is not pressing for security to ensure that that road is going in because the danger is if we're out three years in the development, developers are unable to complete the project, They walk away from this, we've got an easement and then what happens?

2:19:11

Probably an Sid comes in place.

2:19:13

All of the community ends up paying for this.

2:19:16

So I think the best course of action here is to approve the extension and to ensure that if the road is not done at the two year point when they're applying for their final plat that an agreement is put in place with a line of credit with the bank that's going to pay for that road should the developers not put it in.

2:19:37

I think that's the best course here and we thank you.

2:19:40

Thanks, Bob.

2:19:48

Hello, my name is Donna Jean Pickett, I live at 2722 Paniola Place, four houses down from the new emergency exit that you have provided.

2:20:02

My questions concern.

2:20:04

The ability of EM, TS and ambulances to approach through that entrance fire isn't the only thing that goes wrong in the Ranch Club subdivision.

2:20:18

I happen to be one of those people that required an ambulance when there was only one exit and I was at the end of Paniola.

2:20:30

I would like to say that another two years, you don't know how many other emergencies might occur and I think it's really important that the road be completed and the emergency exit that is now available be available that whole time until the road is completed.

2:20:57

I'm wondering also if anyone is considering the thoughts of wildfire or flood, either of which can occur.

2:21:09

We don't always anticipate those things, but unfortunately with the way the climate change is approaching us, we don't have all the answers anymore.

2:21:23

And I would also want to suggest that the community members of the Ranch Club be able to access exit from the emergency roadway that has been built in case of an emergency, a wildfire, you know, certain times of the year, the Ranch Club is just wild grass and certainly possible fires from some of the hard thunderstorms that we get, the lightning are possibilities.

2:22:11

Please take those considerations under your belts as you're deciding about the roadway because I think it needs to approach all concerns of emergencies, not just the fire engine going through the gate.

2:22:29

Thank you very much.

2:22:31

Thank you.

2:22:31

OK.

2:22:31

Or can I ask all that question for clarification or I'll wait.

2:22:41

Hi, I am Doctor Eugene Silva, I'm a cardiologist and I live on Ranch Club Rd.

2:22:52

When we had the situation where the road was blocked by emergency vehicles, I was fortunate enough to not be on call that night.

2:23:02

I think all these points are well made that we need to get emergency vehicles in.

2:23:07

But you have to realize that there are physicians that do live back in that area.

2:23:12

And if I cannot get out of there for an emergency at a hospital, I guess I would hope that it not be any of you because if I can't get there, you're in trouble.

2:23:25

So that needs to also be considered.

2:23:27

I appreciate the fact that they put this exit or this entrance for the fire trucks and everything there, but we may need to also look at how people get out of there and in particular, physicians that may be on call for emergencies, not only for your hearts, but also for surgical situations too.

2:23:48

Thank you.

2:23:49

Thanks.

2:23:52

Anybody else?

2:23:56

Hi, I'm Shannon Lukes and I thank you all.

2:23:59

Can you hear me?

2:24:00

I just wanted to let you know that there's currently 343 plus homes in our subdivision that includes the Phantom Hills, the Dunes and the Ranch Club and also Grass Valley Farms.

2:24:12

They use our access as well, the restaurants, the swimming pool, the golf course has events all the time.

2:24:19

So there are quite a few folks that utilize that.

2:24:25

I do want to just confirm a few things and then I have a few questions for you.

2:24:30

So it's not a two year extension, it's just until December of 27.

2:24:35

Is that correct Answer that it is until December 31st, 2027?

2:24:44

The original expiration was December 31st of 2025, approximately 5 months ago.

2:24:52

However, the application did arrive in our office and was deemed substantially complete before that expiration date.

2:24:58

So we would move Phase 10 from December 31st of 2025 to December 31st of 27.

2:25:07

OK.

2:25:07

And then the public cannot use the temporary Rd.

2:25:12

is that correct?

2:25:14

Yes.

2:25:15

OK, so it's open right now and it has been all day and people, you know, could be using it.

2:25:21

So I just wanted to bring that up.

2:25:22

I drove by there three times today.

2:25:26

Then I would like let me see what else do I have that nobody else has said.

2:25:35

I really hope that you can ask for him to put a letter of credit in place or before the final plat subdivision or the road is put in before you approve the final plat.

2:25:52

Those are just a couple of things that I'm hoping you will do and I think that is all I have.

2:25:59

Thank you.

2:26:00

Yep.

2:26:02

Anybody else?

2:26:09

Hi, I'm going to read because I'm a little nervous.

2:26:11

My name is Michelle McHugh and I live at 28 O 2 campsite place.

2:26:17

The exponential growth of the Ranch Club warrants an additional entrance to ensure safety in our neighborhood.

2:26:22

I believe that's the obligation, Kirby.

2:26:25

Each time an extension is granted, the possibility of this important infrastructure improvement to ensure the safety of our neighborhood grows dimmer.

2:26:33

Two years ago, I discovered and reported a fire on Ranch Club Road and our daughter was working a wedding the night before.

2:26:39

Just recently, a fire at the barn which rendered it completely unusable for the entire summer.

2:26:46

The fire two years ago for the first responders blocked access for hundreds of people for several hours, included a physician, not Doctor Silva, who was unable to respond to an emergency situation and chose to sell his home so that he would not have that problem in the future.

2:27:02

Like Shannon said, in addition to growing a growing population of homeowners, thousands of

people who do not reside in the neighborhood access the golf course, swimming pool and restaurant.

2:27:13

Grass Valley Farm uses Prada for their business access, and the resulting traffic has a significant and negative impact on our neighborhood.

2:27:21

Should you decide to grant another extension, Please ensure that there's a mechanism in place to hold the developer accountable and protect homeowners from a potential financial burden due to his negligence and completing this project.

2:27:33

The threat of an Sid being laid on our shoulders would be the ultimate insult after enduring many years of empty promises to have a road built.

2:27:41

I also wanted to share a comment that was just texted me from Laura Knapp, who served on our HOA Board of Directors.

2:27:48

The developer took out a loan for \$60,000 and the HOA repaid that loan for the two parks that Kirby talked about.

2:27:56

Thanks.

2:27:56

That's all I have.

2:27:58

Thank you.

2:28:00

Anybody else in the room before?

2:28:02

We have some folks online and we also have members of City Council here.

2:28:06

If any of you all would like to speak, please, please do.

2:28:08

Not that you're obligated to, but it can't help but notice that you're here.

2:28:14

Thanks, Mirta.

2:28:21

It was green.

2:28:21

Can you hear me OK?

2:28:23

Thank you.

2:28:24

Mayor Tapasira.

2:28:25

I'm representative for Ward 2.

2:28:28

The Ranch Club is in Ward 2.

2:28:30

I just want to commend the residents for putting their heads together and trying to come up with solutions for what is an evident need in this neighborhood.

2:28:40

I think the statement about having people who don't reside in the neighborhood use this area and the road to get in and out is an important one to factor in.

2:28:51

I do understand that you are in a, a bit of a predicament here, as all of us are, in terms of if this

extension does not get approved, then we you know that the idea of having a road constructed also gets delayed potentially indefinitely or until a new development takes place or it would fall on the shoulders of the city to construct it in in some in some way get some of those funds back into the city's coffers when this is our responsibility.

2:29:26

That should have been part of the subdivision review process or the the filing application process.

2:29:32

So I do hope that this is the last extension if if granted of this be the last one that you, that you grant.

2:29:41

Thank you.

2:29:41

Thanks, Mr.

2:29:45

I thought she was just here to pick up some tricks of the trade in terms of how how meetings are operated.

2:29:50

So and and it's the special assistant for the HUD secretary.

2:29:54

I will never leave it down.

2:29:55

I'll own it.

2:30:05

Sorry.

2:30:05

Oh, sorry.

2:30:06

My name is Justin Ponson.

2:30:08

I'm one of the Ward 2 representatives on City Council, along with my colleague, Miss Becerra.

2:30:13

Want to echo some of those similar comments that she just made, having been involved in the Ranch club in some way for a number of different years.

2:30:19

I think the folks that are here and took time to be here and some of the public comment that you've seen up to this point, either e-mail or things that have been sent in.

2:30:26

I think it just reflects the sentiment that think everyone's kind of aligned and on the same page and we're all working towards the same end goal, which is to get the, you know, secondary access built.

2:30:35

And I for one share in that goal as well.

2:30:38

You know, being here today and, and understanding the situation we're in and the leverage that we have, you know, I unfortunately think the, as Mr.

2:30:45

Monroe put it, I think the best option we have is to grant this extension.

2:30:49

And as Miss Becerra said, I hopefully that this is the the last one.

2:30:53

You know, I'm appreciative of the, you know, willingness on the developer side to engage in with the city and and execute an easement for this particular juncture.

2:31:01

So thankful of that.

2:31:03

But yeah, I also hope that this is the last one and appreciate your considerations then.

2:31:06

Thank you.

2:31:06

Thank you.

2:31:09

Anybody else in the room before we go to folks online?

2:31:12

Oh, here we go.

2:31:18

Hi, My name is Jocelyn Lane.

2:31:19

I live at 2934 Campsite Place.

2:31:22

I had just a couple questions.

2:31:23

I've noticed that as a resident, there's been a meter up that's been calculating the volume of vehicles coming in and out.

2:31:30

And I was wondering if that data was available today for us.

2:31:33

Is Troy still here?

2:31:35

That's not us.

2:31:38

OK, so who did it, I wonder?

2:31:41

I would assume that would be the Montana Department of Transportation.

2:31:44

However, I cannot confirm that.

2:31:49

Wozia.

2:31:53

Oh, oh, I we, we, we can check.

2:31:57

It's last week that they had those monitors up.

2:32:00

Is Chris Wozia online?

2:32:02

It's a Montana Department of Transportation highway.

2:32:04

So it would not be, I don't think it would be Missouri.

2:32:07

Sure.

2:32:07

It would be us in our development, in your development, OK.

2:32:11

And and the road and the highway.

2:32:13

So it's probably that.

2:32:15

Yeah, we can we what we can do is commit to finding out and letting you know.

2:32:19

We obviously can't figure it out right here now, but we'll we'll let you know.

2:32:21

I was wondering too, if the extension has to be for a full 2 years, if it could be for less like just, you know, instead of another 18 months, could it be 12 months from now?

2:32:33

I and the other question I have is can they they have to put the road in in order to sell any of those lots?

2:32:42

I think that would be is that to build the houses and sell them, they would have to have the road in, right, Correct.

2:32:47

Yeah.

2:32:47

Kirby has a huge incentive to get this road done or he doesn't have any houses to sell.

2:32:51

OK.

2:32:52

All right.

2:32:52

Thank you.

2:32:57

LJK Online.

2:33:00

Hi, this is Laura.

2:33:01

Can you hear me?

2:33:03

Yeah.

2:33:03

If you could be a bit louder.

2:33:04

You're pretty faint.

2:33:05

OK, I have a question, one question that I'm kind of confused.

2:33:11

Kirby has to wait until we get the Phase 10 approved before he can start the road because I was under the impression he could actually start the road before he got the phase ten approval.

2:33:26

So what is what?

2:33:27

What is it?

2:33:28

Which one is it?

2:33:32

Do you either of you gentlemen want to answer this?

2:33:36

The road is dependent on the final plat filing of Phase 10.

2:33:39

So, but can you do it?

2:33:44

Her question is, can you do it before the final approval?

2:33:48

So Phase 10 was given preliminary approval 20 years ago.

2:33:55

The developer can build the road at any point in time.

2:34:02

If the road is not built at the time that the developer wants to file phase 10 and again the request today is to extend the deadline to file phase 10 plat till December 31st, 2027.

2:34:23

If the road is not built at that time, but he still wants to file the plat, then he can come to Missoula.

2:34:34

He can come to the city of Missoula and propose a security arrangement whereby he puts up a letter of credit or other some other adequate security that ensures that if he doesn't build the road, that there is a sufficient amount of money with a contingency that the city of Missoula can use to build the road.

2:35:05

That and that is a that is an option that the developer has under the Montana Subdivision and Planning Act.

2:35:14

And John just to be but of course, he could build the road.

2:35:18

He could just build the the plat, correct.

2:35:20

All right, so he can he so if Kirby makes us all extremely happy and starts working on the road because he gets all the approvals from NTD and so forth and he starts building that road in June, he can do that, correct.

2:35:41

OK.

2:35:42

All right, thank you.

2:35:43

That clears it up.

2:35:44

Thanks.

2:35:45

Thank you.

2:35:49

Any anybody else in the room or online before board of county commissioners asks questions?

2:35:58

OK, you guys have some questions?

2:36:00

Yeah.

2:36:00

Just so I understand the the emergency, the temporary emergency Rd.

2:36:04

can't be used by anyone else other than emergency vehicles, fire department or ambulances.

2:36:12

And the reason that is is because the entrance onto Mullen Rd.

2:36:16

is dangerous or problematic or what?

2:36:20

What does MDT say?

2:36:23

It's not a real Rd.

2:36:24

It's not a but but OK Kirby, can you explain why why people can't use it, why doctors can't use it?

2:36:32

Why whomever can't use it?

2:36:38

So I I think the confusion is is it's locked unless there's an emergency.

2:36:44

But once there's an emergency, an emergency personnel would monitor or man that access point.

2:36:51

They just don't want people entering Mullen Rd.

2:36:54

without it being supervised.

2:36:56

But at that point, citizens can go in and go out it, it would be an access for everybody to go in and out of the subdivision during an emergency.

2:37:04

But for Doctor Silva to get to the hospital in an emergency or what happened, how, how does that happen?

2:37:09

I think he would go out of out of that road in, in the event of an emergency to get to the hospital.

2:37:15

That was the, our understanding in building that road is to allow the citizens of he calls 911 and someone has to drive out with a key and unlock it and open it.

2:37:25

I mean, how does that functionally work?

2:37:27

We could functionally probably call MDT and get some of that.

2:37:31

Nick at the clubhouse has the code, I have the code, the fire department and emergency people have that code.

2:37:38

And I, I think if there's an emergency, if we get a hold of the police 911, say we've got an emergency at Ranch Club, we need the emergency access manned.

2:37:48

They would come ban the access and the gate would be opened.

2:37:50

OK.

2:37:51

And same would go for Donna, who needs whatever she needs to get out there.

2:37:55

If they can't get out through the regular access, that's the reason to have the emergency access, Kirby says.

2:38:04

So I've not been out there to look at the the lock arrangement.

2:38:08

Is it a type of lock where you enter a code?

2:38:11

It's actually just a four digit roller lock.

2:38:15

So is there anything that would preclude every property owner at Ranch Club having that code such that in the event of an emergency, they could actually get out?

2:38:26

I mean that would I see shaking heads, but if you guys want to get out an emergency.

2:38:36

So, Sir, I'm sorry, we're not doing comment out there, but any anyway, I guess my point is, is it within the, the jurisdiction, if you will, of the Ranch Club HOA or what not to determine who gets the code?

2:38:52

I, I don't think so.

2:38:53

I think MDT Chris can talk to that, but I think MDT restricted that temporary access to use during an emergency.

2:39:01

And so, and, and I, I guess I'm still, I, I'm not suggesting that it be used by folks in a non-emergency situation, but to the extent that everyone who lived out there had the code in the event of emergency and could access it, that might be attractive to some based on testimony.

2:39:22

Of course, then you're, you're going to have to do some enforcement of if it's being abused that, that privilege.

2:39:29

Kevin's got something.

2:39:31

And the emergency access traffic was very broadly defined by MDT in the permit itself, quote, a gate must be installed to keep anything except emergency access traffic coming and going.

2:39:45

This is not a construction access, it's for emergency situations only.

2:39:49

If MDT sees anything other than emergency access traffic using the approach, MDT will require the access to be removed.

2:39:57

I feel that giving the code to anybody but the emergency responders may lead to people using it for their daily activities.

2:40:08

Which, according to the permit, would make it have to go away.

2:40:12

So Doctor Silva and Donna do not have access?

2:40:16

No.

2:40:16

That's unlocked right now.

2:40:20

We can't speak to that.

2:40:24

Thank you.

2:40:25

Thanks.

2:40:25

You guys have anything else?

2:40:34

No.

2:40:34

Do we have a motion?

2:40:35

Yeah.

2:40:35

Let's do which she we did her once, but go ahead, Dave, do we have a do you have a motion before us here?

2:40:45

Oh, Kevin's got something.

2:40:54

Oh, I had one question to John.

2:41:00

I have one question for John.

2:41:02

Just to be clear, as as Bob brought up the idea of a, a developer's agreement with a line of credit from a bank and you said that's something the city could do.

2:41:14

Well because this has been annexed into the city.

2:41:18

If that is an option that the developer wants to employ at the time of of final plat for Phase 10, then it would be an arrangement and an agreement with the city of Missouri.

2:41:29

Is there any way we could condition this on that?

2:41:36

That is, that is something that I, that I think the city considered, but the city is, does not think that that is necessary for purposes of, of this process.

2:41:51

OK.

2:41:53

So by I, I guess it's because we rarely run into issues where we are taking these sorts of actions in areas that have been annexed within the city.

2:42:03

But if it was not within the city of Missoula, we certainly, yeah, would would entertain a development agreement or some sort of a bond to ensure that that improvements get constructed at the time of final plat.

2:42:22

Is that correct?

2:42:24

And is it because as you know, I routinely bring subdivision, subdivision improvements agreements to you for subdivisions that the county has jurisdiction over?

2:42:36

So because it's just this, this particular subdivision, because it has been annexed into the city, we don't the, the improvements agreement would be with the city, not the county and we're precluded from having an improvements agreement because it is within the city limits.

2:42:57

Or is there some discretion on our part, not that we're doing that today, but only reason we're this in the decision space here is because we originally approved it 20 years ago, right.

2:43:13

But I'm, I guess I'm still saying what we're hearing from folks is some level of certainty that at the time of final plat approval, it's not just contingent upon a decision on the city, but us who are

taking the action of approving the final plat would actually, I see the president of City Council would like to speak.

2:43:33

We're glad he's here.

2:43:37

OK.

2:43:39

There was the smack down wing.

2:43:40

Wing.

2:43:40

You did not turn your button on.

2:43:43

We heard him.

2:43:43

It was green already.

2:43:45

Do I need to repeat my great comment to Dave?

2:43:47

No, I'm just kidding.

2:43:48

All right.

2:43:48

Mike Nugent, president of Missoula City Council.

2:43:50

I do not represent your word, but I appreciate everybody here being part of this conversation.

2:43:55

I was not part of any of the negotiations, but I understand where we're at.

2:43:59

And the issue is, and none of you are, were the people who approved this originally.

2:44:04

But I think there's a lot of confusion because this was a county subdivision and because it was a county subdivision, every subsequent phase has to be approved by the county.

2:44:12

So the city has no authority until it comes into the city.

2:44:17

The city's concern is right now, if you don't grant this extension, the subdivision's dead.

2:44:22

And so is any ability for the city to even get a right of way for the roads.

2:44:27

So those easements are there.

2:44:29

The city's concerned, and I don't want to put Kirby on the spot, but I bet this is the accurate answer, is if the city said not only do we want the easements, but you have to put up the money to finish the road before you know what the cost from NDT are and before you know what your other costs are, they're probably going to walk away.

2:44:47

And if they walk away, there's nothing including the ability for us to put a road in, unless somehow the city then did an eminent domain or a new project came in.

2:44:58

And if a new project came in, I guarantee you would make this part of it.

2:45:02

So I think that's the the concern of the city is the the leverage really isn't there for much beyond just this.

2:45:08

And we want some guarantee.

2:45:10

And that guarantee does provide us.

2:45:11

So even if they get this extension, but they don't do anything, the city now has the easements for the road.

2:45:19

So if somebody else in the future comes in to develop that, we can require that there and that connection as well.

2:45:25

So the city sees this as the best outcome in a non ideal situation.

2:45:30

And I think and Commissioner Sonic, you and I have discussed this.

2:45:33

This is why you see both the city and the county front load a lot more of this infrastructure now, because all of us are clearly smarter than our predecessors and foresee all these issues.

2:45:44

But that's just the reality of where the city is at on this.

2:45:47

So it's not that the city didn't want to do it.

2:45:49

It's it's that I don't think we have the leverage to do that.

2:45:53

And we need to one way or another, make sure that we have the ability to put a connection in.

2:45:58

But my strong expectation is that the developer will finish this.

2:46:01

So that's all.

2:46:03

Thanks Mike.

2:46:08

Thank you very much.

2:46:09

That's what I knew, but I you could tell I was very reticent to say.

2:46:13

So I'm very helpful to let the city speak for itself.

2:46:16

OK, what do you guys think?

2:46:19

I would move to approve the Ranch Club Subdivision phasing plan extension, extending the Phase ten final plat submittal deadline to December 31st, 2027 and extending the Phase 11 final plat submittal deadline to December 31st, 2029, subject to the Ranch Club Subdivision master conditions of approval.

2:46:36

Second, any public comment?

2:46:41

OK, All in favor aye.

2:46:43

Oh, I think we're, I think we're ready to go.

2:46:49

You're welcome to ask anybody here questions afterwards.

2:46:53

So all in favor, aye.

2:46:54

Aye.

2:46:56

Thanks.

2:46:57

You can ask anybody a question you like.

2:47:24

I think you should chat with Mike.

2:47:27

Really.

2:47:27

He's right behind you and he's saying, he's saying please come over.

2:47:35

Please do I, I I think you can get your I think you can get your question answered much better.

2:47:41

OK.

2:47:41

It's the Sam Scott show for the rest of the day.

2:47:45

Look at that Sam one mentioned.

2:47:48

Oh, sorry, the Shelby.

2:47:52

Oh, OK, Sorry, Sam.

2:48:05

Yeah, you have a bag with you.

2:48:22

Bag.

2:48:27

Good afternoon, commissioners.

2:48:28

For the record, my name is Kevin Dantic, planner with the Missoula County Department of Planning Development, Sustainability.

2:48:33

Today I'll be presenting the Shelby Addition plat adjustment.

2:48:37

This is brought forth by Adam and Aubrey Wolf who are represented by Ron Weston from PCI.

2:48:46

Just a little bearings here we are Southwest.

2:48:48

Let me interrupt you.

2:48:48

Sorry.

2:48:49

Would you guys mind taking that into the hallway, please?

2:48:53

Ron, could you escort them out into the hallway?

2:48:55

Folks talking in the room.

2:48:56

Ron's kicking you out.

2:49:00

Thanks, Ron.

2:49:02

They don't believe him.

2:49:05

Ron, you weren't believable.

2:49:07

You're a professional.

2:49:12

You've done this.

2:49:12

Thank you.

2:49:12

Thanks, Mayor to City Council and just Ron.

2:49:21

Now I'm going to kick you out.

2:49:26

Go for it.

2:49:29

The Shelby Addition is located southwest of Lolo.

2:49:32

We have the intersection of Hwy.

2:49:33

93 and 12 right here.

2:49:35

We are off of Mormon Creek Rd.

2:49:36

Here's a close up view of the subject parcel.

2:49:39

Lot 36 of the Shelby Addition Subdivision which was approved in 1979 by the Board of County Commissioners filed in 1980.

2:49:48

A little bit of background on this, it's the residential subdivision was 59 lots.

2:49:54

It had seven conditions of approval.

2:49:55

Again, it was filed on October 2nd, 1980, 2002 Lolo Regional Plan designates the area as one dwelling unit per two acres.

2:50:07

It's intended to recognize existing development patterns and small lot development is desirable.

2:50:15

The existing conditions right here.

2:50:18

Mormon Creek Rd.

2:50:19

is a significant roadway.

2:50:20

It serves the neighboring residences, the neighborhoods, a western connection to the US Forest Service road, Forest Service lands.

2:50:29

Mormon Creek Rd.

2:50:29

includes a 60 foot wide away right of way on the original plat.

2:50:34

As we can see here, there was a 1 foot no access strip on lots one through 3 and lots 32 through 38 of the Shelby Addition 1 foot no access strip.

2:50:46

In addition, it contains 30 foot common access strips from Mormon Creek Rd.

2:50:52

that would allow access through that no access strip and were intended to be shared between two lots.

2:50:58

In essence, what we have is the purpose of those common area strips.

2:51:02

The brakes and the no access were to accommodate residential driveway construction at a width of 15 feet.

2:51:09

On each lot you have a 30 foot brake.

2:51:11

Each lot gets a 15 foot driveway.

2:51:14

As we can see through the picture on the right, Mr.

2:51:18

Ron was the photographer on this one.

2:51:21

The 30 foot common access strips.

2:51:24

They were either ignored, exceeded in width on all the lots that they were subject to at the time of building all of these homes.

2:51:33

The subject parcel here is on the right, 708911 Creek Rd.

2:51:37

that was built in 1990.

2:51:39

The homes that are under this one foot no access strip were constructed between 1982 and 1990.

2:51:46

And again, the proposal is to move that common access strip.

2:51:51

Again, if we're looking at this, we would have had two driveways 15 feet wide right next to each other right here.

2:51:57

As you can see, that did not happen.

2:52:00

The existing driveway right here would be abandoned.

2:52:04

The new driveway would move 13 feet to the east, be paved to a 20 feet wide, which is a very standard width of any residential construction.

2:52:12

Even in Part 2 zoning this parcels unzoned, it's still outside that allowed plaited access area.

2:52:21

We do have some very standard conditions for this which are on the screen here.

2:52:26

The exhibits and accompanying affidavits shall be prepared by a license surveyor modifying the 15 foot access easement on Lot 36, subject to review and approval by the Missoula County Department of Planning Development Sustainability prior to recording #2 Any recorded documents that are modified by this adjustment shall be revised and then filed with the Clerk Recorder within 180 calendar days of the governing bodies approval.

2:52:51

The approved adjustment shall be void if the applicable documents are not filed within 180 days of approval.

2:52:58

And with that, I have a motion on the screen before you.

2:53:02

Thank you.

2:53:05

Motion.

2:53:06

I move to approve.

2:53:07

Oh, sorry comment.

2:53:09

Sorry, Ron.

2:53:13

Thank you.

2:53:13

Ron Woodson on PCI.

2:53:15

Thanks Kevin for your for your work on this.

2:53:16

We are in in agreement with the recommended motions and conditions of approval.

2:53:22

Just a quick thing about shared access is I think they're a good idea in some cases, but in this case we have these are urban sized lots.

2:53:28

So if you had, if you did share an access, you know, how are you going to peel out and go go into the garage and so on.

2:53:34

And in this situation, if you've been up Mormon Creek Rd.

2:53:39

there's not a lot of the houses further further down.

2:53:42

It's nice straight stretch of Rd.

2:53:44

So it's not really a, you know, a high traffic type situation.

2:53:49

We, we did get a Toby, our surveyor, he spoke with public works.

2:53:53

They're in favor of this.

2:53:54

And in actuality, this would be a safer situation because first of all, the the vehicles would be able to turn around in front of the garage and then head out onto Mormon Creek Rd.

2:54:05

head 1st instead of backing out onto it.

2:54:08

So anyway, thank you.

2:54:10

Thank you.

2:54:13

OK, sorry Kevin, question, language.

2:54:17

Thank you.

2:54:18

I move to approve the Shelby addition plat adjustment based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions of approval.

2:54:27

Second, any public comment.

2:54:32

OK, All in favor.

2:54:34

Aye, aye.

2:54:35

Thanks, Kevin.

2:54:38

Now it's the Sam Scott Show.

2:54:42

Thank you, Sam Scott with the Clerk and Recorder Dan Stone here as well with our office.

2:54:48

So today we have 7 different resolutions, I believe 7 before you to amend the boundaries of some rural special improvement districts, RSIDS.

2:55:01

Over the last few months, Dan has meticulously gone through the resolutions creating these districts and then any amendments and alterations sense to correctly map these boundaries.

2:55:13

In doing so, we have determined a handful of situations where we need to, we need to alter the boundaries to either fully include lots, include lots that are obviously benefited by the service provided by the district or exclude lot the inverse exclude lots that are obviously not benefited from the district.

2:55:29

So real quickly we will go through these situations starting with the original RSID #1 in Frenchtown and then I think we can probably just do one big motion to approve the at the end.

2:55:43

So RSID one Frenchtown lighting, you will notice the hashed area on all of these is the old boundary and then the light, the just solid Gray area is the expanded or altered boundary.

2:55:56

So we've got this little triangle up top that is a storage unit parcels.

2:56:02

We're proposing to include tract 1 of Cos 4454 owned by Frenchtown Storage LLC into the Lighting District.

2:56:11

We are adding this parcel because MEC Mozilla Electric Co-op confirmed that there is a light on this parcel or on the right of way adjacent to the parcel paid for by the Lighting district.

2:56:23

I mean, I should have mentioned to all of our viewers now that we did notify the land owners whose bills will be affected by this.

2:56:33

And you'll see we received some feedback on one of these districts that we'll talk about.

2:56:38

So that's Frenchtown lighting #1 again, there's the legal description right there.

2:56:43

RSA 15 is Lincolnwood Lighting.

2:56:46

This one we are proposing to expand essentially to fully include parcels that were already paying into the district.

2:56:56

So we've got the one over there on the West side and then the six different parcels over on the east side that we are fully including.

2:57:05

These ones have a little bit of an odd legal description, but as they have, those have already been assessed and the assessment methodology for this district is by assessable area.

2:57:14

There is no change in billing to any of these folks.

2:57:20

Sake of time, not gonna read through all those legal descriptions, but they are in the petition, are in the materials provided before the meeting.

2:57:28

RSID 32 Chillcoat lighting, this similar situation over on the kind of the bottom two parcels where you'll notice the alignment doesn't quite line up.

2:57:39

And then we're adding three other parcels because this lighting district is a cul-de-sac.

2:57:43

And obviously if you on the parcels at the end of the cul-de-sac, you are also benefiting from the lights driving into your property.

2:57:50

This entire district is under one property ownership, so that entity is paying for the entire lighting district anyway.

2:57:59

And that's Lots 1112 and 13.

2:58:02

This is Lincolnwood Lighting district #34 we are adding one property on the southern end of the subdivision that just appeared to be left off out of the original lighting district resolutions.

2:58:12

And then Dan, correct me if I'm wrong, but this property on the north is a parcel that had been paying into two separate lighting districts and we are assigning them to the next one we will look at and removing them from this one.

2:58:24

So they're only paying into one lighting district removed from the first Lincoln would that was that was this one.

2:58:32

Never mind.

2:58:32

So we're removing them this removed from.

2:58:35

Yeah.

2:58:35

So that parcel is no longer paying two lighting bills.

2:58:37

They're paying a single lighting bill.

2:58:39

And the property on the South already pays into the district.

2:58:41

So this is just kind of an administrative cleanup actually.

2:58:45

So that brings us to Elmar Water RSAD 8916.

2:58:53

This one is just like Dan said, also an administrative cleanup where the seven parcels up top on the North End receive service pay into the district, but we're not formally added into the district.

2:59:04

So we are doing that now.

2:59:05

And then there's a couple parcels to the northeast there that the boundary just of those parcels slightly extended outside of the district.

2:59:12

So we're just aligning the district with the current parcel boundaries and then we are removing an UN or a vacant piece of land.

2:59:20

That little triangle there over on the the east side that has no services.

2:59:29

Sunset West Water Rs 8925 similar scenarios here.

2:59:35

These folks up in the top right and in the southern edge do not receive service.

2:59:40

So we are removing them from the district and that little island out there actually does receive service from the district ironically.

2:59:48

So that one is should be in the district.

2:59:53

Lastly, Elmar Parks District in our notice process we received some comment that alerted us to some kind of historic information about this district that we weren't aware of previously.

3:00:05

So this is.

3:00:06

One, we originally had proposed to include these seven lots.

3:00:09

We are now requesting that you deny that that resolution to include these seven lots up there in the early 2000s, they actually requested refunds because they had been billed for it and weren't part of the district.

3:00:23

And this Elmar Park district as a whole has some other situations that we would like to deal with over the next year in one fail swoop rather than trying to piece meal it right now.

3:00:36

So our we're going to which seven lots?

3:00:39

Uh oh.

3:00:39

Oh, we lost.

3:00:41

No, just walk on over and take a peek.

3:00:47

Yeah, same, same lots as there it is.

3:00:51

Oh, there they are.

3:00:51

Yeah.

3:00:52

Back.

3:00:52

OK.

3:00:53

Yeah.

3:00:53

So that's Elmar Estates phase two, supplement one or Phase 1 supplement 2.

3:00:59

I can't remember.

3:01:01

And it was platted after the district was created.

3:01:05

So it was left out of all of the district creation documents because it didn't exist at that time.

3:01:12

It was never subsequently added.

3:01:14

And there was some back and forth with the developer and the land owners of HOA about their Hoas.

3:01:18

They have their own separate HOA.

3:01:19

And so trying to determine who benefits is a question we're going to address kind of as a larger thing as we look at these parks in whole 'cause they're owned by Hoas rather than the county and trying to just clean up some management of that.

3:01:35

So with all that said, we would move we the requested motion would be to approve the boundary changes for 11532348916 and 8925.

3:01:47

And then I guess that would be also sorry to deny.

3:01:50

What's the 188923?

3:01:57

OK, John, Sam, did you for the sunset W 1?

3:02:02

Did you guys coordinate with Public Works?

3:02:05

Yeah, so we confirmed that that is the correct service at the moment.

3:02:12

And also my under, I don't want to put words in their mouths, but I believe there can be no new connections.

3:02:18

So there was no benefit to keeping those parcels in the district for sake of later connecting because there were not enough water rights to do so.

3:02:25

That was that was my thought.

3:02:27

So it just as long as you coordinated with, Yep, with public works on that, that we did, I don't have any concerns.

3:02:34

Then I move to approve the RSID boundary change resolutions as presented for RSI DS11532348916 and 8925 and we'll do a separate one for the denial and deny 89230.

3:02:55

I can do it together and deny 8923 second.

3:02:59

OK, I'm I'm just have one question.

3:03:01

I heard Dan, that you are finding out of district RSID parcels in couch cushions in your office.

3:03:06

They're just damn, there's a number of the wrongs.

3:03:08

It's amazing.

3:03:10

We're really glad you're at this and appreciate all the hard work.

3:03:13

And both seems to be going very quickly from what I hear, given what we thought was going to be a humongous task is just a really big task.

3:03:21

So thank you for doing it.

3:03:24

Any public comment?

3:03:26

Oh yeah, OK, no public comment.

3:03:32

Here we go.

3:03:32

All in favor.

3:03:33

Aye, thanks.

3:03:37

Thank you.

3:03:37

So the last two items, third time's the charm, not we would like to postpone those to June 3rd as well as requested by Jason King, CFO of Montana Knife Company, Happy to do that.

3:03:50

That will be the last postponement.

3:03:52

OK, June 4th, right 4th, I believe he requested June 11th.

3:03:59

Let me double check or well, June 4th of next week.

3:04:10

Yeah, you said June 3rd, Sam.

3:04:11

That's what got my attention today.

3:04:13

But you told me postponed to June 11th.

3:04:18

Pretty sure it's supposed to be 11th.

3:04:20

Yeah.

3:04:21

Yes, he requested June 11th.

3:04:22

What's the date?

3:04:25

June 11th?

3:04:26

June 11th.

3:04:27

Yep.

3:04:27

Sorry.

3:04:28

Thank you.

3:04:33

Thank you.

3:04:37

Thanks everybody.

3:04:39

Thanks for doing all this hard work and for waiting.

3:04:41

And thanks Griffin for hanging in there.

3:04:44

We'll see you all next time.