

**PUBLIC MEETING – DOUGHERTY RANCH REZONING (TRACTS TABLED FROM AUGUST 30, 2006 HEARING) - HELLGATE ELEMENTARY SCHOOL - JANUARY 9, 2007**

Chairman Barbara Evans called the public meeting to order at 7:00 p.m. Also present were Commissioner Bill Carey, and Commissioner Jean Curtiss.

Chairman Evans: Good evening, it is 7:00, we'll begin the meeting. We'd like to welcome you to the hearing that we are having this evening for the Dougherty Ranch Request for Rezoning. Cathie Cichosz is our secretary. This is Bill Carey, Commissioner. I'm Barbara Evans. This is Jean Curtiss and Jennie Dixon, our staff. We will have our staff give a presentation first and then we'll take public comment from--then we'll have the applicant give his presentation and then we'll take public comment.

Jennie Dixon: For the record, this is Jennie Dixon. Just for your information, I have made several copies of the staff report available at the back of the room. You don't need to worry if there aren't copies available. I normally get a chance to brief the Commissioners on their public hearings in advance of the public hearing, but we've all had very heavy schedules these days. So I haven't had much of a chance to do that. I'm going to spend just a little bit more time than usual going over this request for the Commissioners, which means you get the benefit of the detail. So if you don't have a staff report, I think it should be fairly easy for you to follow along. I've provided a map for you to refer to as we conduct the public hearing.

First, let me give you a little bit of background on the request. In May of last year, 2006, the applicant submitted a rezoning request for 15 tracts owned by the Dougherty Ranch Limited Partnership, et al, consisting of approximately 342 acres, which is shown on the map above. The property is located east of the Missoula International Airport, south of Highway 10 (West Broadway), and north and west of the school that we are in today and generally west of Flynn Lane, except for one of the zoning tracts, which is not subject to the hearing today, which is located east of Flynn Lane.

Zoning Tracts 1 through 15, which were part of the hearing back in August, were actually 1 through 8 and Zoning Tracts 10, were acted upon by the Board of County Commissioners in August of 2006. The Commissioners did not take action on Zoning Tracts 9 and 11 through 15. We are here today for a rehearing or a continued hearing on Zoning Tracts 9 and 11. On the map in front of you up above, Zoning Tract 11 is shown in the red and Zoning Tract 9 is the southernmost piece that is shown in the pink. It's also got some gray on it, as do several of the tracts. The gray is indicative of what's called the extended arrival and departure area of the airport. Let me get into that in a little bit, but I just wanted to get you oriented to where we're at for the hearing this evening--two tracts, 11 and 9, red and light pink.

The reason the Commissioners did not take action on all of the tracts back in August was there was quite a bit of opposition from the neighborhood, certainly the Pleasant View area to the east for the tracts that were most closely [inaudible] to the Pleasant View neighborhood. The Planning Board recommended denial of the rezoning request and the Commissioners themselves certainly had some concerns. So the Commissioners requested that the applicant go back and reevaluate all of the alternatives. Staff presented some alternatives for the applicant to consider. In November of this year, the applicant contacted our office, the Planning Office, and asked for the Commissioners to simply consider the two tracts that are subject to the hearing tonight because they do not abut Flynn Lane and felt that those two tracts may be a topic for consideration by the Commissioners per the original request because they do not abut Flynn Lane and may not be as controversial or contested by residents in the area. The applicant did request the original zoning as proposed. The original zoning that is requested this evening as well is on Tract 11, the red tract, is C-C2, which is the County's heavy commercial zoning district. Tract 9, the light pink southern tract, is C-C3, which is the middle or moderate commercial zone in the County.

Tract 9 is vacant and contains approximately 20 acres. It's currently zoned C-A3 residential, which allows one dwelling unit per five acres. The recently adopted Wye-Mullan West Comp Plan or Growth Policy recommends a land use designation of community commercial, which is a light, low-intensity or light commercial land use designation. This designation is intended for retail commercial and also such uses as banks, professional offices, personal services, which are things like clothing, repair, tailors, beauty shops, things that are routinely used by the residents of our community. They would need to have convenient access and ideally, the building footprint size would not have more than 50,000 square feet per establishing. The proposed zone, however, would allow up to 100,000 square feet of building size or commercial establishment. The requested zone, C-C3, on Tract 9 is intended to promote a commercial zone, which depends upon a community-size market area, which is adjacent to

major arterials. Tract 9 is not currently nor is it planned to be adjacent to any major arterial streets. To the southwest of this tract is an area that is intended for residential development and to the east of that tract, of course, is Hellgate Elementary and Middle School.

South of that light pink tract is a 40-acre conservation easement tract that is intended to remain open space and agricultural land within an historic homestead owned by the McKennan family. This ranch recognizes that importance historical reminder of the agricultural and ranching roots of this Missoula River Valley/Mullan Road area and constitutes open space land that is important to the McKennan family partnership and to the people of Missoula. That is language that comes straight from the conservation easement that is granted to save open space here in Missoula.

Staff has recommended the lowest county-commercial zoning district, which is one step lower in intensity that is requested by the applicant to ensure a separation of heavy commercial or general commercial uses from the residential uses, the school grounds, and agricultural and open space and historic uses that surround that parcel.

That takes me to Tract 11, which is the one on the north side, the dark red one. Tract 11 is also vacant and contains approximately 28 acres. That tract is also zoned C-A3 residential, one dwelling unit per five acres. That tract is recommended in the recently adopted Wye-Mullan West Comp Plan and Growth Policy for land use called mixed use, which recommends 16 dwelling unit per acre and a commercial designation. That tract is west of two fairly recently approved subdivisions called the Phelps Addition and the Pioneer Addition. Those are commercially zoned subdivisions north of Tract 11. Adjacent to the west and south of Tract 11 is rural residential layout and zoned C-A3. The requested zone, C-C2, is the County's heaviest commercial zone, which is intended to provide for the conduct of retail trades and services that are inherently automotive and highway oriented and for commercial uses of low intensity, which may require large areas of land.

Now the action that the Commissioners took in August on most of the Tracts 1 through 8 and 10 to the west that are shown in the dark pink, magenta colors, those were almost entirely zoned C-C2, the heavy commercial zoning district. The land use designation of Zoning Tract 11 reflects a desire to transition from the heavy commercial uses to the west and as you go toward the east, to go towards the residential uses, the open space, the school grounds, and the less impacting uses on the east. So as this proposal as come in, essentially in isolation, not including the remaining tracts that on this map are shown in green. We simply have a request for these two tracts and the area shown in green is actually residential C-A3, one dwelling unit per five acres.

The most appropriate zoning district that staff is recommending is actually a newly created special zoning district and not the proposed C-C2 zoning district that the applicant is requesting. So staff has created a special district that, if you had the opportunity to pick up a staff report at the back of the room, it is the last attachment in the staff report, a 10-page proposed special zoning district, Attachment H. What I'm going to do is describe it to you, if you don't have a copy, I'll describe it to you and I'll also give you some examples around town that you can kind of get a sense of what this special district would look like on the ground. The special district would allow for the transition from that heavy commercial to the lighter commercial and residential areas that do exist in the Pleasant View Homes area. It would match the Comprehensive Plan designation in the Wye-Mullan Plan of 16 dwelling unit per acre and the commercial mixture that is recommended in that plan. So before I get to discussing the airport influence area that I mentioned briefly, let me tell you about the proposed special district that staff has presented to the Commissioners to apply to Tract 11. The County does not have any currently existing zoning district that mixes residential and commercial, which is the reason that staff, I, had to create a commercial/residential zone that mixes those uses together. What I did was I drew from a light commercial zone in the City called B-C and a residential zone in the City called R-12, which allows 12 dwelling unit per acre and under certain conditions allows 16 dwelling unit per acre. Certain conditions include providing certain types of landscaping, buffering of parking areas, boulevard landscaping, being within a quarter mile of a major road or a bus route, and being within a half a mile of a major park. If those conditions are met, then you can do the increased density up to 16 dwelling unit per acre. If they are not, you can only do the 12 per acre.

This zoning district R-12 was created by the City in 1995 and adopted and implemented in what we call the Reserve Street area and has worked quite well. It's not like it's a newly created zone, we don't know how it works and you're not sure what you're going to get. I wanted to be able to assure the Commissioners and the community at large that in creating a special district, that it's not an unknown. It's something that has been used in Missoula and you can see from experience what it looks like. The areas that this special district might emulate would be, in terms of commercial-type intensity, would be the types of commercial uses that you would see along Third Street between Russell and Reserve Street, along Higgins from Hellgate High School down to South

Avenue or maybe along 39<sup>th</sup> Street, the Crestview area for those of you who know that area, along the hills of Far Views. Those are the type of B-C commercial uses that, if you think about what those are like, that this zone would allow those types of uses. Then on top of that, the reason its ten pages is that it also then draws in all of the City's multi-family, multiple dwelling standards, that all multiple dwellings in the City must comply with right now. The applicant has proposed this rezoning in the County. Any development that requires sewer must annex into the City unless there's contract sewer granted and that's a whole different ball of wax. Ultimately, this development will be in the City and would be reviewed for City building permit, and would be required to meet these standards anyway. So if the Commissioners have concern about [inaudible], you know, why are doing this in the County, my assurance would be they would be required to connect to sewer and would have to meet these standards anyway. If I can answer any concerns about that later, I would be happy to do that. Again, all of these standards have been in place in Missoula for many years and appear to be working and I'd be happy to answer questions about that.

Let me just, before I close my presentation, explain a little bit more about the Airport Influence Area, which actually has quite a significant impact, probably more so on Tract 9, the light pink tract. The motion for adopting a zoning on Tract 9 includes a condition with it that would restrict the uses in the light gray area, which as I explained earlier is an EADA. That would state as recommended by the airport that the following uses shall be prohibited in that area because of landing of airplanes and the taking off of airplanes, and potential airplane conflicts. I work for government. The following uses shall be prohibited: residential uses, schools, churches, retail or office buildings with a gross floor area of 30,000 square feet or greater, day care centers, hospitals and nursing homes. What they have left for those uses would be the light pink area that's not shaded gray. The motion for Tract 11 simply states to zone the red tract with the special district because that condition is built into the special district. So that would still apply in that light gray area. With that, I will conclude my staff report.

Chairman Evans: Thank you Jennie. Any questions for Jennie? Mr. Dougherty or your representative, would you like to present your application to us?

Bill Wagner: My name is Bill Wagner, same as Bill Carey, W-A-G-N-E-R is the last name spelling. I feel like I'm attending a wedding and I'm from out of town and everyone else is on the other side of the aisle. It seems to me like we're stuck up here in kind of a minority. I'm representing the Dougherty family. That includes the estate of Mary Jane Dougherty, deceased, the Dougherty Ranch Limited Partnership, Jim Dougherty individually. Also, present today--well first of all, Jim Dougherty. To his right is his son Shawn Dougherty, to his right is Brian Dougherty who is one of the owners of the property, and in front of them are Larry and DeeDee Phelps, who are the owners of Phelps Addition, which is not the subject of this matter, but nonetheless own property that abuts Highway 10 West or West Broadway.

I have a number of things that I would like to go through this evening and I will address some of the criteria that apply. It's our opinion that our client is entitled to the rezoning that has been requested and I reserve the right, if I may, rebuttal if we get into it this evening. I know you've got a lot of people that probably want to talk. First of all, we submitted this application on May 1 of 2006. That actually is a process that's been in place for about 10 years. Zoning was proposed for this ground 10 years ago and at that time, our client was told no, we're waiting for a Comp Plan amendment. Mr. Dougherty asked again in late 90s and was told again no, we're waiting for a Comp Plan amendment. Finally, in the year 2001, I believe he decided to proceed ahead and did so slowly. Mr. Dougherty finally, when he saw no progress coming with the Wye-Mullan Plan decided to go ahead and prepare a special zoning district. He was convinced while the Wye-Mullan Plan was in its later stages to not proceed in that fashion, but to go back to specific County zoning classifications. We've now flipped tables and we've got the County proposing special zoning classification, which we think is somewhat unique, nevertheless, the zoning that has been discussed preceding any development in Pleasant View Homes and preceded the finalization of the Comp Plan. But Jim Dougherty and his family wanted a way to see what that plan would do. They wanted to honor the requests of the area residents. Then there were very few, but also to honor the needs and the Growth Plans of the Missoula County Airport.

With regard to zoning this property, Territorial Engineering and OPG were working on a special zoning district as I said and out of request from OPG, the Dougherty family decided to work within the County zoning classifications. Mr. Dougherty was reluctant to do so, but he agreed. The Comp Plan process was interesting. The Wye-Mullan Plan itself was one in which Mr. Dougherty participated and he insisted consistently that none of his land be used, designated or zoned residential. He wanted commercial only. The County insisted on a mixed-use classification, or rather staff did, that ended up in the plan. Mr. Dougherty went with that simply because of the fact that if property is designated for mixed use, meaning residential and commercial, he did not have to develop it

residentially and he intended to do it commercially only. Mr. Dougherty agreed reluctantly because there was no corresponding County zone as has been explained already by Jennie. The airport was there, something needed to be done with regard to zoning and on that basis, Mr. Dougherty acquiesced to the mixed-use classification in the Wye-Mullan Plan. Dougherty Ranch then turned around and pushed for this zoning.

At last year's hearing we explained that there are no development plans for the Dougherty property, that is try again today. Again, it's very important to stress we're only concerned with zoning Tracts 9 and 11, not the controversial parcels that abut or are immediately across the street from Pleasant View Homes. Pleasant View Homes and their representatives at the last go-around in August of 2006 submitted a number of comments. Among them, they have stressed that they do not want to see multi-family development on the west side of Flynn Lane. That is something that ought to be considered. Again, we are--we do not want to see residential either, but if we don't have commercial or we don't have residential, there's nothing that would be planned or developed on the west side of Flynn Lane. Dougherty Ranch believes that the buffered parcels are still too controversial and therefore, again it's only dealing with Tracts 9 and 11. On Tract 9, it wants zoning at C-C3. The notice says C-C2 and that is an error. For those of you who have received that, that is not is what being requested.

On Sunday, I received an email that was sent late Friday night saying that the County is proposing a special unique zoning district for Parcel 11. We believe that that type of advance notification is insufficient. We're proceeding on with this hearing today, but no one has had an opportunity, none of the participants, let alone the landowner, to review that proposed zoning. Its 10 pages long, we can't comprehend all of it and what impacts it will have, picking it up on Sunday. I happen to fortunately be in the office Sunday and got it to Jim Dougherty. Nonetheless, we have not had time to examine it in its full detail. We realize Jennie is overworked. She has stressed that to me many times and that's something that the County and the City ought to do something about as far as the large planning staff that we have. It seems like the work is not allocated properly.

The notice that we received dated December 8, 2006 from OPG talks about Tracts 9 and 11. It says that in November of 2006 the applicant requested that the Board of County Commissioners reconsider their same request for Tracts 9 and 11 from C-A3 residential to C-C2 general commercial. Again, we are not asking that for Tract 9. The staff recommendation has not changed since the original request. That is not correct. When the original request was made on May 1 of 2006, we asked for C-C2 zoning on Tract 11. We continue to ask for that. OPG staff recommended C-C2 zoning on Tract 11. During the course of proceedings, that position has changed, but nonetheless, it is not accurate to say that the recommendation has not changed during the course of this proceeding.

The notification is given to everyone within 300 feet of the proposed rezoning request and in this situation, it's obviously 300 feet from the exterior boundary of the original zoning application, so it extends well into Pleasant View Homes. Nonetheless, going back to what happened in August of 2006, we've been looking at the various submittals made by the other residents of Pleasant View Homes, a lot of them submitted the same letter, perhaps 30 or 40, 60 letters, I don't recall the number. I brought I and it says, "I strongly," and that's in bold, "object to any rezoning of the Dougherty property on Flynn Lane." We are not zoning or rezoning property on Flynn Lane this evening and I think we need to keep that in mind.

With regard to the descriptions for zoning that we included in the notification, there was a zoning description for zone C-A3, which is one per five acres and C-C2. The zoning classification for C-C3 was not included. Zoning classification C-C1 that is being recommended was not included. The special zoning district was not included. Again, that was not developed as of December 8 of 2006, so none of these people nor my client had an opportunity to review it.

Tract 9, Tract 9 is in the southwest corner, part of it is in the EADA, the Extended Area of Departures and Arrivals, for the airport and that restriction is no residential. The remaining portion of pink is being proposed at C-C1. Our client wants C-C3 and the zoning classifications are not that significantly different. In order to put the lots in perspective, Tract 9 is 1,365 feet west of the east right-of-way line of Flynn Lane. In other words, it's over four and one-half football fields away from Pleasant View Homes. Tract 11 is 897 feet to Camden Court, the westernmost point of Pleasant View Homes. That is three football fields away from Pleasant View Homes. We realize that the other parcels are controversial. We're not addressing those now. We just don't feel that that is appropriate at this time. We will address that down the road as further developments occur in that particular area and we know exactly what infrastructure will bring to the area.

Again, with regard to this new special zoning district for Tract 11 that was submitted on Friday night and received Sunday, there was a staff discussion with the Commissioners yesterday morning at 8 a.m. or 9, I don't recall when the meeting--9:00. Thank you. In response to inquiries of the Commissioners, Jennie Dixon explained that this is a unique blend of zoning. And it is--it's never been used before, so it uses existing concepts admittedly. They're City concepts, not County. They have been used, tried, and tested in the City, but not together and not in any land in Missoula County. So this is the first time that this legislation or this regulation has been proposed.

Just to take a look at some of the comments that are contained in the application that has been received or rather the OPG staff report, there's discussion about what happened in August. After August, we had discussions even at the meeting about perhaps moving a buffer away from Pleasant View Homes of 300 feet, perhaps 500 feet. Regardless of that, we've not been able to formulate anything. We realize that the Pleasant View Homeowners want a buffer between their residential area and whatever Dougherty Ranch may do with the balance of its lands. We're talking about an area that is significantly beyond the 300 feet we discussed. The 500 feet that the Commissioners were looking for, so again, we're well beyond those parameters and I urge you to keep that in mind as you deliberate this evening and into the future.

At the August meeting, Ron Ewart, a land use planner representing himself as a resident I believe of Pleasant View Homes made a submittal and suggested an alternative to zoning. He talked about residential on and mixed use on Tracts 12, 13, and 15 and then states, "All the rest of the property could become commercial or whatever," no objections to 9 and 11 being commercial. In the packet that was submitted in advance of the August 2006 hearing, there is reference to the manner in which the zoning was recommended. Again, Tract 11 was then proposed or recommended by the OPG planning staff as C-C2 commercial. We're asking for that again.

With regard to the Request for Commission Action that has been submitted, I just have a few comments before we allow others to speak. There's a statement on item #15 that to the southwest of Tract 9 is land intended for residential development. That's because there was a buy/sell agreement by a local developer, or rather a developer from the Coeur d'Alene area who has a project here in town. There is no submitted subdivision application to our knowledge. Interestingly it's designated in the Wye-Mullan Comp Plan as community commercial/16 dwelling unit per acre mixed use commercial. So it is not intended for residential. It also indicates that south of zoning Tract 9 is a 39-acre conservation easement area. The zoning we're proposing will not affect that. It also talks about as to Tract 11, moving up to the north, there's a statement that it is east of commercially zoned land intended for commercial subdivision, which is correct. It is north of land currently vacant and zoned for rural residential. All of the Dougherty Ranch was zoned in that fashion, C-CA or pardon me C-A3 I believe, one dwelling unit per five acres. So the fact that it's zoned that way, it's been zoned that way forever. There is nothing that would prohibit that land from being considered as heavy commercial. It is consistent with the Wye-Mullan Plan. There's another statement under item #21 that the ideal site plan designed would be to place the more intense commercial uses closer to main collectors, arterials, and adjacent higher intensity commercial or industrial land uses. Tract 11 is adjacent to heavy commercial; it is adjacent to a proposed arterial collector. Item #22 talks about zoning Tract 11 again and it says that the land use designation for Tract 11 reflects a desire to transition from industrial and heavier commercial uses and airport uses to the west, to the residential zoning and uses, open space and school grounds to the east. There is no open space to the east of Tract 11. There is no school ground to the east of Tract 11.

Again, the designation that because of the Airport Influence Zone, the EADA, restrictions, Tracts 9 and 11 have areas of EADA designated on them, item 27, therefore no residential uses within those areas. With regard to the zoning classification that has been presented, our client is not proposing it. He doesn't want to waste and they don't want to waste all of the time that has been attended [inaudible] simply having you pass it and then he protests it and it disappears and we're right back to square one. He's frustrated; he's been trying to zone this for a long time. He is honoring the wishes of the area residents and staying away from that which is controversial. We realize that that would be a fight. We don't want to be in a fight with the neighbors. We do not want to interfere with the plans of the airport. We simply want to do what we think is consistent with the Wye-Mullan Plan. We believe for those reasons, as well as for the reasons contained in our prior application, as well as that that was submitted in the August hearing, that our proposal is consistent with County regulations and does promote the various land use considerations that are set forth in Montana Law. Thank you very much.

Chairman Evans: Thank you Mr. Wagner. We'll now open it for public comment and I would ask that those of you who would like to speak to come up to the podium. As the secretary asked--Jennie, did you have anything else before we take public comment?

Jennie Dixon: I would just like a few corrections or responses I guess to some statements that Bill made if this is the appropriate time.

Chairman Evans: I think I'd rather wait until after public comment.

Jennie Dixon: That would be fine.

Chairman Evans: I would ask you to come up, give your name, and as the secretary asked, if it's unusually spelled, would you spell it for her please. We keep official minutes of our meetings. I would also ask you to be polite. Thank you. And the second speaker, would you like to just come up and get ready so that it doesn't take too much time getting to and from the podium? Thank you.

Richard Chapman: My name is Richard Chapman, C-H-A-P-M-A-N, 2830 Flynn Lane. First of all, I want to thank the Commissioners for coming out for a night meeting. It's very generous. That made it possible for all these people to show up. Thank you for coming. And greetings to the Doughertys and Mr. Wagner.

I think that the--in the letter that I wrote on this issue in August, I said that I thought that the application supported or was supported by the Wye-Mullan Plan. I've become more familiar with the Wye-Mullan Plan to the point where I get cross-eyed sometimes and I now have changed my mind. The rezoning request does not comply with the Comprehensive Wye-Mullan Plan in my opinion. Number 1, Tract 11 is designated in the plan as mixed used, 16 dwelling unit per acre and commercial. The Wye-Mullan Plan does define, as far as I can tell, what the word commercial means. The applicant has requested C-C2, which pushes the meaning of commercial to the limit. It's the County's most intensive commercial zone. This could lead to a bizarre outcome of intense residential 16 dwelling unit per acre. I don't suppose those are cowsheds, they sound residential to me, mixed with intense commercial. It is unthinkable that the Comp Plan contemplated such an outcome. OPG's suggested zoning, I think that Jennie talked about in her staff report is compatible with the plan.

Tract 9 is designated as community commercial in the plan. Applicant's request for a C-C2, which I understand is not correct, but was C-C3 doesn't push the meaning of commercial to the limit, but it's certainly arguable that the Wye-Mullan Plan contemplated C-C1, the neighborhood commercial designation that is part of the City Zoning Plan, not community commercial, even C-C3. And I think contrary to Mr. Wagner that there is a significant difference between C-C1 and C-C3 in terms of intensity and in terms of the size of the footprint that is potential.

Tracts---applicant wants to argue that they're only considering Tracts 9 and 11, leaving out 12, 13, 14, and 15. That's true. Tracts 9, 14, and 13 are contiguous, they connect. Fourteen is a little bitty guy of about 7 something acres, but it is a link between 9 and 13. It's not clear to me why the applicant requests rezoning of Tracts 9 and 11 separately from the other four tracts, 12 through 15. But Mr. Wagner has said that they don't want to get into that fight if they can avoid it. All six tracts in the previous meeting on August 30 were tabled as a unit of concern, I assume, so that applicant could consider other alternatives. I suspect that his intent here, it's certainly arguable at any rate is his intent to set a precedent for Tracts 12 through 15 should his request for Tract 9 prevail either way, C-C2 or C-C1. Well, he might argue, the plan designates Tract 9, 14, and 13, the ones that are connected as community commercial, C-C2. The Board of County Commissioners has allowed Tract 9 to be C-C2 up there, so the argument might be, it should allow the same for 14 and 13, then why not 12 and 15? I think the C-C2 designation is not compatible with the Comprehensive Plan and the applicant's request should be denied with all due respect. These grounds seem to me to be sufficient by themselves.

Item #12 in the criteria for consideration is whether the zoning will encourage the most appropriate use of land. I think it will not because of the cherry-picking approach as I see it. In doing 9 and 11, it endangers Tract 13 and 15, which are the main dogs in this fight. They're sleeping dogs at the moment because they're not on the table, but they are the ultimate issue, I believe. As Tract 9 goes, so goes 14, the little guy and as Tract 11 goes, so goes 12, so why not 13 and 15? One way to approach the problem is to table this and future requests relating to these six tracts and encourage the City of Missoula sooner rather than later annex either of these tracts or all of Mr. Dougherty's 342 acres, so they can be rezoned according to the criteria, which are more appropriate to their character as parts of the City.

I think that compromise is the essence of almost everything that has to do with political and land use decisions and I think that short of what I've suggested, which is probably unrealistic and certainly not very sympathetic to the applicant, with all due respect, I believe that the plan that OPG has come up is reasonable and is acceptable

to me at least. For those of you who have a chance as Jennie has suggested, to pick up literature dealing with that, please do so and think about it. That's it, thank you.

Cathy Deschamps: Good evening, Board of County Commissioners, my name is Cathy with a "C" Deschamps, spelled D-E-S-C-H-A-M-P-S. I'm just going to do cliff notes because we've been over most of this before.

For some of you who live in Pleasant View and haven't read the Wye-Mullan Plan, I did read it. It does contradict itself at times, but it does state that it's not recommended to put commercial next to residential. That was why I got involved in this. Obviously, I have a greater interest because I live on Flynn Lane. The other thing it says is the Wye-Mullan Plan talks about enhancing the neighborhood character. We are trying to maintain the character of our little community. We have presently, we have one business, it's a nice little store/coffee shop and we're very happy with that, but I do not wish to see large commercial and industrial-type zoning right across the road. We did come up with what I thought was a very good alternative to the huge commercial that the applicant was asking for. When I purchased my house, it's obviously one of the first phases, and I knew that the property across was zoned for one house per five acres, that's why I bought out here because I wanted to be away from the clutter of the city. Otherwise obviously I would have just kept looking. So basically, we did submit something to the County Commissioners. I have a copy of that; I think they gave a copy also to the applicant or his attorney. We weren't trying to discriminate in any way against the Dougherty Ranch, but just to come up with some kind of alternative or happy medium, if you will. Myself, I feel that this large commercial, even on Tract 9 and the other one, I think the other one is 11 and it should just be the other side of the old ranch house. It still creates a huge amount of traffic. The people living on Flynn Lane do not have curb cuts. Remember we have to access our houses through the alley. We did not want curb cuts going to all the property for the Dougherty Ranch, so imagine trucks and traffic coming down Flynn Lane, if they were to access all the businesses there. So, we're trying to take into consideration the amount of traffic also. Soon England will be finished and then Tract 9 will be basically something that would bring traffic from England into Tract 9. I feel that the--even the rest of the tracts should not be zoned for large heavy commercial use. We're considering traffic volumes, what it will do to the neighborhood and just the whole character of the area. I believe the Grant Creek is an issue also. I don't know where that's going. The creek runs through the property. Some of us were in favor of the buffer zone, 300 feet minimum.

The other thing that I wanted to touch base on real quick was that the gray area in the map is the EADA, which is the landing zone now. If you've ever watched the planes, they don't stay in that little zone; they fly right over my house, which is at this end. That's kind of a really a non-issue there. They don't stick to that and we also presented facts on most airline accidents are on final approach, so we want the County to be mindful of what goes in underneath that landing zone in the public safety. Thank you.

Dave Huerta: My name is Dave, last name's Huerta, H-U-E-R-T-A. I live at 3100 Fleet Street in Pleasant View. The concerns I have, I [inaudible] with the C-3's and the C-1's, I think are just simple things. I believe she just touched on some of it, which is basically traffic and safety. Besides living in Pleasant View for five years, I've worked here at the school district for 17, so I've seen the history of how this area has grown. Right now, they're going to punch through England and then the other thing we're not even talking about is the other development going on in the other end for housing, behind this proposal area, out towards--alongside the airport. So you're going to have traffic, which is already going to push through, even before they push through England. If you go out there on Flynn, just over the last couple years, there's been a need for a crosswalk person now at the school and that was a safety measure, even though I think we should have a signal too. But, my concern is the safety. We've got, I believe, 1400 kids I believe, coming to this school. I don't know how many are coming now across the street, I didn't look that up before I came. I think with just the traffic of that, you have parents who are concerned about their kids and other people's kids. But once you start allowing trucks to drive through or messenger services who are just on a time schedule and don't have the personal concern of children in the area in their driving habits, then it becomes a very big safety issue. I would just like to--I mean if--even if we do go with this proposal, which does seem a happy medium, that something needs to be done with Flynn Lane on top of that just to make traffic more flowing in that area, whether it be taking more land out of Dougherty area to make another set of lanes on that side or something. But something needs to be done to make traffic flow through because if you know people that live down in this area off of Mullan farther west, they use Flynn Lane as a cut-across to get from downtown. They don't go through any other way, they go down here, cut through Flynn, and that's the way they get to and from downtown. So we've already got outside traffic busting in there and then plus our traffic coming onto there. My biggest concern is that we don't have the access needed for the commercial alongside of our car traffic that we create already with the school and the homes. I'd just like to leave it at that. Thank you.

Monica Sells: Good evening, my name is Monica Sells, M-O-N-I-C-A, S-E-L-L-S. Cathy and Mr. Huerta have already spoken about most of what I had in mind. Just to address the letter that we sent in July of 2006, we did say that we objected to rezoning on Flynn Lane property, but that's only because the initial letter we got in May showed like Tract 13 and Tract 12 were on Flynn Lane. I realize that we're not discussing those tracts tonight. The traffic is already really bad and I just think that--I think it's George Elmer that's going to probably meet up with England Boulevard once it goes through the Dougherty property. England is going to be inundated with trucks. Flynn Lane is already inundated with trucks and I just feel like it's going to get worse and as Mr. Huerta just said that they are on a time schedule. They've got to deliver, they've got to get where they're going and really they don't--the speed limit is a non-issue. Sorry.

We've got Reserve Street with Costco and Lowes--I just feel like if we have things like that on the other side of us, we're going to be sandwiched in with all these huge, huge businesses that--we'll just get swallowed up and I really think enough--Reserve Street has enough, we don't need anymore. Thank you very much.

Chairman Evans: Thank you. How many people would like to speak this evening? Would you give me a show of hands? Okay, the next person who'd like to speak, this gentleman and the fellow in the burgundy shirt.

David Sommerville: Good evening, my name is David Sommerville, with an "O." I just want to take a couple minutes, I appreciate the Dougherty's position that they're in. They've been out there forever and basically the city's come to them. They're stuck with land that they want to do something with and basically they're hands are tied. I'm not here to advocate whichever zoning it is, but our biggest concern, I think, from people I've talked with, is mainly just the traffic and how arteries are going to get built into this new tract. Currently, they've got England Boulevard going into Reserve Street. As the lady before me that spoke, not sure what tract it is but we have heavy commercial on Reserve and if you have heavy commercial out there, you're just going to have all these little cut-throughs for shoppers or whatever. I think that's a huge concern for the people right there because we're sandwiched in the middle. So through the Wye West Mullan Plan, I remember seeing that there's a whole bunch of little arteries theoretically going through your property, hooking in Highway 10. But then again we have England Boulevard looping into that main area and unfortunately, you know, everybody wants to get off Reserve and get over, if there's shopping there, get over as easily as possible and that would be the cut-throughs.

So, really I guess my concern is not really [inaudible] defending Pleasant View because I do live in Pleasant View, but not really how you develop the land, but more of how you develop the infrastructure around it into more route people to your--if it does go commercial, to the commercial positions and hopefully try to keep them out of that residential area. You know, would like to see a buffer around it as you're proposing. I think that would be good. Just keep down noise and traffic, but again I think the main point is looking at a highly acceptable plan of maybe routing traffic off of Highway 10 West onto this area. Mullan Road itself is too packed and you know that's the only two spots you have going out to [inaudible] unfortunately is Mullan and Highway 10. Now with England going through soon, that's the next big shot.

Unfortunately I think the County has to take the task ahead of them to try to route traffic out there, but I do appreciate your circumstances and just wish you the best of luck on that and you know the ability to do with the land that you want to do. [Inaudible], I guess my recommendation as a follow-up is just to try to get traffic routed more to Highway 10 West. You have the four lanes, you have the infrastructure right there already, there's room, so instead of pushing it to Mullan and pushing it to Flynn Lane, get it out there where you have room and then route it in there. Thank you.

Richard Hexter: My name is Richard Hexter, last name H-E-X-T-E-R. When I came here tonight, I was concerned with the rezoning of those two parcels, but I was very happy to see your special district zone that you're trying to create. Again, as the two before me, my big concern is traffic and I was concerned that going into these two new rezonings, that they would be dumping off of Flynn Lane. My recommendation too, if they go ahead and rezone these the way they want to, that the traffic come in off of Dougherty Drive or off of Highway 10. And of course, England Boulevard's already there, so I would not like to have any more traffic emptying off of Flynn Lane into these new zones that you want to rezone. Thank you very much.

Velvet Bachman: My name is Velvet Bachman, B-A-C-H-M-A-N.

Chairman Evans: What's your first name again?

Velvet Bachman: Velvet. V as in Victor, E-L-V-E-T. I live on England Boulevard, the new one that's hitting both of the main streets. My only concern I guess is traffic and I know everybody's talked about it, but I guess the more you hear it, the better it is. I agree if we can figure out a way that traffic would come in through Broadway, I think it would ease most of the people's concerns because I'm [inaudible] to Pleasant View, but I moved into Pleasant View because of the view. Of course, that might go away if we have high heavy commercial going in. A lot of the people that you see there are families. They're jogging, they're running, there's a lot of little children and, me as a young person, I think eventually I will have children and that will be one of my concerns as well. So I think it there's a way to keep it minimum, out of that area, that it would help everybody.

Tom Moran: Tom Moran, M-O-R-A-N, live at 3326 Bigger's Lane. One of my concerns is traffic; I walk to work to and from. I walk down Flynn Lane and across Broadway in the morning and 5:00 at night and traffic is getting to be more of a concern. Forest Lounge [phonetic], they need to put a stop light through there because most people cut through there if they're heading west on Broadway. The other concern I have is the Mullan-Wye plan goes beyond the Dougherty, the 16 dwelling unit per acre, which you're now calling the special district or something, which takes my piece of property. That concerns me, I don't know how the commercial is going to affect me. I'm sure it will somehow. I don't agree with the 16 dwelling unit per acre on my piece. I've got one acre. I don't agree with that. We--I don't know if the Dougherty's are aware of it, but they water has been altered. I no longer have water through our property anymore because of a business on the other side of me who decided to run it down a different direction. So I'm getting--I'm feeling it coming from the east, the commercial, and I'm here because I know it's going to come at me from the opposite direction. As for my piece of property, I don't know what I'm going to do, but I am concerned about issues such as traffic and I'd like to see the whole thing settled no matter what gets done. Thank you.

Mardi Milligan: My name is Mardi Milligan, M-A-R-D-I. I'd like to thank everybody for showing up. I just want to mention my concern about who pays for the streets that are pumping in and out of wherever they're going. I just would like to just, for the record, suggest that those who are involved help with the finances of the burden rather than sandwiching us all in and then having us pay. And that's all I have, thank you.

Chairman Evans: Let me tell you that in most cases we try to have the developer's pay for the infrastructure rather than the people who live around it. Pardon? Anyone else that would care to speak? Yes, quickly.

Cathy Deschamps: Cathy Deschamps again. For anyone who is not familiar with the streets that are going to be going in, you can catch me after the meeting, but Mr. Dougherty does have plans to put roads through his property. Dougherty Drive is one and I'm not sure if George Elmer is actually going to be on his property as it is now or if it's beyond that. George Elmer is already in at Mullan. I don't know how far it goes through.

But in addition to the traffic, just going by what's on these pieces of paper, I would like you all to take into consideration what this type of commercial could bring. For instance, if we have tire retreading, you have rubber products. I have a friend who's deathly allergic to latex. My friend could no longer come and visit me. I know that's maybe an odd thing, but there are actually quite a few people who are allergic to latex. I work at the hospital. So, then you have that to consider or if you've got light industrial, what kind of pollution are they going to be possibly putting into the air? The zoning just seems kind of broad, there's not a good definition of what can go in there, so it's kind of gray and stores up to 100,000 square feet, my house is only like 1350 square feet. So if you can imagine that across the road. This is why we're trying to preserve just our little section of the world here. I had no problem at all with the Dougherty Ranch having everything on Broadway for big commercial. It's already out there. I thought that was appropriate, but originally when I send in my letter, I said I felt anything south of the ranch house should not be commercial and I still believe that today. Thank you.

Chairman Evans: Anyone else who would care to speak? Fellow in the back, did you wish to speak? Jennie did you want to say something.

Unidentified Speaker: Did everyone sign the [inaudible, spoke without microphone].

Jennie Dixon: I have a couple of things I would like to address for you. The first is regarding notification that was distributed. First of all, Bill is right, I worked quite late last Friday to try to finish the special district, emailed Bill the text and the staff report, not knowing that he would be working over the weekend, and called and apologized that he'd be getting it late. However, I did let him know a week earlier that my intent was to write a special district that would be combining the districts and that he would be getting it probably late last week. It was later than I had expected, so my apologies to Mr. Dougherty. I did email it to both Mr. Dougherty and Bill and I want to assure the

Commissioners that, as far as any kind of legal notification to property owners and to the applicant, that was met, but as far as providing courtesy notice, I'm just packed beyond human ability, so my apologies to the applicant on that.

The adjacent property owner letters that went out did contain incorrect designation for Tract 9 and indicated that it was proposed for C-C2, general commercial. I did discuss that with Mr. Wagner approximately a week or two before this hearing and we both agreed that since that designation was heavier than the actual requested zone, that we didn't have a concern in terms of legal notice. The legal notice that went in the paper and on the poster was accurate. In the letters it said the C-C2 but actually, the request is the lower zone, C-C3, which is counterintuitive. The original letters that went to the homeowners in August contained all of the zoning districts, text, the C-C1, the C-C2, the C-C3, the C-A3, the CI-1 and all of that, which is of course only a courtesy. I did not send all of those out this time. As of December 8 when I did mail the adjacent property owner letters staff report and staff recommendations had not changed, but as the evaluation occurred and evolved in the end of December, of course, it did change.

Also to clarify the property to the southwest, so south of Tract 9 is the conservation easement, south and west is what is proposed as the Flynn Ranch Subdivision. We do have an application in on that for residential with a master plan for residential on those tracts.

Unidentified Speaker: Which tract?

Jennie Dixon: Just touching the corner, the southwest corner of--right there, two 20-acre tracts there proposed for residential, essentially right there for a residential 20-acre piece and then a master plan for another 20-acre residential piece. That is directly adjacent to George Elmer Drive, which has a traffic circle that's then--it's extending from Mullan Road, which will ultimately extend all the way up to West Broadway. That is then directly adjacent to the 44 Ranch Subdivision. So if that puts that all in context for everybody, you can picture that, that is how that would work. There's also a grid collector system that the Commissioners adopted about five or six years ago now that planned all of the collector road system out in this area that we're trying to use as we think about planning the roads in this area.

Also I do want to--I want to address the Comp Plan for a moment for the Commissioners, so you know where the--as I was drafting the special district, the land use planner in me, when I see a mixed used designation, that to me is a mixed use, an urban, ped-friendly, you know, urban density type of a designation that I just naturally want to go for height, go for density, and infill and that type of thing. I had to constantly check myself to not write the district this way, because this is in where the airport is close proximity and it did not seem an appropriate location to be adding height and the--it just did not seem an appropriate location to be doing this, it's certainly adding height. Now, in terms of intensity, the reason that I did not go towards that higher intensity commercial was because of the transition of uses. I believe the first speaker addressed the argument that could be made for setting precedent that I tried to make the point in the staff report of transition of and--the identical designations of these tracts to these other tracts that are proximal to Pleasant View Homes. So that if these tracts are zoned a certain way, you could argue these tracts need to be zoned the same way and I did not want to put you in that position and it did not seem the appropriate recommendation from staff, so with that I'll conclude my comments. Thank you.

Chairman Evans: Thank you, Jennie. Mr. Wagner did you have anything else you'd like to say?

Unidentified Speaker: [Inaudible, spoke from audience.]

Chairman Evans: I don't know if we'll let Jim talk or not. Of course, Mr. Dougherty can speak.

Jim Dougherty: My name is Jim Dougherty, its J-I-M D-O-U-G-H-E-R-T-Y. I would like to thank everyone for attending this meeting. I would also like to speak about the developments and our experience with what is called the County Road Grid System. We were involved with the road grid system. If you are not happy with the traffic on Flynn Lane, you can imagine what it was before your house was built. It hasn't changed, it's just quadrupled. The County has a problem with existing Mullan Road and diverting that traffic in a way, shape, means from north to south, east to west. We all realize that. You've been there long enough, you understand that.

Cathie Cichosz: Excuse me, Mr. Dougherty. I'm sorry when you...

Chairman Evans: ...pull the microphone ...

Jim Dougherty: Oh, I like the [inaudible], I'm sorry, I have to face the County Commissioners, excuse me.

Chairman Evans: No, she's saying if you move the mic down, she doesn't pick it up.

Jim Dougherty: Oh, okay, is that okay? So since I've been involved in this from the incept dating back to the middle 80s, somewhere around there, to me growth has to follow roadways, sewer lines, water lines, fire hydrants. If you look out--you have fire hydrants. Do you understand that that's 440 PSI in case of fire? Your development has roadways so that the fire engine can come to it and service you, emergency service can come to you. What we have now is an undue traffic problem, so let's address that. The only two north-south connectors between Highway 10 West and Mullan Road in the 1980s and still is, is Reserve Street, Flynn Lane, Deschamps Lane. It has not changed and it's not going to change until Mary Jane is extended in a northerly fashion. You cannot believe the problems that we've had with that. We have adhered to a road grid system, decide to put it in by ourselves with our own money and we were not afforded a public approach and we have problems.

Chairman Evans: I think they're still working on that.

Jim Dougherty: Well, that's a different thing and it has cost us a lot of money. The other thing is that these roadways go down to your other collector called England Boulevard. England Boulevard has to transfer as Mr. Wagner has pointed out. Tract 11 is 800 feet away and Tract 9 is 1100 feet. So that's just to the east corner. Who is going to put that road in and at what expense? Mrs. Evans pointed out the developer does. But this is a major arterial, this is a different route, this is not a side street called Camdon. So you need to know that when you've talking about Dougherty Boulevard, we like to call it Brian Boulevard in honor of my brother. The County Engineer decided to call it Dougherty Boulevard, whatever, who cares. The length of that road alone, we are looking at 1300 linear feet. Try to encompass [inaudible] 1100 feet from Camdon to Highway 10 West was \$780,000. With an SID that increases that to \$1.375 million. You're paying an SID on England and that's an [inaudible]. I'm terribly upset about that. What we have to do is we have to wait for the MDOT to allow public approaches because if I wanted to put them in, Montana Department of Transportation would not allow anyone to put a highway approach off of Highway 10 West for public use, remember that. The people off of Flynn Lane cannot go across and get on Highway 10. If I had a house on Flynn Lane, where you folks do, you've all gone around that 90 degree corner that I've peeled many a car off of my coral. I have conversed with the Commissioners that this section of the roadway should be abandoned. In addition to that, Flynn Lane at that point should be a cul-de-sac, so fire engines can come in and come out, but the traffic from the school, the traffic from England Boulevard, traffic from Camdon cannot go across. And I don't want them going around my 90-degree corner. That's now fair to the public; it's not fair to every Montana patrol person, sheriff person that has to go out of their way because it's icy, cars--that really happens in Missoula. But if you look at this and you look at the arterials, you have Camdon, you have to address traffic. I had to address development, with the good comes the bad. Camdon needs to go in a westerly fashion over 800 feet to match up with England Boulevard, at least the trucks will be diverted, your Flynn Lane will be protected and so will your children and they still have a walkway to school. England Boulevard needs to be put in and as was pointed out that there are developments going in. Unfortunately, Jennie, I have to let you know that I've been contacted by the people that now want to buy the property to the west of Tract 9. So that's not solidified, so if we're going to picking herrings off of the--what do you call those little horse deals? You know the old merry-go-round; they've got one in Spokane.

Chairman Evans: Carousel.

Jim Dougherty: Carousel, there we go. It's a real estate deal and [inaudible], you get paid and, trust me, I know about that. So I hope that I've expanded your knowledge on the road grid system. As far as C-C2, a big Wal-Mart, a big whatever popping up, growing up over there, remember they, those type of people are traffic-oriented. They didn't put the businesses on Reserve Street unless there were 2800 cars a day. There will not be that because the roadways are not in. England is not extended 1500 linear feet to the west or more, probably 2000. Dougherty Boulevard is not put in to connect with England. These things are not grown overnight, it's almost like a tree, it takes years, but our dearly beloved Commissioners have to put up with the pains and suffering of the Mullan people, Mullan Road, I mean, they do. But you've got to have a plan, right Barbara?

Chairman Evans: That's right.

Jim Dougherty: And somebody's got to pay for it, trust me. Barbara's tight with the nickel. She's so tight; the Indian's riding the buffalo. Right, Bill? With that, I'll turn it over to Bill.

Other than that, Jennie, Dougherty Boulevard needs Tract 11, its right there. It's a major arterial and on your description, multi-use cannot be within a quarter mile. The last time my brother Brian and I moved pipe a quarter mile [inaudible] was 1350 feet. It's way past this. So I'd like to point that out.

Chairman Evans: Thank you, Jim.

Jim Dougherty: Distances, I know.

Chairman Evans: Thank you. Mr. Wagner.

Bill Wagner: Thank you, again for the record, Bill Wagner. Just in conclusion, I would like to point out that we've enjoyed our working relationship with Jennie Dixon at OPG and if--no apologize was necessary Jennie and that's why I commented earlier, I know how hard you are worked and overworked you are. We were not looking for an apology and I was not aware that the prior zoning classifications were sent in August, so that eliminates that one comment, and I apologize if I was out of line in that regard.

With regard to the notification though, what we're concerned about is it is new and I don't know if there is an appropriate time for us to really have considered--we've not been able to consider exactly what that impact would be for Tract 11. Again, Tract 11, we believe, there's sufficient justification for zoning it as we have consistently requested and as indicated in the Comp Plan. The Wye-Mullan Plan, two corrections I'd like to make with regard to comments made earlier. Number 1 is that the land southwest of Tract 9 is designated in the Comp Plan as mixed use, 16 dwelling unit per acre/commercial. None of the land across from Pleasant View on the Dougherty Ranch is designated residential other than to the north and that is north of east-west Flynn Lane. So I--really the primary Dougherty Ranch is shown in the Wye-Mullan Plan is as community commercial, none of it is residential. The EADA will take care of some of that, but southwest of--immediately west of and southwest of zoning Tract 9 its designated community commercial. In addition to that, Tract 11 is now entirely in the mixed-use zone that is recommended in the Wye--go ahead.

I'm just glad you said I had a thought, I appreciate that. With regard to Tract 11, it is not wholly within the mixed used, 16 dwelling unit per acre/commercial designation. Part of it is, part of it is also community commercial, so that is something that is shown on the map. Part of that zoning Tract 11 that wraps around the home [inaudible] is shown on the exhibit, extends south of what is the east-west line if you continued Flynn Lane across through the home place and that area is designated community commercial. With that, you've got a lot of things to consider. We appreciate the time, we will continue working anyway we can, but nonetheless, we have our restrictions as Jim as alluded to as well. Thank you.

Chairman Evans: Thank you, Mr. Wagner. I'd like to further explain to the lady who wanted some reassurance that the people wouldn't have to pay for their roads and I think I should have explained that a little clearer. Several years ago, and I'm going to say around 10, the Chief Administrative Officer came to the Commissioners and suggested a grid road system out in this area, because it was clear that we had no plans for roads. Well, the County doesn't have the money to put in the roads. If we did that, we'd have to raise your taxes a lot more and you'd still be paying for the roads. What we did was put a concept together as to some roads this way and some roads this way. With the advent of Reserve Street being as over-trafficked as it is, we recognized the serious problem there that we need to find other ways to take other people off of Mullan Road to the highway and the Highway Department is still working on trying to find a way to allow Mary Jane Boulevard to get to the highway. We know that that's necessary. We also know we need to do what we can to take some of the traffic off of Reserve and Mullan because that is a really over--it's a failed intersection. We knew it would be when we built it, but that was the best way we had in the way of land and money. And yes, when the developers come in and say well, we want to build this subdivision, we say well, okay, but you're in an area where we need a road. It's not exactly at this particular place, but in the general area, we need a road and before we'll approve a subdivision, they have to put a road on their plan and then they pay to put it in. And yes, it comes right down to the folks who purchase the land. The developer, as Mr. Dougherty has said, it ain't cheap to put in a road. So they put in the road, they do the infrastructure, the stuff that's necessary, the sewers, the sidewalks, the curbs, the gutters, whatever we require of them, but, yes, it all comes right back down to the guy who buys the land. Somebody has to pay for it and when we bought our place, certainly the road was included in the price of my land and I think that's the same with everybody. If you want it and you get it, you're going to pay for it.

To the traffic issue, I don't think there's any way on earth that we're ever going to totally improve the traffic. We have kids, our kids have kids, everybody--and I'm guilty, I drive my car. I would have had to left yesterday to get from my home to here tonight without my car, so the single occupancy vehicle is our chosen mode of travel and it takes roads to do it. I wish there was some way we could cut the traffic and I also need to tell you that Mullan Road area was identified as the growth area of the County. I don't know that that was accurate, but that's what it is and so you're going to get a lot of traffic. You have land and the land is going to be used for housing. So the things you don't like, I don't know that there's anything that we can do other than try and make it--somebody told me again today that compromise is the equal distribution of dissatisfaction and I think that's accurate. We are not going to be able to please all of you, we may not be able to please any of you, but we'll do our best. The reason we come out so you can talk to us is so you can tell us your concerns and we can try and find a middle road between them. With that, I'll shut up and let the other Commissioners have their say.

Are we going to make a decision tonight?

Commissioner Curtiss: I wondered if the applicant would like more time to look it over in case you had--we looked at our schedule in case we didn't have time to make a decision tonight because we knew we were limited on the amount of time we could be at the school. Our schedule on the 17<sup>th</sup> has some room, the 7<sup>th</sup> of February doesn't have anything scheduled yet, so that would be our regular Wednesday meeting.

Chairman Evans: I'm personally not ready to make a decision and we usually try and make them immediately, but there's more things to consider here and we've heard your testimony and I'd like to have more time with the staff. So if you don't mind, we'll put it off until the 17<sup>th</sup> of January or the 7<sup>th</sup> of February. What is your pleasure? Seventeenth of January, we meet at 1:30 in the--is that going to work? I think I would prefer to move it to the 7<sup>th</sup> of February. It appears that that would be more time on the schedule without rushing through other things, if that would work. I don't want it at the same time as Rock Creek, absolutely not. Seventh of February, okay? Okay, we meet at 1:30 in the courthouse, next to the Commissioners' Office in Room 201.

Commissioner Curtiss: And all of your testimony that was given tonight is still part of that same record. So we're not--we're just recessing this hearing.

Chairman Evans: Yes.

Unidentified Speaker: The public hearing will continue [inaudible, spoke from audience].

Chairman Evans: Our attorney is not here tonight, so I can't tell you whether we should recess it, adjourn it, or continue it. What do you prefer to do, other Commissioners?

Commissioner Curtiss: I think it's good to keep it open...

Commissioner Carey: Recess it.

Commissioner Curtiss: Yeah.

Chairman Evans: We'll recess the hearing until the 7<sup>th</sup> of February and I would tell you that our meeting room allows about 60 people and then the fire marshal will make you stand outside of door and I'm teasing a little bit, okay? Thank you all for coming.

There being no further business to come before the Board, the Commissioners were in recess at 8:32 p.m.