

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 27, 2025 – 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 Juanita Vero

Commissioner David Strohmaier

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office

John Hart, Lead Civil County Attorney, County Attorneys' Office

Heidi West, Grants Administrator, Grants and Community Resources

Heather Powers, Grants Administrator, Grants and Community Resources

Melissa Gordon, Director, Grants and Community Resources

Patrick Swart, Planner, Planning, Development, and Sustainability

Katy Reeder, Planner, Planning, Development, and Sustainability

Kathleen Arthur, Planner, Planning, Development, and Sustainability

Sam Scott, Assistant Recording Director, Clerk and Records' Office

Erin Kautz, Manager, Grants Division

Melissa Richards, Grants Administrator, Grants

Kayla Talbert, Grants Administrator, Grants

Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office

Annie Cathey, Administrative Assistant, Commissioners' Office

Shantelle Gaynor, Director, Community Justice Department

Tim Worley, Senior Planner, Planning, Development, and Sustainability

Lauren Ryan, Planner, Planning, Development, and Sustainability

Carey Powers, Communications Coordinator, Communications

Chris Lounsbury, Chief Administrative Officer, Missoula County

Karen Hughes, Director, Planning, Development, and Sustainability

Mattie Scott, Administrative Assistant, Commissioners' Office

1. CALL TO ORDER *[Time stamp – 0:02]*

2. PLEDGE OF ALLEGIANCE [Time stamp – 0:02]

3. LAND ACKNOWLEDGEMENT [Time stamp – 0:16]

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

4. PUBLIC ANNOUNCEMENTS [Time stamp – 0:26]

- a. Closed Captioning
- b. Proclamation: Fair Housing Month

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 4:04]

6. CURRENT CLAIMS LIST [Time stamp – 04:17]

Claims received as of March 04, 2025 to March 18, 2025 by the Commissioners' Office total \$6,456,399.94.

7. HEARINGS

a. 2025 Missoula County Housing and Community Development Survey [Time stamp – 11:10]

Kayla Talbert, Grants Administrator, Grants
Heidi West, Grants Administrator, Grants

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County hereby open the Survey in determining how to prioritize applications and collect additional public comment until April 03, 2025

Commissioner Vero seconded.

[Motion Passed 2-0.]

[Signed RCA returned to Heidi West.]

b. Waletzko Family Transfer

Kathleen Arthur, Planner, Planning, Development, and Sustainability
[Time stamp – 38:36]

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the request by the Waletzko family to utilize the family transfer exemption as presented in the exemption and affidavit.

Commissioner Vero seconded.

[Motion Passed 2-0.]

[Letter 2025-052 was sent to Eli and Associates in c/o Marias Hale.]

c. Fire Bucket Meadows Subdivision

Patrick Swart, Planner, Planning, Development, and Sustainability
[Time stamp – 45:55]

[Postponed until April 24, 2025 Public Meeting]

d. UFP Edge, LLC Property Tax Abatement Application

Samuel Scott, Assistant Recording Director, Clerk and Records' Office
[Time stamp – 2:26:11]

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the Resolution and application by UFP Edge LLC for qualifying Class B property to receive a tax abatement.

Commissioner Vero seconded.

[Motion Passed 2-0.]

[Resolution 2025-047 Book:1110 Page:1208]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 4:29 p.m.

BCC Public Meeting March 27, 2025 – Transcription

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

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

0:02

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.

0:16

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

0:26

Cheryl with closed captioning announcements.

0:33

Hello everyone.

0:34

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

0:40

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

0:45

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

0:50

We ask that all speakers today speak slowly and clearly.

0:53

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

0:58

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

1:04

This is the small hand button.

1:06

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

1:09

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

1:13

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

1:16

Thank you.

1:16

Back to you, Juan.

1:18

Thanks, Cheryl.

1:18

Well, Commissioner Schroebrier, would you like to read our proclamation?

1:21

Yes, we have a proclamation today for Fair Housing Month.

1:25

WHEREAS Title 7 of the Civil Rights Act, commonly known as the Federal Fair Housing Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968.

1:39

And WHEREAS, the month of April is nationally recognized as Fair Housing Month and a time to reflect on and reaffirm our national commitment to the right that fair housing opportunities is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability.

1:58

And WHEREAS, Missoula County in the City of Missoula recognize this legislation endeavors to ensure all our residents are free to purchase, rent, finance and insure their homes without regard to their sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability or national origin.

2:19

And WHEREAS, according to the most recent annual report published by HUD, housing discrimination complaints reached the highest level ever in 2023, with more than half of those complaints relating to discrimination on the basis of disability status.

2:35

And WHEREAS, reductions to federal funding in recent months are significantly impacting organizations responsible for enforcing the Fair Housing Act, cutting nearly half of the available grants, and severely reducing resources for investigating and addressing housing discrimination, thereby weakening protections for our most vulnerable communities.

2:58

And WHEREAS, Missoula County and the City of Missoula call for these funds to be reinstated to protect civil rights, ensure housing stability, and uphold the principles of equity and justice for all.

3:10

And WHEREAS, Missoula County and the City of Missoula welcome this opportunity to celebrate the 56th anniversary of the adoption of the Fair Housing Act and to rededicate our commitment to the principle of Fair housing for all by strengthening efforts that address discrimination in our communities, supporting programs that will educate the public concerning their rights to equal housing opportunity, and assuring every person their right to live free of the fear of housing discrimination.

3:38

Now, THEREFORE, we, the Missoula County Commissioners in the State of Montana and the Mayor of the City of Missoula, do hereby proclaim the month of April 2025 as Fair Housing Month in Missoula, Mt.

3:50

We encourage all citizens to recognize this celebration for the purpose of improving the quality of life for all residents.

3:58

Signed by Mayor Andrea Davis and year three county commissioners.

4:03

Thank you.

4:04

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

4:10

OK, we don't see any in the room.

4:11

Is there anything online?

4:17

OK, our current claims list received as of March 4th, 2025 to March 18th, 2025 by the Commissioner's Office total of \$6,456,399.94.

4:32

We have 4 hearings today, so we'll begin with Heidi W with grants or OK, OK, can you hear me?

4:44

OK.

4:45

I think you have to get really close to it.

4:47

Is that better?

4:48

Yes, much closer.

4:50

OK Good afternoon.

4:52

Thank you for joining us.

4:54

My name is Kayla Talbert and this is my colleague, Hedy West.

4:58

We are here today to talk about the Housing and Community Development Survey, the which closed this month.

5:07

We are from the Grants and Community Resources department at Missoula County.

5:24

Today we are going to cover the purpose and intent of the survey and two federal grant opportunities that we frame the survey around to help make our grant proposals stronger.

5:39

And then we will take a look at the survey results.

5:42

And then finally, we'll give an opportunity for public comment about the survey results or if there's any project ideas that we could potentially apply for federal funds for the purpose and intent of the survey.

6:09

It's just two slides back.

6:13

Heather is to assess the needs of the community in relation to public infrastructure and facilities, economic development, community services and housing.

6:27

This ensures that all of our grant applications are in line with what the community wants and needs.

6:35

And then this is also an opportunity for partners to express their needs and their projects so that we can have a successful application able to go back heaven to you're probably like four sides ahead of what you need to do one more, but yeah, that's good.

7:14

Thank you.

7:16

OK.

7:17

So the next couple slides, I'm going to talk about two specific federal opportunities.

7:22

The first one is Home Investment Partnership Program or Home for short Community Development Block Grant or CDBG.

7:30

We do design this community survey around the eligibility for these two funding opportunities.

7:36

That is why the survey questions and the options that are available to select are limited in scope.

7:43

I am going to provide a brief overview of what these two opportunities are, but if you are interested in learning more, you can go to our website and we have a recording of our grant workshop that goes into more in depth detail.

7:58

So HOME is a federal block grant program administered through the Housing and Urban Development Department, which is short for HUD or HUD is short for that.

8:10

Its purpose is to expand the supply of affordable housing to low and very low income persons.

8:14

Some examples of the funding include tenant base rental assistance, housing rehab, homebuyer assistance and new construction of housing.

8:25

Missoula County and other eligible entities can apply directly to HUD for funds.

8:33

The next one is CDBG and this is another federal block program with HUD.

8:39

It is used for the development of the viability of communities by providing decent housing, a suitable living environment, and expanding the economic opportunities for low and moderate income individuals.

8:50

There's four funding types, housing, economic development, public and community facilities and planning.

8:57

And then Missoula County applies to the state, Montana Department of Commerce for this funding.

9:06

So the rest of the presentation will be going into the actual survey results.

9:11

And you can view the full survey@missoula.co slash grant survey.

9:18

And then we also have some, we'll also have a the recording of this presentation along with the staff analysis on there.

9:27

We received 702 responses.

9:31

The survey was open for three weeks and we use various outreach to encourage participation, including e-mail and social media.

9:41

Posters were distributed to various communities like Frenchtown, Lolo, and Seeley Lake.

9:47

Staff presented at community councils and then we hosted a convening of local partners so that they could learn more about our work and the survey.

9:56

Please note that the survey has a very specific purpose and that the methodology was not scientific.

10:06

OK, so now here we are at the survey results and then I just wanted to start with a demographic and then Heidi is going to talk more about the housing and community development pieces.

10:18

So of that 702 responses, 52% were said they lived outside the city limits and 48% lived within the city limits.

10:27

65% of the respondents are employed or self-employed and 31 percent said they are retired.

10:35

For a comparison with the census data, in 2023, the countrywide population was 121,849 and the county South side of city limits made-up 36.2% and the city residents are 63.8, 69.5% said that they were employed and then 30 point 3% are not in the labor force.

11:03

And that does include people, that includes retired people and other others.

11:11

And then this side kind of shows the geographic areas that where respondents lived outside of city limits, where they responded from, it's very hard to see, but the Seeley Lake had the most responses.

11:28

They were in the over 130 responses from Seeley Lake.

11:33

And then that followed by Lilo E Missoula and Target Range slash Orchard homes area.

11:40

That was the next top three.

11:45

OK.

11:46

And this slide describes the households of the respondents, 50% of them said they lived in a two person household, 32% have an annual income of over 92,201, and 78% owned their home.

12:02

And then again, we just wanted to compare it to the census data just so you can understand the differences in our data collection.

12:12

So the average household size was 2.26.

12:16

According to the census.

12:18

The median household income was 71,246 and the home ownership rate was 59.7%.

12:27

And then I'm going to turn over to Heidi.

12:33

All right, thank you.

12:34

So I'm Heidi W I'm also with the grants and community resources department.

12:40

So the first question that we ask is more general.

12:44

Just what county community wide priorities are and this year the top three community part priorities were #1 neighborhood renewal support, which also includes things like junk and debris cleanup, but also things like constructing sidewalk streets and neighborhood parks.

13:08

The second highest ranking priority was economic development support and this includes things like job creation, job retention, and workforce training.

13:19

The third priority was to finance or subsidized the construction of multifamily and single family housing.

13:27

One thing to note is that all survey participants were asked to rank these options and each survey participant could choose 3.

13:36

When we separate out people based on whether or not they are county residents or city residents, we do see some differences and when there are significant differences, we have noted them in the presentation.

13:50

So if you looked at the city priorities, the top three align exactly with the overall county wide priorities.

13:58

But if you look at just the county respondents, there are some differences.

14:02

So neighborhood renewal activity still ranked the highest, which was followed by wastewater and water system expansion or improvements and then economic development was third.

14:14

This actually parallels fairly well with responses in previous years.

14:21

Last year, the top community priority was to improve existing infrastructure, increase the affordable housing supply and then expand infrastructure.

14:32

So there was a very infrastructure, a heavy focus already last year.

14:37

This is the first time in the last few years that housing has fallen off the top three in the county.

14:46

So that was interesting that I can't really expand on why.

14:53

Excellent.

14:55

So we did ask people, you know, if public infrastructure was a need and 68.5% of respondents, which is 462 people indicated that there was a need.

15:09

And those people then are asked for their clarifying questions on, you know, what types of public infrastructure they think most need investment.

15:17

And so it's a smaller subset of respondents.

15:21

So just that 462 people that said yes, get this question.

15:25

And so of them, sidewalks ranked, cribs and gutters ranked #1, wastewater, water system expansion or improvements ranked #2.

15:35

And then public facilities such as fire stations, libraries, and public schools ranked #3 There is a significant difference between county priorities and city priorities when you look at those two groups separately.

15:51

And it probably comes as a surprise to no one that wastewater and water system expansion or improvements ranked number one for the county.

16:00

And then sidewalks, curbs, and gutters ranked the highest for city residents.

16:08

So last year we included an answer in the economic development options that included affordable housing and almost everybody picked that as the the thing that would most support economic development.

16:26

And we really didn't gain a lot of detailed information on around economic development.

16:32

So we removed housing as an option so that we could find more detailed answers that are in line with how we can use CDBG economic development funds.

16:45

So this year, the first, the top three priorities that were identified across the county where they expand opportunities for low and moderate income residents through job creation, job retention and job training.

17:02

Interesting.

17:03

Interestingly, the second option that scored the highest was none of the above.

17:09

And then the third priority was environmental assessments of properties to promote redevelopment and reuse of sites.

17:18

Because of that, none of the above answer, we actually did go through all of the open-ended comments to try and maybe see if we could clean some insight around what would you know what we didn't capture and we didn't really have a lot of comments that were specific to economic development.

17:39

The ones that did most directly address economic development was the need for more child care facilities and child care access, which was not obviously is not one of the options we provided for people.

17:51

Heidi got a question here.

17:52

So and this came to mind when you mentioned and then like none of the above.

17:57

Are these all standardized choices for folks nationwide or what?

18:03

What?

18:04

So we have the ability to customize it for our survey here in Missoula County.

18:08

Yeah.

18:09

So we designed the survey and we try to base all of the options that people have in alignment with what the funding sources we are applying for can fund.

18:20

So there are definitely limitations.

18:23

You know, we receive questions, comments that, you know, we don't capture all the things that people would like to have captured, but it is because we are really constrained on what those funding sources can use for.

18:34

OK, thank you.

18:35

And since we're interrupting you, maybe I missed this.

18:39

Did it show where in the city the responses were coming from?

18:43

So do we know like what sidewalks, curbs and gutters folks are?

18:46

No, we didn't.

18:47

We didn't the only city respondents for all pooled as one pool, but we can pull that information for the county.

18:56

So for the county, we do have it by I think we have like 13 different areas that people could identify they lived in.

19:05

I did notice the poorest response rate in the county was Greeno.

19:08

Yeah, we got zero from Greeno.

19:11

Jeez, where was she?

19:17

All right.

19:19

Let's move on to the next slide.

19:20

I think we're, so we did ask a question specific to community facilities and whether or not those were in need.

19:31

And this year a majority of respondents indicated that it wasn't a need and we 4747.6 people are respondents indicated that it was a community need.

19:45

So it's slightly less than a majority.

19:47

But this particular question actually was very interesting because everyone who said yes, it is a community need then was prompted to ask or answer another question that described what type of community facility they would like to see.

20:03

And there were significant differences between what the county.

20:06

Listed as a priority and what city residents listed as a priority.

20:10

So for county residents, the 45% that said it was a community need wanted to see a Community Center, a Senior Center or nursing homes.

20:23

And then of the 50% of city residents that supported community facilities, the top three needs for a homeless shelter, mental Health Center and then a Community Center.

20:40

So we did ask, we worked with John Wilkie to add some additional information around housing and these are questions that again are fairly consistent with what we last asked have asked in previous years.

20:53

So the first question related to housing was what housing challenges people face in our community.

21:00

And the top three were the high upfront cost for home buyers, the high upfront cost for rentals and then a lack of diverse home type options.

21:12

And I just also want to point out that when we looked at the demographic data, the people that answered the survey were disproportionately homeowner.

21:20

So we got a lot more homeowner responses.

21:22

So that may have influenced how things were ranked as well.

21:30

So then we asked about what housing resource needs there are in the community.

21:35

And so the first resource was resources for homeowners to remain in their current homes.

21:44

The second was resources for renters, things like application assistance, security deposit assistance and assistance with application fees.

21:55

And then the third highest ranked need was financial assistance for necessary functional improvements for single family homes so that they stay healthy and safe.

22:06

So like housing rehab programs.

22:10

And then there was a difference between the city and the county #1 priority.

22:16

And so the the city priorities ranked renter resources higher and then county ranked homeowner resources higher.

22:25

And then there again was a follow up question that looked at what types of resources go to the next slide.

22:33

So if you answered yes to the homeowner question, then it it the survey prompted you to provide some more information around what types of resources.

22:45

And so emergency funds were the highest resource and then energy efficiency upgrades followed by down payment assistance.

22:57

So those were your top three.

22:59

And then county wide, the top resources for renters were rental assistance, security deposit assistance, and then assistance with filling out rental applications.

23:11

And those were specific.

23:14

It specifically called out applications with sorry, help with rental applications for affordable housing resources.

23:24

So then we asked some questions around housing development needs and county wide the top three needs identified where funding for infrastructure including water, sewer, roads and lighting, construction of single family homes and then incentives for developers to include affordable units in new developments.

23:47

And there was a slight difference between the county and the city.

23:50

So the county prioritized the infrastructure funding while the city #1 priority was developer incentives to include affordable development units within developments.

24:05

So we did ask a question around housing policy priorities.

24:10

And so the first, the top three were financial resources for the creation of resident owned community.

24:19

The second was ensuring permanent affordability, a few things like lease restrictions and deed restrictions.

24:27

And the third priority was regulating short term rentals.

24:31

And then there was just slight differences between the city and county.

24:35

The county ranked the resident owned communities slightly higher and the city ranked the land and deed restrictions a little bit higher.

24:47

So we did ask a question around quality of life and how housing costs have impacted impacted the overall quality of people's lives.

24:58

And about 70% said that there was either a significant or moderately negative impact, while only a much smaller fraction, 2% said that there was a positive impact.

25:11

And then the rest were not no impact or unsure.

25:15

And then we did ask some questions around different types of housing costs or costs associated with housing and what has had the greatest impact in the last year.

25:27

And we got a high property tax response.

25:33

And then the second highest was the price of rentals.

25:37

I was personally expecting to see energy costs be a little higher, but it was not so.

25:45

And then we also had we had two open-ended questions, one was more more on the general like community facilities, infrastructure section.

25:57

And then we had a housing specific open-ended question.

26:00

And between the two sections, we received over 500 additional written comments and they kind of fit into a couple of different, different themes.

26:09

One around community development.

26:11

We saw a lot of comments around bridge repair, need for things like community pools and specific.

26:18

That one was very specific to Seeley.

26:20

We did get comments around the need for fire mitigation, sidewalk and trail improvements and then substance abuse, mental health treatment facilities.

26:31

On the economic, in the economic development themes, we saw some comments around business loans, just some general business support and then the access to affordable childcare.

26:42

And then we also received housing related comments.

26:47

And one thing to highlight is that we get comments on both ends of the spectrum.

26:51

So some say less density, some say we need more density.

26:56

So I think we get a, we get a pretty broadview of sentiments in the community, which is I think positive.

27:05

And yeah, a lot of comments around things like water and sewer system improvements.

27:12

And we will have all of the public comments available.

27:17

So if someone wants to read through all 5 hundreds of them, they can.

27:20

And they are anonymous.

27:21

So there are no identifiers of who those comments came from.

27:29

So that's the end of our presentation.

27:30

And then we will be accepting additional public comment after this meeting through April 3rd through the Missoula Voice platform.

27:40

And then all of the survey results, the presentations and the recordings will also be found on our website at Missoula County slash grant survey.

27:49

And then people are always welcome to reach out to our office directly.

27:52

So thank you.

27:55

Thanks, Heidi.

27:56

Thanks, Kayla.

27:58

OK, Next up we have oh, sorry, did you and public comment.

28:03

Thank you.

28:04

Yes.

28:04

Is there any public comment?

28:08

Oh, yes, we have one.

28:09

Barb Kasukas.

28:11

Kasukas Kas.

28:13

Sorry, I mangled your name.

28:24

I can't.

28:24

I can't hear her.

28:25

Oh, there we go.

28:27

There we go.

28:27

Sorry.

28:28

And you did pretty good with my last name.

28:30

It's Kosauskas.

28:31

So you did pretty good.

28:34

So my name is Barb Kosauskas.

28:37

And I am the board president at Old Tailgate Village here in Missoula.

28:42

And Old Tailgate Village purchased our community in October of 2024 and one of the items on our honey do list is to upgrade our current septic system.

28:55

So Old Hellgate Village hopes to apply for a community development block grant to to partially fund the much needed wastewater system project.

29:07

So we're just here today to thank you for the opportunity to allow us to maybe apply for that grant.

29:14

This would really mean a lot to the community and I think it would help us in our future growth.

29:19

So thank you.

29:21

Thank you, Barb.

29:24

You're welcome.

29:26

Heidi, I do have a question for you.

29:29

Come on up to the mic, it's Heidi West.

29:32

So since the respond responses from Seeley Lake were so much larger than any other community outside the city limits, do you have any sense or, or could you, I'd be interested to know how the public infrastructure rankings fell out there?

29:55

Because my guess is that maybe wastewater was pretty high there.

30:00

And just to what extent has that maybe skewed the the county wide or the the county results?

30:07

So I haven't ran so we can run the results and narrow it for each community.

30:13

So I haven't ran, I haven't run a report with those those responses pulled out.

30:18

But we could do that.

30:21

I think we would see some Lolo responses probably also rankwater and wastewater fairly high now clearly Hellgate Village, Hellgate Village as well.

30:32

But yeah, we could definitely we could run it without or run them separately and share the data with you.

30:39

OK, Thank you.

30:44

OK Neck.

30:45

Oh, yes, thank you.

30:48

Ruth, I think you need to turn your microphone on, please.

30:56

Hi, I'm Ruth Burke and I'm the executive director at the Human Resource Council.

30:59

And I just wanted to congratulate the staff at Missoula County for this survey.

31:05

And I find it pretty amazing to have 700 responses where HRC is currently going through a community needs assessment that is across all communities in the state.

31:16

And we hope to get 300 responses.

31:19

And that would be statistically significant in our survey is in poverty issues.

31:24

So it's kind of narrowed like like yours is in housing.

31:29

So really impressive the amount of results that you've gotten and, and when the presentation came up, how much you had dug into the differences between the city and the county and all that.

31:42

So just kudos in general to the staff.

31:44

And then I just want to mention that HRC would be particularly interested in the areas that benefit low to moderate income families and I know that both the funding sources are restricted to that particular area.

31:57

We've operated the owner occupied rehab loan program in the past and we're interested in providing those services in the future as well.

32:07

We'd like to add fire risk mitigation to that owner occupied loan program and incorporate offerings from the state of Montana to improve the program and make it more user friendly or productive.

32:26

The second program that we're interested in is the home Tebra or the tenant based rental assistance.

32:32

Home Tebra can be used to pay rent similar to a voucher program and the voucher programs, as you know or probably know, the federal voucher programs are drying up.

32:46

And so this would be an opportunity to buy, to provide tenant based rent assistance and tenants pay a portion of their income, a portion of their income towards that rent.

32:58

And then it's a typically it's a two year program that declines in the assistance needed and it's well supported with case management and assessments and that sort of thing.

33:08

The third program that I have that we'd be interested in helping with is a workforce development initiative.

33:14

And so historically and currently we have a Youth Services program where we help youth to get work experience and it's a year round program.

33:27

And we help them with GE DS and any kind of certificate programs like a phlebotomy or truck driving or that sort of thing.

33:35

And we're currently operating that program for only out of school youth.

33:41

And so youth that aren't they have either left school without graduation or have graduated out of out of school.

33:50

It's ages 18 to 24.

33:52

So if we were able to apply for some workforce development funds, we would look primarily we'd like to look for a summer program where when the students are out of school, we could expand the services we provide to kids that are in school and 16 or older.

34:11

And then if, if funding wasn't available in that time, spring during that time period, then we could also expand our current services to include more of the certifications.

34:23

And so we currently counsel people to determine their barriers and work with them in an assessment where they it's client driven.

34:32

So they speak to what it is that what directions they want to go and then we offer them an opportunity that fits those kind of criteria that they have come up with.

34:45

And we contract directly with employers.

34:50

So this gives the youth the work employment situation that's outside of our agency, but monitored and supported through our agency.

35:00

And that's all I have.

35:02

Thank you so much.

35:03

And I have a quick question with the housing rehab program, when you said fire mitigation or fire risk mitigation, are you it's wildfire or are you talking like internal?

35:12

I think for the county it would be more wildfire.

35:15

And I've reached out to the rural fire district and they are interested in pairing up.

35:21

And my idea about how that would work is we do a scope of work when we do the homeowner loan, we go out to the home and determine typically the homeowner knows that they need a new roof or there's something that's attracted them to our program.

35:36

So we do a full scope of work.

35:38

So if there's anything else that needs is a health and safety need, then we assess that in and that includes in the scope.

35:45

So we would just expand the scope of looking at, you know, what is the scope of this work?

35:51

And I think that we can, with the fire department, they can do the assessment because they know what would improve that property, you know, to make it more fire resistant.

36:02

And then sometimes there are, particularly in rural areas, there are grants to actually do that cleanup.

36:09

And so they, you know, would remove debris that's close to the home or bushes or trees and that sort of thing.

36:16

And there's also some venting that you can install that if you were to have a wildfire that wouldn't pull in the embers, flammables.

36:29

Yeah.

36:29

And so that can help protect.

36:32

And there's like roofing and siding materials that are fire resistant.

36:38

This is a loan program, so some of that would be dependent upon what the homeowner would be willing to finance.

36:46

It's always low interest.

36:47

So currently we're operating at a 0% interest.

36:51

I think that we would probably plan to increase that interest rate just to offset the current costs.

36:59

And we defer the payment until transfer a title if the homeowner is not able to make payment.

37:05

And so the money goes out and then there's a time period before we would receive that back and then we rotate those funds back into the program.

37:13

And so it's a pretty sustainable, a good use of funding and more long term than what it kind of looks like in the front end.

37:23

Thank you.

37:24

Yeah.

37:24

Anything else?

37:26

No thanks.

37:29

OK.

37:31

We have Kathleen with the Walcheke family transfer.

37:47

I think I mangled that last name as well.

37:50

Well, let's go.

37:56

OK.

38:16

Entire Grants crew just left.

38:34

All righty.

38:36

My name is Kathleen Arthur and I'm a planner with the Office of Planning, Development and Sustainability.

38:44

Today we'll be presenting the Will Let's Go family transfer and boundary line relocation.

38:51

This exemption is requested by Mick and Bobby.

38:54

Will Let's go.

39:00

This family transfer is located at 1979 Water's Edge in Bonner, Mt.

39:07

It's just off Hwy.

39:08

200 on the Blackfoot River.

39:18

Here are the existing conditions of the properties Mick and Bobby will Let's Go's Property Book 492 page

2189 is 3.16 acres and is currently developed with an existing single family residence and a few outbuildings, and this is where Mick and Bobby reside.

39:42

The neighboring lot Cos 475 is 2.24 acres and is also developed with a single family residence where Boyd Bradshaw resides.

39:56

The properties are unzoned, however they are designated, per the 2002 Regional Land Use Guide, as both parks and open space.

40:05

And residential allowing for two dwellings per acre.

40:16

The claimants would like to create and transfer two half acre lots to their daughters and the applicants will retain their remaining 2.16 acre lot.

40:28

The recipients intend to each developed a single family residence on the family transfer parcels, which would be E2 and E3.

40:38

The applicants will continue to reside on the existing lot with no further development planned.

40:45

As you can see here, the transfer tracks are located on the eastern portion of the parent tract and they are within the residential land designation.

41:00

Along with the family transfer is an application to utilize a boundary line relocation between the Well Let's Goes parcel and the neighboring parcel.

41:10

Avoid Bradshaw.

41:12

Both properties are served by a private access easement located on Mr.

41:17

Bradshaw's property.

41:19

Mr.

41:19

Bradshaw has agreed to grant the additional access to the transfer parcels and the Well Let's Goes would like to give Mr.

41:27

Bradshaw some extra river frontage.

41:30

In exchange for that, they proposed to move the existing boundary line shown here in the existing conditions on the left to the proposed condition shown on the right, and both parties have agreed to this proposed relocation.

41:58

Part of the process for family transfers is sending out the application to Missoula County agencies for comments and review.

42:08

The Montana Department of Transportation stated that the subdivision will not impact MBDTS infrastructure and it is optimal that they are using that existing approach.

42:19

The Missoula County Conservation District noted that while the new lots do not fall within the Montana Natural Stream Bed and Land Preservation Act statute, the existing lots do.

42:31

And that they would like to see a statement on any Certificate of survey stating that any work in or within 50 feet of the Blackfoot River may require an approved 310 permit issued by the Missoula Conservation District before work begins.

42:49

And then Matt Heimel, our Missoula County Floodplain Administrator, recommends that the Certificate of Survey includes the floodplain boundaries and reference to the Effective Firm Panel, which is the Flood Insurance Rate Map.

43:07

Missoula County Health and Public Works note that any projects there and will be subject to sanitation review and building code enforcement.

43:30

And reviewing this request, there was one rebuttal presumption and one evasion criteria identified to possibly indicate evasion.

43:39

However, these are the most appropriate exemptions to use for what the family wants to accomplish.

43:44

Therefore, we do not identify this as evasion and recommend approval.

43:57

Thanks, Kathleen.

43:58

Is there anyone from Eli and associates who'd like to speak to us?

44:01

Ron.

44:02

Oh, you're not with Eli?

44:03

Sorry.

44:04

Sorry.

44:05

There.

44:05

Yes, sorry.

44:09

I believe they're on team.

44:12

OK, Mariah, Sir, sorry.

44:16

Yes, Mariah's Hale with Eli and associates.

44:20

I don't have anything to add, but I know Kathleen, I have told you that Bobby Lutsko is going to be attending here with me, but she is not here.

44:29

So I don't know if she's in the room or possibly online to answer the questions is OK.

44:41

We're just double checking.

44:42

Bobby doesn't seem to be in the room.

44:45

Is that correct?

44:45

We have three different phone numbers.

44:51

I don't know.

44:57

Not that I can see.

45:00

You might have to postpone this then.

45:03

Oh, OK.

45:06

OK.

45:07

Do this again.

45:08

Sorry.

45:09

Sorry.

45:09

Thank you.

45:11

Oh, somebody from the Eline Associate.

45:23

OK.

45:24

Mike or Bobby, are you are you with?

45:31

There's a hand raised from Eline Associates.

45:35

Yeah, Sorry, I raised my hand.

45:37

Do you I can try calling Bobby and just see where she's at, If we can circle back to this, maybe after the next agenda item.

45:47

Perfect.

45:48

Perfect.

45:48

That sounds great.

45:50

My apologies.

45:51

Thank you.

45:52

Thank you.

45:54

OK.

45:55

Patrick with Fire Bucket Meadows subdivision.

46:03

Thank you.

46:53

Good afternoon.

46:54

For the record, my name is Patrick Swart and I'm a planner with the Office of Planning, Development and Sustainability.

46:59

And today I'm presenting the staff report for the Fire Bucket Meadows subdivision.

47:05

This is a request from Dale Sparks and Tammy Beach and they're represented by PCI.

47:13

Here's a look at the property location.

47:15

It's identified as 11109 Fire Bucket Loop.

47:20

It's outlined in black and green here.

47:22

This Half Moon shaped parcel.

47:24

It's in the area of residential development to the northwest of the Y.

47:30

The property can be approached from Hwy.

47:31

93 N here from via Waldo Road to Tukey Trek and then on to Fire Bucket Loop or from 93 on to O'Keefe Creek Blvd.

47:41

on to Fire Bucket Loop.

47:50

The applicants are proposing A5 lot residential subdivision on their existing 19.82 acre parcel.

47:57

The resulting density of the subdivision would be 1 dwelling per 3.96 acres, which is for the most part consistent with residential development in the area.

48:07

As mentioned, the access to the property is proposed from Fire Bucket Loop and they're not proposing any Parkland dedication or non motorized facilities which would not be required for a minor subdivision outside of the urban area and there are also no variances that are coming along with this request for subdivision.

48:26

Here's a look at the preliminary plat.

48:30

The property is currently developed with a single family residence in detached garage and shop where the applicants currently reside.

48:37

This would be housed on the proposed lot 3 with the remainder of the parcel is kind of sloping grasslands with varying degrees of slope.

48:48

Proposed lots 124 and five.

48:51

As you can see, they're proposing building envelopes.

48:54

These are kind of designated building sites for residential and accessory structures in areas where slope on those lots are less than 25%.

49:03

The remainder of those lots would be designated as no build zones for residential and accessory structures.

49:10

Lots 123 and four would be accessed directly here off a fire bucket loop.

49:15

And then we can see between Lots 3 and 4, there's a 40 foot private access easement for the exclusive use of Lot 5.

49:28

So this property is subject to the 2019 Missoula Area Land Use Element and amendment to the 2016 Growth Policy.

49:35

And it has a land use designation of Rural Residential and Agriculture, which promotes uses such as residential natural areas, agriculture, grazing and timber production and recommends scattered low density residential development with densities ranging from 1 dwelling per 10 acres to one dwelling per 2 acres.

49:57

This property is zoned.

49:59

You can see the zoning map on the right side of the screen here.

50:02

This light green area where the property is located is agriculture, rural residential, two or two dwellings per acre, or pardon me, one dwelling for two acres.

50:13

And the purpose of this district is to balance rural residential development with landscape preservation and small scale agriculture.

50:20

So staff did find that the proposal was in substantial conformance with both the growth policy and zoning regulations.

50:28

We'll just note that if approved, when future lot owners come in to develop these lots, they'd be required to develop them in accordance with the zoning regulations.

50:41

In reviewing impacts to agriculture, it was noted that the property is not currently in agriculture production or adjacent to any active agricultural operations.

50:51

Prior to its creation in much of this area northwest of the Y, it was owned by the Cates family who did ranch this property up until the late 70s when they divided this on Certificate of Survey 1925.

51:04

NRCS soils data shows 2 separate soil designations on the property, one being this Meinzinger Big Arm complex which is designated as the small portion you can see in map Unit 8 up along Fire Buckets Loop Rd.

51:20

which is designated as farmland of local importance and then the remainder of the property here in this map unit 18 is Big Arm Gravelly Loan which is designated as not prime farmland.

51:36

So there are no traditional agricultural water user facilities like irrigation ditches on or adjacent to the property.

51:44

But there is an existing stock water right with a priority date going back to 1865 associated with the property.

51:52

That waterite identifies it as coming from an unnamed tributary of O'Keefe Creek located in the southwest

corner of the northeast corner quarter of the northeast quarter of Section 17 Township 14 N Ranch, 20 W, which would be kind of in this area of the property.

52:10

And I'll get into this a little bit more in detail later on in the presentation, but the Montana Natural Heritage program does identify on their riparian resource mapping database and unnamed tributary that runs through this.

52:25

It's kind of a natural goalie on the property that runs towards the southwest and off the property.

52:31

Here for the subdivision regulations, we do have a recommended condition of, excuse me, a condition of approval that they either reserve that water right to a single lot within the subdivision or that they divided amongst the subdivided lots and establish a shared use agreement or that they sever it from the property final prior to final plot approval.

52:57

Looking at roads and access, physical access to the property is provided via fire bucket loop from its intersection.

53:06

Here, what you can kind of see on the right side of the screen with O'Keefe Creek Blvd.

53:10

And then to the South, this is publicly dedicated right of way maintained by Missoula County.

53:16

Once we get north of this intersection and into the curve here, it's a private road parcel currently gravelled to approximately 14 feet without any sort of formal maintenance agreement.

53:28

Missoula County subdivision regulations require off site roads not uniquely attributable to the subdivision to provide basic year round access for emergency response vehicles.

53:39

So that looks like 20 feet of unobstructed drivable with 13 1/2 feet of vertical clearance and a road grade not to exceed 10%.

53:49

The applicants are proposing improvements to this road from that intersection N widening it to approximately 22 feet of gravel and it currently terminates approximately at the existing home.

54:01

So they'd be extending that also to 22 feet of gravel and constructing this cul-de-sac turn around which would be a 40 foot diameter for that and that doesn't interfere with the neighbors.

54:13

Then on that curve there, there's enough space I guess is what I'm getting at.

54:18

Yeah, so there is and I'll get into this a little bit more in detail on the next slide.

54:23

It's kind of a unique situation where there's a 60 foot private road parcel.

54:28

So the road is its own tract of record in this situation.

54:32

So the improvements as shown on here are on the within that 60 foot private road parcel.

54:43

We have a recommended condition of approval that the roads be constructed as presented and to be reviewed and approved by public works prior to final plat approval.

54:52

They are proposing a road maintenance agreement that would subject all of the lots in the subdivision to cost sharing.

54:59

It does give neighboring properties that also use this portion of the road the option to join, but they're not required to.

55:06

And we're conditioning that that be filed with the covenants and be amended for review to comply with Appendix B of the subdivision regulations that have specific standards for maintenance agreements.

55:19

So that addresses the physical access.

55:21

The other component that's required is demonstrating that you have sufficient legal access to the proposed subdivision.

55:29

So that private road parcel that I mentioned, kind of this whole area in the northwest of the Y created on Certificate of Survey 1925 back in 1975, created this network of roads to provide access to these parcels that were identified as private access roads on the survey as their own tracks of record.

55:49

There wasn't a formal access easement established with that or recorded separately from the survey.

55:56

There was a judgment in 1986 from the 4th Judicial District Court here in Montana that ordered the developers to deed that road parcel to the adjacent property owners and to establish access easements within that 60 Foot Rd.

56:11

parcel where that used to exist.

56:13

We could not find evidence that those deeds were ever recorded or filed.

56:18

So to kind of clear up some of that ambiguity on legal access, we requested the applicants hire an attorney to prepare a legal opinion for review by the county attorney's office and they did that.

56:29

And the essence of the legal opinion is that it was the clear intent on of the overall development plan on certificate of survey 1925 that showed these private access roads for them to provide access to the lots within the survey.

56:44

They further site, and I will read this directly from the legal opinion because they cited the meets and bounds description explicitly for tract 48 here, which is the tract in question.

56:55

Which in describing its legal boundaries stated quote beginning at a point on the easterly side of an access Rd.

57:02

intended for access to this and other tracks.

57:05

End Quote.

57:06

To show that it was the clear intent of the developers that created those Rd.

57:10

parcels for them to serve as legal and physical access to the tracks they had created.

57:16

We also further asked them to clarify that if that legal access would extend to future subdivided lots to demonstrate that they pointed to the declaration of covenants related to that original survey and created and filed by the original developers as well.

57:33

And again, I'll quote directly from that which states, quote, no tract shall be subdivided so that any residential site contains fewer than one acre.

57:42

And quote, making the argument that the developer who created this overall development plan and filed these covenants also anticipated future subdivision and therefore that legal access would extend to future subdivided lots.

57:58

So with that, it was determined that they had adequate legal access per the subdivision regulations to move forward.

58:09

In the same vein as that they also did not establish formal utility easements on that original certificate of survey in the late 1970s.

58:17

Missoula County subdivision regulations do you require off site easements to extend utilities to the subdivision when they do not exist?

58:25

Since the filing of that survey, Missoula Electric Cooperative has been granted some exclusive easements

which are shown here running along Fire Bucket Loop that do you provide easements for electrical service to the property.

58:38

And it was noted in the application that Blackfoot Telecommunications also has lines in the road.

58:43

Though no no formal easements were submitted with the application materials.

58:48

So we're recommending a condition of approval that the applicants either establish a new easement providing utility access to the site within Fire Bucket Loop Rd.

58:58

for all of the offsite utilities that are required in regulations, including electrical, gas and telecommunication services.

59:06

We are also requesting via condition of approval that the 40 foot private access easement between Lots 3 and 4 providing access to Lot 5 also be shown as a utility easement for the benefit of Lot 5 to extend services from Fire Bucket Loop.

59:24

And then lastly for utility easements, a standard condition requiring dedication language on the plat, dedicating any new easements so that future private and Public Utilities can utilize those easements.

59:41

Moving into fire hazard assessment, as part of the application, the applicants were required to complete a wildfire hazard assessment that was reviewed and approved by the County Fire inspector.

59:51

This returned a score of 44, which indicates a moderate fire hazard level.

59:56

The property is also located within the wildland urban interface Intermix.

1:00:00

Which gives us property and integrated wildfire hazard level of high.

1:00:05

Staff did want to note that in 2007, the Black Cat Fire did make a run through the grasslands in this area up between Mill Creek and O'Keefe Creek and did threaten structures at the time.

1:00:17

The emergency response was able to protect the structures.

1:00:20

But just to kind of illustrate the wildfire hazard level that does exist in these kind of grassland hills in this area, the subdivision was required to meet the wildfire Hazard Area Standards and subdivision regulations, which does include requirements for maintaining defensible space around subdivision roads and water supplies designated for fire suppression.

1:00:43

And on their hazard assessment, they did make commitments to using Class A fire rated roofing materials, non combustibile siding and deck materials and to place all new utility lines underground.

1:00:56

In relation to their fire suppression plan, the property received structure fire response from Frenchtown Royal Fire District and falls within the district that has a station approximately a mile and a half away.

1:01:07

And they are proposing interior residential fire sprinklers for all new residential structures as well as requirements for driveway standards to provide a driveways in excess of 150 feet to be constructed to support emergency vehicle response as well.

1:01:24

All of those elements are required as conditions of approval, either through amended covenant language to reinforce defensible space requirements and ensure that those specific building standards like sprinklers, roofing, siding and deck, etcetera will be enforced at the time of permitting, as well as including notes in the covenants and on the plat that the subdivision is in a wildfire hazard area.

1:01:52

So looking at their water and sanitation plan, this is reviewed under the jurisdiction of state and local health authorities.

1:01:59

So they will be going through sanitation and subdivision review or be required to cite an applicable exemption to be reviewed by the said authorities.

1:02:09

Lot 3, the lot containing the existing home does have a well and existing permitted septic system and an associated water right that's in plan to be reserved just for the exclusive use of lot 3.

1:02:21

And that water right has an allocation of 3.25 acre feet per year for domestic use and irrigating lawn and garden.

1:02:30

The new lots 124 and five, they're proposing individual exempt wells and individual septic systems for those lots.

1:02:38

Those exempt wells would be subject to the exempt well statutes which allow for a maximum combined appropriation of 10 acre feet per year and maximum flow rate for the wells of 35 gallons per minute.

1:02:50

We're recommending a condition of approval that those specific allocations for each lot be included in the covenants to ensure compliance with that statute as well as their covenants are volunteering a requirement for irrigation around the homes on Lots 124 and five to be limited to 1/2 acre just to ensure that they won't exceed that water usage.

1:03:13

There is storm water plan we can see on their site plan.

1:03:17

Site layout here on the right is centered around this detention pond on Lot 5.

1:03:23

The natural goalie that I mentioned is intended to kind of funnel stormwater runoff to this detention pond that's designed to detain and retain stormwater for the 100 year, 24 hour design storm for the public works regulations and county subdivision regulations.

1:03:38

They're also proposing A6 foot wide, 1 foot deep drainage Swale between lot 1 and or pardon me, Lot 4 and five to funnel additional runoff back into that pond.

1:03:50

And the shared lot lines are 20 foot drainage easements.

1:03:54

They're proposing and we're requiring for a condition of approval, a maintenance agreement for the maintenance and upkeep of stormwater facilities and easements and a condition that those facilities be constructed as proposed subject to public works review prior to final plat approval.

1:04:10

As well as a plat note just notifying future lot owners of their responsibilities for maintenance and upkeep of stormwater facilities.

1:04:18

And then the last storm water and or water and sanitation conditions related to their well isolation zones, which we have 100 foot arc on all of these zones for the proposed wells and existing wells, we can see that they in certain instances encroach on the neighboring properties.

1:04:33

So we just have a condition that allows for kind of readjustment of those locations between preliminary and final plat to account for that or if at final plat they still overlap onto neighboring properties that requires written approval from neighboring property owners.

1:04:52

And then a quick overview of some of the other local services.

1:04:55

Solid waste disposal is provided by both Grizzly Disposal and Republic Services and the proposed covenants include requirements for homes to use bare resistant garbage containers.

1:05:08

The property falls within the Frenchtown School District and it is estimated that each new lot will add an addition of two school aged children to the district and police services are provided by the Missoula County Sheriff's Department.

1:05:26

Looking at impacts to the natural environment, as I mentioned earlier, we made a reference to the Montana Natural Heritage Wetland and Riparian Resource Map.

1:05:36

The image on the rights pulled from the county riparian resource viewer, which takes that data and then per the zoning regulations, which sets a 50 foot kind of wetland buffer around these streams, gives a visual representation of the zoning enforced buffer for riparian resources and wetlands where they wouldn't be allowed to construct residential or accessory structures per zoning in the subdivision regulations.

1:06:04

It's the requirement is that properties with riparian resource develop a riparian resource protection plan.

1:06:11

So the applicants did end up hiring Salix Environmental to go out and conduct a survey of the property to determine whether or not many riparian resources actually existed.

1:06:23

The results of that survey were that no riparian resources, wetlands or surface water were present on the property.

1:06:30

They couldn't find any evidence of that.

1:06:33

So per the subdivision regulations that were not required to prepare that riparian resource survey.

1:06:39

And then in terms of potential conflicts with the zoning, it is noted that this buffer area here that they would not be allowed to build in per zoning does fall within the designated no builds on shown on their preliminary plat.

1:06:54

We received a comment from Missoula Public Health Water Quality that did note this subdivisions in an area of artesian wells where groundwater levels can be sensitive to new development going in.

1:07:06

They noted that some people are seeing water in their wells rise, while others are seeing or needing to dig deeper to access water as new development goes in.

1:07:15

It's just a very sensitive area to new development and its impacts on the groundwater table sometimes aren't known until the development begins.

1:07:27

So because of that, staff is recommending just a notice to future lot owners be placed in both the covenants and on the plat, letting them know that this isn't in an area of dynamic groundwater and that they should consult with the proper engineering professionals when when designing their homes.

1:07:51

So the applicants also submitted a RE vegetation plan for deserves disturbed sites to address any sort of on site disturbance associated with new construction on the property for requiring this to be attached to the covenants and approved by the weed district prior to final plat approval per condition of approval.

1:08:10

And it was noted in their riparian resource survey that much of the slope to hillsides and goalie were dominated by undesirable and noxious weed.

1:08:22

So as a result of that, we're also requesting just an overall subdivision weed management plan be prepared and approved by the weed district and attached to the covenants prior to final plat approval.

1:08:37

Looking at impacts to wildlife and wildlife habitat, it was noted in the application materials that this property is located within whitetail deer winter range.

1:08:46

The application materials also did note that kind of the lack of forested area on and around the property, it just doesn't provide a lot of cover for larger game animals, but smaller mammals such as fox, etcetera may also be on and using the property.

1:09:05

We received a comment from Fish, Wildlife and Parks just noting that future lot owners should expect wildlife on and adjacent to their properties and recommended the inclusion of the FWP living with wildlife covenants be included in the proposed development covenants.

1:09:22

So we just have a condition requiring them to include the most up to date version of those living with wildlife covenants in the proposal.

1:09:30

And then also, as I mentioned, they are proposing requirements for bear resistant garbage containers.

1:09:35

And as a condition of approval, we're requesting that they submit plans for implementation to be reviewed by PDS staff prior to final plat approval.

1:09:49

We did also receive some other comments from Missoula Public Health Air Quality noting that this property is outside of the air stagnation zone, but in an area where wood stoves being implemented in new development is causing some concern for air quality impacts.

1:10:06

And they recommend that the covenants require EPA approved wood stoves with emission rates less than 4.5g per hour.

1:10:14

They also noted that they supported the inclusion of information about Missoula being in an area where there's potential radon hazard.

1:10:23

And then staff noted that the covenants do require compliance with all air quality laws and regulations and is just recommending a condition that that section be amended so that it cannot be altered or removed without consent of the governing body.

1:10:38

And then one last note from the sanitarians at Missoula Public Health.

1:10:42

They noted that stormwater and wastewater review through sanitation and subdivision may be more difficult in some of these areas with steeper slopes.

1:10:52

Other conditions not included so far in the presentation include plat notes, one just being waiver of the right to protest the creation of special improvement districts or rural special improvement districts related to non motorized facilities or for a community community municipal water system related to Fire Protection.

1:11:12

And prior to the meeting we have so far received three public comments.

1:11:16

One of the public comments stated that there are enough homes for in in Montana and that we don't need additional homes for sale or rent.

1:11:25

Second comment encouraged the commissioners to drive both sections of fire bucket loop and noted that it does not create a complete loop and encouraged the commissioners to take note of the topography in the area.

1:11:41

And then the remainder bullet points here are from the third comment which summarizing kind of the key points of that were that we did originally receive or conducted a scoping meeting that included three minor subdivisions in this area.

1:11:58

For 3/5 Watt subdivisions.

1:12:01

That plan may or may not have been revised, but for this instance, we received one of those original 3 plans or a variation thereof.

1:12:09

It was going to be on three separate 20 acre parcels that were all adjacent to each other that continued down and around the loop.

1:12:17

They noted that this subdivision will open the door for more development potentially further down that corridor of fire bucket loop.

1:12:25

They made note that covenants are only enforced on a civil level and mentioned that water is a concern and an adjacent property in the area has been required to use a cistern due to an adequate water pressure.

1:12:41

And then lastly, they commented that there is a property down in Frenchtown, Frontage Rd.

1:12:45

that has a natural spring that's used for watering horses and noted that new impact can have a impact on groundwater quality or water quality in general.

1:12:57

And we're opposed to this new development with that staff.

1:13:04

Recommendation is for approval.

1:13:09

Thanks, Patrick.

1:13:12

Ron, do you have anything from PCI?

1:13:15

Yeah, good afternoon, everyone.

1:13:26

My name is Ron Ewart with PCI and I want to thank Patrick.

1:13:31

This has been a long haul.

1:13:34

We've we've tweaked the subdivision quite a bit to come up with what I think is, is the best that that that can be done with A5 acre, 5 lot subdivision.

1:13:47

So Dale Sparks is here with us today.

1:13:50

He's lived on this property for many years, and he and his wife, Tammy, just want to do something tasteful.

1:13:57

This proposal meets the subdivision regulations, the subdivision review criteria, meets the zoning growth policy.

1:14:05

We're not asking for any variances.

1:14:08

The the density would be 1 unit for four acres.

1:14:14

And of course, the zoning allows you to go down to 2 acres, fire bucket.

1:14:25

Fire bucket loop will be constructed for about 1800 feet along the the top edge of it.

1:14:31

Right now it's about 14 feet wide.

1:14:34

And we want to improve that and create a a maintenance agreement along that along that section, which ends in the cul-de-sac.

1:14:44

The road could potentially continue on further.

1:14:47

I mean it's called fire bucket loop and it is planted to to formulate a loop.

1:14:52

There's probably over a half a dozen lots, 10 to 20 acres in size along fire bucket loop.

1:15:00

And then in this area there's also many two acre lots, two to three acre lots and so on.

1:15:05

But again we want to keep these at about four.

1:15:10

So Cos 1925 was created in 79, it created 63 tracks and today there's 206 tracks out of this original Cos, which we also, they also called it the Meadows West in their covenant.

1:15:27

So you say the Meadows W that's everything this side of Hwy.

1:15:33

93 in, in the fire bucket loop area or this whole area.

1:15:41

Out of those 143 new tracks, about 30 of those were, were subdivisions out of subdivision.

1:15:49

So about 113 were created through family transfers and back when we had occasional sales, some of them were created through that too.

1:16:02

So what, when we first started taking a look at this, my, my goal was, hey, let's do something that, you know, of course people would rather see nothing else built or maybe one new house.

1:16:14

But the problem with that you, you have to build the road and there's a lot of expense involved.

1:16:20

So with A5 lot subdivision, we looked at how, you know, how we could best do that, you know, with average 4 acre lots.

1:16:28

So I first took a look around the whole area.

1:16:30

I looked at all the homes, nice beautiful homes.

1:16:34

Some of them are large, some of them aren't so large, but they're all very well kept.

1:16:40

You don't see junk around, you don't see a, you can see nice, nice yards and so on, you know, and there's some slope all throughout this area.

1:16:50

It's very variable in slope.

1:16:53

And the folks with a downhill out of their backyard, they have these nice daylight basements and nice balconies where they can see all the way to 9 mile or something.

1:17:06

I don't know how far you can see with quite a ways.

1:17:08

So we thought let's, let's try to emulate that.

1:17:12

So we wanted to keep the homes up near the road like like we see throughout.

1:17:18

And because for one thing, that way you don't have to have a turn around.

1:17:23

I mean, if you have a, you know, too long in the driveway, then you got to have a turn around and that takes a lot of room.

1:17:28

Let's just keep the, the houses up near the road.

1:17:31

So we decided to do building envelopes.

1:17:34

So everything else outside the building envelope is no build zone for residential structures within the, the building envelopes, you can have one single family home.

1:17:42

And we, we said no Adus.

1:17:45

I mean that's only because you know, that's more impact.

1:17:49

So we want it to, to lessen the impact as as much as possible.

1:17:55

The building envelopes actually have greater setbacks than the zoning.

1:18:01

For example, the zoning requires 25 feet in the front yard.

1:18:04

We have 5015 on the side.

1:18:07

We have, we have 25 S We're trying to, you know, do what we can here.

1:18:12

We, the covenants talk a lot about quality and aesthetics of the homes.

1:18:17

We want every home out there to look to look good because that's what the neighborhood expects.

1:18:24

I've found that people are very, very sensitive to property values and what they see out their home and so on.

1:18:30

So, so again, we're trying to do whatever we can to make this as good as possible.

1:18:36

Anyway, I did send out letters when we first started this couple years or so ago and, and couple once or twice I sent out additional letters just to try to inform folks and explain to them what's, what's going on.

1:18:50

And I like the fact that they can go on the, on the county's website there and pull up the entire submittal because the, the, the summary that I put together, it's about 8 pages.

1:19:03

It tries to go into a lot of detail and explain exactly what we are proposing.

1:19:06

And it's changed many times, but this is what what we landed on.

1:19:12

Lastly, I just want to talk about groundwater real quick.

1:19:14

So the morphology of this, this ground out here, you have layers, you have clay layers, you have permeable sedimentary layers where, where water flows through.

1:19:29

So it's not like it's like down here on the bottom in the valley floor where you have, you know, you drill down and everybody's pretty much pulling out the same aquifer.

1:19:38

And that's why the health department was worried about perched aquifers and so on.

1:19:42

So I, I don't know that there would be as much of a draw down in this type of situation as you, as you would have like, like in the valley floor where everything's all interconnected.

1:19:54

But we did look at the surrounding wells and all of the wells in Section 17, which this is, this is East F-17.

1:20:06

So if you look at all those wells, there was 7373 wells and the average gallons per minute was 14 gallons per minute, which is pretty good.

1:20:19

And I know there's some wells that aren't doing that great and some that are, but 14 gallons per minute was the average.

1:20:25

And then if you look at.

1:20:27

Section 17 and then 1816, those 3 together you have 165 records and the average is 15.85 gallons per minute, which is, which is pretty good.

1:20:43

Well, construction is a big part of the success of a well.

1:20:47

Exactly how you, you know, how you grout it, how you screen it, how you know, there's a lot of things that, that go along with it.

1:20:54

But from what we found, there is adequate water out here.

1:20:59

We'll have good separation between wells and you know, the isolation zones, the whole works.

1:21:08

Anyway, I think that pretty much wraps up what I had to say and I'd, I'd be glad to answer any questions.

1:21:14

Thank you.

1:21:16

Thanks, Ron.

1:21:20

Mr.

1:21:20

Sparks, would you, Dale, would you like to say anything?

1:21:28

Yeah.

1:21:28

Just coming up to the mic.

1:21:30

What do I need to do?

1:21:36

You're good.

1:21:38

I don't really have much to say.

1:21:42

I've kind of left it up to Ron and the job that he's done.

1:21:45

I do appreciate Patrick.

1:21:46

I've read a lot of his correspondence, although I haven't met her, spoke to him.

1:21:50

But everything's been pretty laid out and clear throughout the process.

1:21:54

I mean, I disagree with lots, but at the same time I understand why it happens.

1:21:59

Purpose for the subdivision of course too was surrounding neighbors and actually to keep them in mind.

1:22:07

I guess not.

1:22:08

You know, knowing that what it is zoned for and what you can do with it and how many, how homes can be put in.

1:22:13

And that's not an interest in me or my wife.

1:22:17

I think that good spacing between houses and beautiful views and the area can support good neighbors.

1:22:24

So that's really all I have.

1:22:26

Thank you.

1:22:27

Is there any public comment in the room And then we'll go online.

1:22:34

Oh, come on up.

1:22:42

Hello.

1:22:43

My name is Zach Vanzant.

1:22:44

I've lived on Fire Bucket Loop for about 25 years.

1:22:49

I've been there from when Mr.

1:22:50

Sparks his father on the property before him.

1:22:54

There was I think 5 homes up on the hill at that time.

1:22:58

I've seen every home developed almost the neighbors very well.

1:23:02

Groundwater is very big concern for me.

1:23:06

Obviously my wells want the first ones.

1:23:09

Well report shows I get 20 gallons a minute.

1:23:12

I get maybe 2 gallons a minute.

1:23:15

I'm the individual that had to put a, excuse me, put a cistern in to support the water on the hill.

1:23:22

I know many homes in the area they're well logged show higher production than what they actually do.

1:23:27

I've talked to many neighbors over the years.

1:23:30

Their first well test comes out very nice.

1:23:33

Their actual production is much much lower.

1:23:35

5-6 gallons a minute on the average is what I've heard from everyone.

1:23:40

Part of the issue being everyone's well is so deep between 3400 feet.

1:23:47

My wells at 600 feet.

1:23:49

You have enough static storage you can pass a basic well test.

1:23:54

Unless you drain the storage and then test it.

1:23:56

So I don't have a problem with the subdivision.

1:23:59

I have concerns about water in the area.

1:24:03

Thank you.

1:24:03

I think that's about my major concern at this point.

1:24:08

Thank you.

1:24:11

Any other my name is Kevin Curtis.

1:24:19

I live on the other end of fire bucket loop.

1:24:21

Some of the issues concerns I have.

1:24:24

We bought 7 to 8 years ago I guess and have very bad water.

1:24:30

The 4th well on our property was drilled prior to us buying.

1:24:35

Three are dry.

1:24:37

Our 4th 1 is not a producer.

1:24:39

We're on a cistern as well.

1:24:41

Many neighbors, like he said, we're are one to five with cisterns in place.

1:24:48

Our first well was drilled in, I'm sorry, Kevin, what does one to five mean?

1:24:52

One to five gallons of, oh, sorry, very, very low production.

1:24:55

Our first well was drilled 9 of 2003.

1:24:58

Our next drill was drilled just over a year later in 2004.

1:25:03

Our next well the beginning of 2008 and our current well in 2017.

1:25:09

So water is absolutely a concern of everybody in this area.

1:25:14

The other concerns I have is this is not a minor subdivision.

1:25:17

This is a major subdivision.

1:25:19

They're planning on 3/20 acre parcels being subdivided, which should automatically put it into a major subdivision, not a minor.

1:25:27

So it's looked at and and goes into a lot more oversight.

1:25:33

Lots 3 and 4 are large enough acreage that they could be subdivided or duplexes put on them.

1:25:41

Lot 3 already has an existing house, but lot 4 could have a duplex based on all of the county's specs there.

1:25:49

One of the other concerns is the major ravine in the back there that's at the edge of this current subdivision that they're pushing for drains directly down into a natural spring that feeds a neighboring neighbor.

1:26:07

At the bottom of the ravine.

1:26:08

He has a wetland and a three foot culvert with a cap that has free running water.

1:26:14

That's spring for his horses to outside yard hydrants and his house all feed from that spring.

1:26:24

So any kind of pesticides, which they're saying have to be weed regulated for with pesticides.

1:26:32

All of that's going to run downhill all of the clay base in our in our soils.

1:26:39

I worry that, you know, wastewater, sewage from the homes into the septic will run downhill and possibly contaminate our neighbor, you know, a good neighbor at the bottom of the hill.

1:26:54

The look as far as you know, we want to have nice neighbors and everything's clean and that's going to be part of the regulation.

1:27:02

Everybody knows that the only thing that dictates that is complaints, complaint driven to the county is the only enforcement that anybody will have if they want to pile junk in their backyards.

1:27:12

So it's the county that we're having to count on to force junk piles in these neighboring areas.

1:27:24

Grading and drainage is a huge concern with how steep these slopes are.

1:27:28

Where they have their drainage and retention pond is across one of the deepest ravine parts of the subdivision.

1:27:37

I don't know how they plan on having a drainage ditch going across a major ravine to get into a drainage retention pond at a higher level.

1:27:48

There's just lots of concerns overall with this subdivision and many others will speak on the same.

1:27:54

Thank you.

1:27:55

Thank you.

1:27:58

Any other comments?

1:28:06

Good afternoon, commissioners.

1:28:08

My name is Jean Curtis.

1:28:09

I hope you all took a drop.

1:28:10

My comment was the one to tell you to go look at the thing.

1:28:13

I hope you took a drive out there and looked at it because it's always hard.

1:28:18

As you know, I was commissioner for 18 years here and I'm looking at topographic maps.

1:28:23

Sometimes you're going well, it's kind of steep.

1:28:25

The first time I drove on fire bucket loop was when the county created the RSID to pave the roads in the area.

1:28:31

I was commissioner at the time and we agreed that portions of the road, a fire bucket would be too expensive to bring up to county standards to share the cost with the too few people that lived on them at that time who would have, you know, it would have been based on their benefit.

1:28:48

That undulating topography is not obvious until you actually stand there.

1:28:54

Just a little history that Patrick already said, but as you know, the 1979 Geneva Cates filed that first Cos 1925 creating 125 parcels without going through any subdivision because at the time you could do 20 acre parcels without going through subdivision review all the time.

1:29:15

I was commissioner.

1:29:16

We often there are certain subdivisions that you'd get, you'd say now don't forget about and the Meadows of Baron O'Keefe is one of them.

1:29:24

By the way, he wasn't a Baron, he just gave himself a name.

1:29:28

So there have been 30 lots that have been created out of this 260 that went through subdivision.

1:29:34

I don't think any of them are on quite this steep.

1:29:38

The lack of review in the subdivision, mostly because of the road and utilities once were never filed as they were supposed to be in 1996, have created just lots of problems that unfortunately these folks are now dealing with because things are in limbo.

1:29:55

Mr.

1:29:56

You were referred to an e-mail.

1:29:59

It's in Page 329 in your packet that text.

1:30:03

Kate, as a representative of his deceased mother, said he would sign anything regarding the easements as it was the intention to have the road and utility easements.

1:30:13

It's not clear if he has that legal right and it may have to go through probate in order to clear that up because as it as Patrick said, the lots are shown as or the roads are shown as a lot, not a not just an easement to build on the previous speaker.

1:30:34

Thus minor and major subdivision.

1:30:36

Again, Mr.

1:30:37

Ewart's letters, he talks about how the family owns 320 part plus parcels and yet they're we're only looking at the one the landowner and their representative chose to bring you one, just a minor subdivision.

1:30:55

And I get it, it costs a lot of money and a lot of planning and a lot of time to do all these things.

1:31:00

But it means that they're not required to provide any pedestrian or bike facilities, to dedicate any Parkland, to hold a neighborhood meeting or to show the impact on the aquifer of these lots and combinations with the next 10 that may come up.

1:31:16

Because on a minor the lots are the wells are exempt.

1:31:23

Missoula County Subdivision Regulations 3.6 point 2.1 require the subdivider to demonstrate a dependable water source, both quality and quantity in the subdivision.

1:31:34

And as you just heard other people speak, I don't feel they did that.

1:31:38

Water in this area is a challenge.

1:31:41

The county in the past had to create Sunset Water, Sunset West Water District that the well is down in the on the flats down closer to Hwy.

1:31:51

93 to serve about 33 lots on Fred Lane, which is literally just up the hill from these folks.

1:32:00

Those folks pay an annual assessment of about \$600 a year for their water and it's restricted.

1:32:07

They can't use it to water their lawns.

1:32:09

It's for household use.

1:32:11

The Hawthorne Springs subdivision is along the Frenchtown Frontage Rd.

1:32:15

as you head to out to Frenchtown.

1:32:19

It's a very nice subdivision on the hill.

1:32:22

Their water also, I was commissioner when we approved that subdivision.

1:32:26

Their water is from a well on the other side of the Interstate.

1:32:30

For some reason there's more water over there.

1:32:35

So I mean, those are just two examples.

1:32:38

The carrying capacity of this area might be fully tapped out.

1:32:41

Another reason why the full 60 acres should be reviewed as one.

1:32:47

The well isolation zones on on the four lots that are being new lots that are being proposed.

1:32:54

If you look at the circles, they all cross property lines.

1:32:57

Some of them are like under the road.

1:33:01

So there's no guarantee that water will be found in those circles.

1:33:05

I can attest that I have a cabin that has two wells.

1:33:09

One has water, the other one doesn't and they're 100 feet apart.

1:33:12

You don't know what you're going to water is where water is so drawn a circle doesn't mean there's a well going to get water.

1:33:20

I'm always also concerned about RSCDRSID waivers for future things like pedestrians, bike paths of water system if they need it for suppression.

1:33:30

Even the road user agreement adds money.

1:33:33

We all know how tough it is to buy a house in this area right now.

1:33:37

Most of us couldn't afford our own house if we hadn't bought it, you know, 40 years ago.

1:33:44

Future RSA DS can push people's budget.

1:33:47

They can qualify to buy a house and go, man, I can make that payment and I'll just squeak through.

1:33:51

But those future RSA DS can push them over 20% of this property, As for the packet, has steep slopes and clay soils.

1:34:02

The health department did comment about the challenges of septic on steep slopes and then clay and I'm sure if you wandered around that neighborhood and knocked on doors all of them have had some issue with their septic and you need a replacement field.

1:34:15

Beside that a large portion of each lot is steep and marked as no build zones.

1:34:22

The covenant state they can't irrigate except that limited lawn.

1:34:26

Weeds are a huge problem out there and without water it's always hard to control weeds.

1:34:30

They they survive the best in the dry.

1:34:34

That unnamed tributary of O'Keefe Creek, as Patrick showed that one map that showed the green going down through there.

1:34:41

To me it doesn't seem like it's been addressed.

1:34:44

It's probably seasonal.

1:34:45

They were out there in the fall looking and a lot of Artesians go underground or disappear for part of the year.

1:34:55

Miss Evans in her comments from the health department comments adding septics and altering storm water and cut and fill may impact neighboring properties as more clay and gravel lenses can be highly sensitive to change.

1:35:14

Patrick's recommended in the staff report #27 says it translated that comment wrong.

1:35:24

I think because it states Fire Bucket Meadows subdivision is in an area of artesian wells for groundwater levels may be affected by new development.

1:35:33

That's good, but the part that he wrote was homeowner should consult with appropriate engineering professionals to identify site specific risks related to basements and crawl space prior to construction.

1:35:45

It doesn't make any reference to what what Miss Evans said was that septics and digging will probably affect the neighbors.

1:35:54

So I hope you figure out a way to amend that.

1:35:57

If you adopt this, as noted in the emails between Patrick and Ron, the owner should note the risk of going through probate of Misses Kate's estate to settle that road and utility easements.

1:36:13

So I hope you address that and reinforce that in your discussion.

1:36:16

The Kate's family has had almost 40 years since that judgment to clarify all that stuff, and they haven't done it.

1:36:22

And I don't have a lot of confidence in Mr.

1:36:25

Kate saying he'd sign anything.

1:36:28

The issues in the finding of fact that I still think should be addressed, and I hope you discuss, should they be addressing these 60 acres, one or one major minor subdivision at a time when the topography, the soils and the history of the water in the area and the road issues are so challenging?

1:36:47

Maybe they'll give up and not do the other two, but it seems like it should be discussed.

1:36:52

Legal access and utilities months are not clear, again because of that lack of review.

1:36:57

Clear back from that original subdivision and likely will rely on a probate of Miss Kate's Estate.

1:37:07

Building roads, excavating for new foundations, drilling wells may well impact neighboring properties, especially those downhill from this property who use artesian wells for water.

1:37:18

The development covenant section again #27 doesn't reflect that concern of off site impact.

1:37:26

So I just hope that we all learn from the past and look at the real facts on the ground because well wells have changed.

1:37:34

I know that last year, for example, in the bitter IT, the well drillers were very busy because a lot of people's wells just flatland dry.

1:37:41

We can admit to climate change or not, but it's being affected.

1:37:45

Thank you.

1:37:46

Thanks, Commissioner.

1:37:49

Come on up, Commissioners.

1:38:00

My name is Gordon Schmell.

1:38:02

Can you spell Schmell?

1:38:04

Yep.

1:38:05

SCHMILL, Thank you.

1:38:08

I'm one of the property owners that live up.

1:38:11

I live off of Leashman Lane.

1:38:12

Right there by Fire Bucket.

1:38:16

Miss Curtis hit a lot of points that you're going to hear from other people as well.

1:38:22

So I'm not going to sit here and and talk about things over and over and over again.

1:38:28

But what I am going to tell you is I have a neighbor there.

1:38:33

I have been since 2016.

1:38:37

I, I don't want Patrick to pull the wool over your eyes in the grand scheme of things here.

1:38:45

When this first came out, it came out as they were trying to be nice neighbor, be stewardess and gave us an outline of three different actions that were going to take place, Three different tracks.

1:39:00

This is a foot and a door for the first track.

1:39:04

I believe if this goes through and what they do, this will just give Segway to the second track and then a third track to that.

1:39:13

All these houses will be developed up on the Highline.

1:39:17

You've you've seen the report of how steep our ground is out there.

1:39:22

The envelopes are made for those houses to be put in certain areas.

1:39:27

And if these houses are put in these certain areas, just as it was stated before, you can see all the way to 9 mile.

1:39:35

Well, my view will be nothing but houses all along that Ridge top.

1:39:43

Other concerns we have in this whole deal, not only the water that's out there, the grade and all that stuff.

1:39:51

We're talking about quality of life.

1:39:53

I'm talking about the HOA that was put in place I believe back in 1979.

1:39:59

It's been admitted amended in 1980 and again 85 or 86 and only because they were now moving.

1:40:11

More roads out there and utilities and everything else Who's going to take care of this HOA?

1:40:20

I'm under an HOA when I when I bought the house in 2016.

1:40:24

I believe there's only one person out of the original HOA is out there is still out there.

1:40:30

Nobody pays in it.

1:40:31

Nobody does anything so you can have trailers, you can have trash, you can do whatever you want out there.

1:40:37

So coming from an end of an individual who's saying that they're going to put all this in place, how are they going to enforce it?

1:40:47

It's a civil matter.

1:40:48

We have to look upon you.

1:40:50

We have to look upon the deputy deputy, the Sheriff's Department to serve civil notices and all this other stuff using resources that may or may not anything ever happened.

1:41:02

Because once you own that property, well, it's hard to take things away from people.

1:41:08

That's a civil liberty.

1:41:10

So I'm curious how they're going to enforce an HOA out there that's going to keep that in good standing like the rest of us has out there.

1:41:20

And we're very proud of what we have out there.

1:41:24

My wife is put in in the comments.

1:41:27

Miss Curtis has put in the comments as well.

1:41:30

Take a drive, take a look out there, see what's out there for your own very eyes to see if this is even suitable for four additional homes and then another 10 homes on top of that.

1:41:42

And then our other concern to this is yes, it is set up for like 4 acre tracks.

1:41:48

Well, those tracks can be A1 subdivide into another two acre track.

1:41:56

Now a lot of that can't be because of the grade of of the land, but some of it can.

1:42:03

And then lastly, that little goalie had water in it for most of the year for two years from 2016, 2018 upon my own eyes.

1:42:16

And it's swampy down in the bottom with, with with all the snow, runoff, rain, everything that collects down there.

1:42:28

So I'm, I'm curious when they start doing road work, septic work and all this stuff, how that that goalie goes through my property, that water goes through my property.

1:42:39

How are they going to keep all this?

1:42:40

If a 10 year flood, 100 year flood, something like that, what's going to keep it from washing down?

1:42:45

So I think there's a lot more that needs to be put thought towards this plan.

1:42:50

If it goes through again, it's upon you guys to do your due diligence and go look at it and for your own very eyes see.

1:43:00

Yeah, this meets our our agenda for building homes in this county.

1:43:07

You know your policy or this just isn't going to be suitable suitable for it.

1:43:13

Maybe we keep the keep the houses down the valleys and and work our way up, up West.

1:43:19

I mean, we know we're building W we're building we're building S some of it's going east.

1:43:25

It's just the nature of the beast.

1:43:26

We're getting bigger than it is what it is, but some areas just isn't suitable for it, and this is one of them.

1:43:32

So thank you.

1:43:34

Thank you.

1:43:35

Any other comments in the room?

1:43:45

Hi, my name is Autumn Shmell.

1:43:46

That was my husband.

1:43:48

I am the one who added the really long comment that Patrick kind of summarized on the Missoula County voice.

1:43:55

I do have it seems a little, you know, interesting.

1:44:02

Of course our meaning for this is the same time we're talking about housing crisis and kind of the Missoula County housing community development survey.

1:44:12

I am hoping that you guys aren't looking at this is helping hoping to solve some of Missoula's County's housing crisis.

1:44:21

There is a very large development going on the South side of Waldo.

1:44:25

I'm sure you guys are all very well of where of it between Waldo and I-90 currently, that part development is being encouraged to be a waterless development.

1:44:36

If you drive through, they have yards full of rocks, lots of rocks.

1:44:42

A big portion of that is water issues and clay issues.

1:44:46

But again, when we're being told that there's lots of water available in our neighborhood and unfortunately the numbers aren't necessarily supporting what's accurate and what's going on.

1:44:58

I want you to kind of take into consideration also if this is thought of as an answer to some of the housing issue.

1:45:07

We have a major development going in maybe a mile South of where we're at.

1:45:12

These plots are not going to be solving any sort of housing issues.

1:45:16

They will not be sold in that affordable housing prices, the new development, everything that's going to be going into it.

1:45:24

So I'm just asking that please don't think of it as part of solving that crisis.

1:45:28

We do have several major subdivisions going in.

1:45:32

There's the one off of 10 W that's being talked about.

1:45:35

There's one obviously that's currently being built.

1:45:38

But again, they're being told they're not supposed to be having lawns or very limited portions of lawn trying to do at the new concept of waterless lawns.

1:45:47

A lot of that is because of the water issues.

1:45:51

So I just please ask that you take that into consideration, you know, and I'll reiterate again, obviously this mini subdivision or minor subdivision, some of those can't be divided.

1:46:03

But I mean, we would be amiss to ignore the fact that this could be opening up and those other ones can be subdivided, even though we're they're kind of blowing smoke up our **** saying that won't be because of a covenant.

1:46:17

I did call and speak to the county and I asked if there's any legal action that would stop anything on the county that says just because it's in a covenant saying that you can't divide that, can these people come to you and actually divide it?

1:46:30

And I was told by the office as long as the topography supports it, it's not too steep, which the second and third phase of these subdivisions would work with that, that yes, they could be divided regardless of what covenants were promised.

1:46:44

So that's all I have on that.

1:46:48

Thank you.

1:46:48

Thank you, Autumn.

1:46:50

Any other comments in the room come on up.

1:46:59

My name is Sarah Curtis and I'm also a neighbor on the far South end of this total 60 acre property, family property that's divided into 320 acre parcels.

1:47:13

My first comment is or concern is the carrying capacity again of this land, water, clay, additional septic, all of that running downhill and bringing this five acre minor subdivision to you all.

1:47:34

When we've seen plans for it being a major subdivision with the two other 20 acre parcels being divided, we haven't heard if that's still a plan or if it will be brought to you guys at a later date.

1:47:56

In the memo from the planner to the adjacent land owners, it states that there is no phasing going on with this subdivision.

1:48:07

So it says that there's not going to be any more about.

1:48:10

We've had other documentation given in to us that says there was.

1:48:17

Also it states that there's no runoff or surface water.

1:48:20

And I just wanted to reiterate how steep this is.

1:48:26

And all of that will be going directly into our neighbor who is a rancher who raises mules and it's going to go into his groundwater, into his watering surfaces.

1:48:40

And then just when this originally was all subdivided, when Kate's and Baron O'Keefe subdivided this all, the county obviously thought it was important enough to put a judgement against the Cates and request them to not or order them not to subdivide any further.

1:49:08

And it looks as if it was all underhandedly subdivided.

1:49:12

I just want that to be thought of.

1:49:16

What changed?

1:49:17

If we're going to continue to subdivide these down into little tiny miniscule lots, that's not why any of us live out where we live.

1:49:27

If we wanted to live in a subdivision, we would live in Pleasant View.

1:49:37

I believe everyone of my other points have been, I'm not going to repeat and repeat and repeat.

1:49:42

We're all worried about water.

1:49:43

We're all worried about pretty much the same things.

1:49:47

Thank you guys for your time.

1:49:48

Thank you, Sarah.

1:49:50

Anyone else in the room?

1:49:54

OK, we'll go to.

1:49:56

Oh, I'm sorry.

1:49:57

Anyone else?

1:49:59

OK, we'll go online.

1:50:06

I can't see anything, so OK, OK, we'll close.

1:50:17

OK.

1:50:19

Plenty of food for thought there.

1:50:20

Thanks.

1:50:20

Everyone who testified today.

1:50:22

Got a few questions and let's see where to begin.

1:50:26

So first, Patrick, would you mind if if you have it at your fingertips or at the top of your mind here, what is the state definition of a minor versus a major subdivision?

1:50:40

So once it one to five lots, you're in the minor subdivision range.

1:50:45

Once you're above 5, you, you get pushed into the major subdivision category.

1:50:50

So maybe this is a question for John Hart.

1:50:52

I, I think we've heard suggested here today that somehow what is being proposed is a is a way to evade creating a major subdivision which would trigger additional review criteria and such.

1:51:10

I'm not aware of any.

1:51:13

I've not run into this before.

1:51:14

I'm not aware of any state law that would unlike say, a family transfer where we're looking at evasion criteria.

1:51:25

I'm, I'm not sure I've ever seen any consideration given to the future potential of a property owner to subdivide adjacent tracts.

1:51:36

Simply review the proposal that's brought before us today.

1:51:40

So it sounds as though there's additional development potential and maybe there's been some indication on the part of the property owner to at some future date subdivide other tracts.

1:51:54

But is that even something that we could take into account today?

1:51:58

There isn't anything in the Subdivision Planning Act it provides for that sort of consideration.

1:52:05

I and I agree we haven't seen this before.

1:52:09

The proposals for A5 lot subdivision, that's what's before you.

1:52:15

There's no major subdivision review criteria or evasion criteria that there's not that questions not asked of this.

1:52:25

I think that's what people are concerned about this the landowner owns additional property and they're concerned that more development will go on.

1:52:34

Yeah, that's a completely legitimate concern.

1:52:37

And you know, there may have been some suggestion that that was the plan at some point in time.

1:52:45

But the proposal, the application that's in front of you today is for five lots and the fact that somebody else owns additional parcels of land that can be subject to subdivision, that's a very common scenario.

1:52:57

We see that with a lot of developers who bring subdivision proposals to us and there isn't a way to condition.

1:53:04

So your is your mic on John?

1:53:06

I hope so.

1:53:07

I there there isn't a way to condition future, you know, that developer from using their land, subdividing other parcels of land in the future.

1:53:18

Yeah, that's what I that's what I thought.

1:53:20

So it's not lost on us the concern that that there is the potential that one minor subdivision morphs into a second minor subdivision and eventually you have what could be a major subdivision had it all been developed at the same time.

1:53:37

But that is not within our purview to second guess what might happen in the future.

1:53:42

And it is part of the review of I mean, it's just the review of what we have before us today is is what is before us.

1:53:50

I do have some other questions.

1:53:54

I don't know.

1:53:54

It looks like we someone appeared at the podium here, just appeared Jean Curtis.

1:54:00

Again, I just wanted to give an example of being in a similar situation years ago as commissioner.

1:54:08

For those of you who are familiar with Tom McClay's subdivisions down by Florence where he wanted to do the ski area and such.

1:54:17

He started coming in with five lot subdivisions and he came in with several.

1:54:23

So while there might not be a piece in law that says you can't do this, you have to do bigger, you can definitely Give your opinion.

1:54:33

That's what we did.

1:54:33

We said, Tom, don't come back with any more, come back with your whole plan.

1:54:38

So I think that you can at least do that so that if the next two come in, they would be together, even though they they're the same family, they are different ownerships.

1:54:49

But so it's more of a global look at things rather than then, you know, pieces parts.

1:54:58

There's also one out in Frenchtown that a gentleman came in and twice and added did some mobile parks so close to the high school.

1:55:09

Those he did in two pieces.

1:55:13

But he did it to support the fact that it's staying hard to make a living as a farmer.

1:55:17

And so it allowed some housing, but it also gave him some income.

1:55:22

So I mean, you can definitely state that you'd rather see it as a whole.

1:55:29

Thank you.

1:55:30

So I guess in that same, in that same vein, just to have it on the record, Mr.

1:55:37

Sparks or Ron Ewart, could you explain what the future might hold in terms of additional subdividing in this area?

1:55:49

So when we first started looking at this, we thought, you know, well, so Dale and his family, they'll they'll also own a couple more.

1:55:58

Sorry, Ron.

1:55:59

Hold on, Patrick, can you I'm sorry, get get us ground us all in the same place.

1:56:05

Do you have a map of the area that do you want the preliminary plat or just like an aerial of maybe an aerial?

1:56:10

Because I think folks are interested in what what else is happening?

1:56:14

Yeah, I can call that up.

1:56:15

Thanks.

1:56:18

Can I bring this to you?

1:56:20

Oh, sure.

1:56:20

So we did look at a, at a long, a possibly possible long term plan.

1:56:25

We didn't know whether we'd do the one subdivision or three or and we were transparent about it.

1:56:30

We could have just said, no, don't, don't tell them, don't, don't say nothing.

1:56:34

But we sent out this to everybody saying, you know, this, this, you know, you know, trying to be transparent.

1:56:39

This is what you know, the, the, the thought is.

1:56:42

But then it's at one point we said, you know, let's just focus on this 20 acres right here where he lives and let's not even think about that.

1:56:52

And we haven't even talked about the rest of that property since.

1:56:57

So there's no, I, I guarantee you there's no plan right now that, hey, as soon as this is done, we're going to move forward.

1:57:03

And by the way, those others were four acre lots as well.

1:57:06

But right now there is no plans to move forward.

1:57:11

There may be in the future, I don't know.

1:57:13

It's not my property.

1:57:14

I, I, I guess I would just like to make clear that just to re articulate the concerns of folks who are here that if, if this was and Ron, you work on lots of these where you can envision the same, the same 3 tracts of land being a multi phase subdivision and, and it would all be reviewed as a major knowing that that other phases will come online.

1:57:44

I think that's The upshot of the concern is that what would normally be reviewed as part of a major subdivision is not going to be reviewed here.

1:57:53

And then we will eventually, even though the crystal ball might be a little foggy right now, eventually we're going to see another tract as a minor subdivision and then another.

1:58:04

And some of the review criteria will have never been considered in the process.

1:58:09

Patrick, can you just show with your cursor the the two parcels that we're talking about or people are concerned about just to the West of the Half Moon?

1:58:19

Yeah, yeah, immediately to the West and then just to the South of that, just so folks know what we're talking about.

1:58:26

OK, Ron, any, any thought on that provocative statement?

1:58:30

Well, so I think to be fair to to Dale, we're here looking at this particular subdivision just because we did some sketching for something else that has nothing to do with what we're being reviewed right now.

1:58:45

We meet every single review criteria, subdivision regulation, state law.

1:58:50

This is undergoing review right now with city, county, health department, state, DEQ.

1:58:55

We meet every single regulation.

1:58:57

And there's no reason why we can't think ahead about the possibility of doing something in the future and show that to people rather than, you know, keeping it hidden or whatever.

1:59:10

OK, thank you.

1:59:14

Yeah, I've got more questions on different topics.

1:59:16

So let's move on to water.

1:59:21

So we've heard a few concerns about wells and and availability of adequate groundwater.

1:59:34

I guess this would be either for Patrick or John Hart.

1:59:38

To what To what extent does that play into our review?

1:59:44

One of the speakers, Jean Curtis, cited some texts from our subdivision regulations.

1:59:53

I don't have that in front of me.

1:59:57

We also, I mean, separate from the, the groundwater issue, we have sanitation and subdivision review.

2:00:02

We've heard some concerns about that, but that's a.

2:00:05

That is not what we're doing today.

2:00:07

But when it comes to the well water issue, what if any elements of that can we take into account?

2:00:17

Yes, do I get for the record again Patrick Swart with PDS the the regulation cited and should pull it up is essentially the regulation that states that the subdivider needs to demonstrate that water source of sufficient quality and quantity exists to serve the subdivision.

2:00:39

In terms of our review, it's kind of twofold.

2:00:41

It's a requirement in the county subdivision regulations while at the same time water and sanitation is reviewed under as mentioned the jurisdiction of state and local health authorities.

2:00:51

Wait, can going back to that review though the impacts to neighbors wells or that is not part of that review, is it or how is that taken into consideration?

2:01:04

So my understanding is that still falls under the the health department and DEQ review state and our health department, right.

2:01:13

That was a comment we received from water quality at MPH Missoula Public Health.

2:01:21

In terms of our review and our determination planners not being sanitarians and we're reviewing the best available data that we have.

2:01:29

What was submitted in the subdivision application was all of the well logged data for the section that this subdivision falls in and I believe it was three or four other neighboring sections as well showing kind of well logged data depth to wells, flow rates when they were testing those wells.

2:01:45

That determination was made upon the information we had and knowing that this is also going to be reviewed by sanitarians at DEQ and Missoula Public Health to determine that for this particular subdivision that an adequate water source does exist on the property.

2:02:00

So in approval today it's they still have to receive approval from Missoula Public Health ultimately to file a final plat, right.

2:02:10

But, but I guess in terms of our process today, if we were of the mind or if staff was of the mind, that there was not adequate evidence that there is adequate groundwater, is that A, is that grounds for denial?

2:02:26

This is your discretion and, and I may yield to John on that, the discretion.

2:02:34

So the Subdivision and Planning Act under 76-3-622 requires a considerable amount of information within the subdivision application that's then reviewed by by staff and is in as part of your, the, the information that's before you today.

2:02:57

It's my understanding that the developer provided all of that information and that has complied, as Patrick said, with regulations showing that the demonstrating that there is an adequate supply of, of water.

2:03:12

But you've certainly heard additional information today from people that question whether or not there is adequate water supply.

2:03:25

And I don't know what to say because the wells haven't been drilled, the review from public health hasn't occurred, ADEQ hasn't given its approval and so.

2:03:44

I don't think, I don't think that's part of your I, I don't think that that would be a basis for denial in and of itself of this subdivision.

2:03:57

But, but maybe that's something that we need to explore some more.

2:04:01

And I know that you've been encouraged today to do a site visit.

2:04:07

I don't know if that's something that you 2 think is helpful or not.

2:04:11

I mean, I've wandered around out there.

2:04:14

Well, what's I guess to that to the you're going to learn by wandering around out there about the water supply.

2:04:23

Well, I don't, I don't have a really good answer for you.

2:04:25

Well, what's, what's our timeline here today?

2:04:28

No, I don't and I don't.

2:04:29

Are we up against as, as is so often the case, we're, we're we're probably up against a deadline.

2:04:34

But earlier I looked to see what the penalties are for going beyond the beyond the statutory timeline that you've been given.

2:04:47

And it's \$50.00 per month per lot.

2:04:51

So you're looking at for this \$250 per month that you would have to reimburse to the developer if assuming postponing a decision today would put you beyond that timeline.

2:05:07

And I don't know what the time, I don't know how close we are to the, to the, to the drop dead day that you by statute are supposed to make a decision.

2:05:16

The 35 day timeline, it goes out to April 30th.

2:05:21

So we do have a bit of time.

2:05:24

What information could we get by April 30th?

2:05:27

I guess it depends on what you're requesting.

2:05:30

Well, I, I guess this is to stay on on this particular topic, we're hearing comments from folks today for the first time as far as I mean clearly staff's review based on what was provided by the developer appeared to be adequate.

2:05:49

We're hearing some contrary viewpoints as far as water supply that we've not had a chance to to think about until in real time right now is is there I guess I don't know in terms of how might we adjudicate those differences in in provided information and what's been presented.

2:06:16

This may be a conversation that or a question for Missoula Public health, the sanitarians over there to just inquire what other sorts of information can be provided to demonstrate a dependable and sufficient water source and what they look at in their review.

2:06:31

Maybe a question.

2:06:34

I don't know if Ron, if there's any other sources outside of the standard information included in the application that you've submitted in the past for to demonstrate a sufficient water source.

2:06:51

The only thing I can think of offhand is is, you know, drilling wells to see what you got.

2:06:57

I mean, we've, we've looked at the at the underground characteristics of of this area.

2:07:04

We know that there's water there.

2:07:06

It's, it's a maybe a different levels and we have lots of well logs.

2:07:12

It's that average out showing that there's quite a bit of water.

2:07:15

Maybe it might depend on exactly where you drill the size of your pump and so on.

2:07:20

But there's, there is, we know there's there to be adequate groundwater in this area, but I don't know what else you could do besides drill wells.

2:07:32

So, so, so I guess going back to, to staff and then we, we've heard a few times that it's, it's a bit of buyers, buyer beware in terms of if we are putting lines on a plat and, and, and a map and, and dividing parcels of land.

2:07:55

We're not, we're not without drilling having wells drilled, we we are not able to peer below the surface and see the very site specific nature of the the aquifer be below each of these lots.

2:08:08

We can get an indication surely of of what's out there by way of nearby lots, but that's somewhat of an imprecise assessment.

2:08:20

Yeah.

2:08:21

So, so I guess that would be another question again, based on the limited, based on the information that's been provided us that is positive.

2:08:34

That's no guarantee that we divide this and we have individual lots out there that there ultimately will be adequate water under each of those.

2:08:44

Is that a fair statement?

2:08:47

I think it's a fair statement.

2:08:50

If I could, I'd like to ask Ron a question.

2:08:52

You, Ron, you, you looked at the well logs in section 1617 and 18.

2:08:58

Is that correct?

2:08:59

And, and sort of average those or, or, or am I mischaracterized?

2:09:03

So, so you go into, into G WIC and you can look at individual wells.

2:09:07

I looked at a whole lot of individual wells.

2:09:09

There are several individual wells in the packet.

2:09:12

And then there's also the data for 17.

2:09:15

I think it was 1617 and 18 because they're the three of those are right together.

2:09:20

You know, you're not.

2:09:21

If you go far up the hill, then there's no groundwater up there.

2:09:24

You go down the hill, there's more so so we wanted to stay along the same basic elevation and that's where we got that data from.

2:09:34

How how timely is are the, is that well logged data?

2:09:39

I'm, I'm, I'm ignorant.

2:09:40

I mean, is it, is it, is it ancient history or is it, is it a well log that's updated every single year?

2:09:46

Well, it's it's, it's mostly when when it was drilled.

2:09:49

I mean, they don't really update them, but but people do update their wells.

2:09:54

I mean, you can add a bigger pump, you can do different things to, to get more water and you can, you can put it into a tank, you know, pressure tank or cistern.

2:10:05

You know, there's, there's things that, that you can do, but I'm just saying that the average is, comes to about 15 gallons a minute for that entire area.

2:10:16

I can't see the section lines on here.

2:10:18

So it might be interesting to look at the more recent well logs and the ones that are closer to this area to see if there's any, you know, significant deviation from the, the, the, the average that that Ron and his team have have presented here.

2:10:35

I, I don't know if that would be helpful.

2:10:37

Well, the way you'd have to do that is, is to Commission a pump test for for each of each of the houses and well.

2:10:44

No, I mean, I as I understand it, you know, the well logs give you information at the time that the well is drilled.

2:10:56

And so it just in my humble, you know, non engineering, non water position, I think.

2:11:03

Well, let's find some of the well logs from wells that have been drilled most recently and see what are those, you know, 14 or 15 gallons per minute or are they, or, or are they something less to see?

2:11:22

Is there some kind of a trend there?

2:11:24

I, I don't know it, does that make any sense to anybody else?

2:11:26

It it does.

2:11:27

And I would like to suggest that we delay action today until later in April to see if we could come up with more recent well log information to help inform our decision.

2:11:39

Because it it's a very different thing if we're talking about recent well log history in the area versus I mean, they're, they're absolutely has changed over time versus what might be a number of years back or when a well was first drilled.

2:11:56

Well, you'd have to find wells that were recently drilled in this area.

2:12:01

And you know, I mean, they go back in time.

2:12:04

So, well, yeah, be be that as a may rather than hashing this out and speculating today, I would feel way more comfortable with a decision if if there is a little bit more due diligence given in terms of trying to find more recent data.

2:12:19

And we've also heard concerns about and, and again, I don't know that we have all the experts in the room for this as far as the, the kind of the Swale, the area that, that drainage, drainage area that is of concern to

many folks that may or may not be a delineated wetland, but, but folks have clearly mentioned that they've seen water in that, that drainage.

2:12:52

So it would, it would be good to have some more information on that because Patrick, could you refresh my memory?

2:12:58

What was what was the assessment of that drainage area?

2:13:02

Yeah, the Salix Environmental that they hired to do that riparian resource survey did not document any evidence of surface water or wetlands or identify any of the riparian vegetation that you'd expect to see in that sort of environment according to the report.

2:13:19

So how would we, because what again, what we're hearing today seems to be at some variance of, of, of that opinion by the, the consulting firm.

2:13:32

How would we folks are also concerned about drainage further down slope, not necessarily at that spot at the pond.

2:13:43

The the mule owner who has the water source for the horses that's further South and out of frame, correct.

2:13:51

So the I do have pulled up on the screen.

2:13:54

This is the the site layout which includes their storm water facilities that were proposed.

2:14:01

This did get looked at by public works engineering staff.

2:14:05

The detention pond that's proposed here is is this It's designed to detain and retain stormwater runoff for the the county design storm requires it's 100 year 24 hour storm which to my understanding is an elevated standard from the state D QS stormwater runoff minimums.

2:14:28

In addition to that, they are proposing that 6 foot wide, 1 foot deep Swale that you can see cutting across lot 4 and five just to capture so much of the storm water will be funneled through that natural goalie down directly into that detention pond site for water that's coming off I, I guess slightly downstream.

2:14:52

That drainage Swale, my understanding is intended to capture that and redirect it back into that detention pond.

2:14:58

OK.

2:15:01

So if in the gully there it was actually determined to be wetland technical technically defined wetland, would that make any difference as far as what is being proposed here or not?

2:15:18

So if riparian resources are identified as I believe how the the regulation reads, they would be required to meet those additional riparian resource protection.

2:15:28

And and I guess my question is those additional riparian resource protections would, would what we see by way of what's being plat proposed for being platted here need to be any different than So in addition, like aside from creating that plan, there's requirements that it be set aside is no build zone, which it is captured within the proposed no build zone.

2:15:52

There may be some additional requirements beyond there like the no build zone as written now is for residential and accessory structures there.

2:16:01

There may be like an elevated criteria for you can't you can't drive a four Wheeler through there like no motorized.

2:16:08

And I think that was kind of the with the building envelopes that are required on the subdivision, they're not going to be building structures outside of there.

2:16:18

So constructing a driveway to like an accessory structure through that area would you couldn't do right.

2:16:27

Yep.

2:16:28

OK, thanks for that.

2:16:29

I I do have one other question on a slightly different topic.

2:16:33

Yes.

2:16:34

And and if we're going to delay, there's no need to belabor this any longer, but there's another cluster of questions that came up today about legal access, probate, all of that.

2:16:50

John Hart Yeah, initially the first issue was with legal access.

2:16:56

And you know, I was the one that recommended to the PDS staff, asked them to get a legal opinion about legal access and they did that.

2:17:08

And it was, it was what I found to be a solid opinion and certainly met the requirement that they demonstrate legal access.

2:17:19

You know, I mean, is it 100% certainty that's not what they're required, but it definitely demonstrates basis for legal access that meets the requirements of our subdivision regulations and state law.

2:17:34

So that issue I felt comfortable with.

2:17:36

The next issue was these Rd.

2:17:38

parcels as platted like Patrick stated, they don't, they're not designated as utility easements.

2:17:45

Now, if this was a public right of way, well then by state law utilities are allowed to be cited in public right of way.

2:17:55

But this isn't public right of way.

2:17:57

It's it's private road strip of land as platted and the land owners have the right to use it.

2:18:05

But utilities don't necessarily have the right to to use it.

2:18:10

We know of one easement that was granted for electricity that's there, but that's for electricity only.

2:18:18

That that easement can't necessarily be expanded beyond the the scope of it purpose for Zoo Electric Co-op.

2:18:30

We also know that, you know, for one reason another Blackfoot Telecommunications has used this road strip too.

2:18:38

On what legal basis we don't know, but they're there.

2:18:40

Nobody's complaining, but the long and short of it is there is not a legal basis for any of the other of the required utilities to come in.

2:18:51

And so it's up to the developer before they bring the final plot.

2:18:58

I mean, assuming this was this was approved, the developer is going to have to demonstrate the legal right for utilities to use that platted Rd.

2:19:09

strip to bring utilities to these lots.

2:19:12

And if that's through a probate process, if that's through, you know, I mean whatever legal means they need to employ, that's up to them to do.

2:19:26

And we will review that and we'll determine if that is adequate at the time of final plat.

2:19:32

It may be impossible, but it's up to them to see if it is possible.

2:19:38

Thank you.

2:19:39

So are we going to look at an April?

2:19:48

Well, probably more time would probably get the 24th.

2:19:53

Does that work for you, Ron?

2:19:56

Yes, OK.

2:19:58

That should work for me as well.

2:19:59

OK.

2:20:01

And and who, Sir, who at Missoula Public Health do we want to make sure is up to speed and available with that hearing to answer questions?

2:20:11

Believe it's Kyle and Elena made the comment on the like dynamic groundwater.

2:20:16

But Kyle's doing the sanitation and subdivision review so I can reach out to him.

2:20:20

I think it would be helpful too to get Elena Evans.

2:20:24

OK, Elena and Kyle, she seems to know this, know about information in this area.

2:20:32

OK.

2:20:33

So yeah, one more just just comment.

2:20:35

Even though we'll be reconvening on this on April 24th, folks brought up covenants and your concerns are not I'll founded, we do not enforce covenants.

2:20:46

So you could folks could bring covenants to us all day long and we don't have legal authority to enforce those.

2:20:54

Those are agreements that need to be enforced among the the homeowners association members and and litigated among them, which always makes for great neighborly relations.

2:21:09

But nonetheless that that's the way those things work.

2:21:12

And I think that's a that's often times a point of misunderstanding that even if we would like to, we don't have the ability to enforce private homeowners association covenants.

2:21:24

So, but thanks for the comment though.

2:21:28

OK, one more what?

2:21:29

I just want to make one more comment, maybe bring some levity to the end of this hearing.

2:21:33

Patrick, in his analysis of impacts to wildlife and wildlife habitat, pointed out that this is whitetail deer winter range.

2:21:43

My observation is that everywhere in Missoula County is whitetail deer winter range.

2:21:50

6th St.

2:21:51

Yeah.

2:21:51

Yeah.

2:21:52

My backyard.

2:21:53

Yeah.

2:21:54

OK.

2:21:55

Thank you all.

2:21:55

Thanks, everyone.

2:21:56

April 24th.

2:21:59

OK.

2:22:01

Is or Mariah's is Mariah's Haley on?

2:22:11

Hi.

2:22:11

Yes, Mariah's Hale Beeline Associates.

2:22:15

OK, Bobby, let's go.

2:22:19

Was able to join the meeting.

2:22:21

So I think she's online.

2:22:25

I'm here.

2:22:26

OK, Great.

2:22:27

Thank you so much.

2:22:29

I think Kathleen has some questions for you.

2:22:32

OK, we're getting there.

2:22:45

You're fine.

2:22:55

Great.

2:23:01

This is Kathleen Arthur for the record planner.

2:23:05

Bobby, could you please state your name for the record?

2:23:10

Bobby.

2:23:10

Well, let's go.

2:23:12

All right.

2:23:15

And I'm gonna ask you a few questions for the record.

2:23:19

Are you ready?

2:23:21

Yep.

2:23:22

All right.

2:23:23

Did you buy the property with the intent of dividing it?

2:23:28

Not initially, no.

2:23:30

But now that we have kids and they're older and looking at trying to find places to live now, that's been the issue.

2:23:43

So just giving them the opportunity to own property.

2:23:49

OK.

2:23:50

Do you or your transferees intend to transfer the property within the next year?

2:23:58

No.

2:24:00

Have you talked to anyone at the county about going through subdivision review?

2:24:06

No.

2:24:08

Will the property be developed only if the kids decide to build their houses on it.

2:24:17

But and that's the intent, but we're hoping that we can make it happen for them.

2:24:24

OK.

2:24:25

Will the recipients of the properties be residing on the properties?

2:24:31

Yes, that's the plan.

2:24:34

OK.

2:24:34

Thank you so much.

2:24:36

Thank you.

2:24:40

Again, we recommend approval with the motion on the screen and commissioners, this is your language.

2:24:50

Thank you and thank you, Bobby.

2:24:52

Thank you.

2:24:54

Question for Bobby, are, are these adult children?

2:24:57

Yes, OK.

2:24:59

They're 25 and 28.

2:25:03

Thanks.

2:25:07

I have no questions.

2:25:08

I'm ready to well, I guess public comment.

2:25:11

Oh, thank you.

2:25:12

Of course, public comment.

2:25:14

We don't have anyone in the room, anyone online.

2:25:22

OK, OK, I move that the request by Mick and Bobby.

2:25:26

Well, let's go to utilize the family transfer exemption as presented in the exemption application and affidavit be approved.

2:25:33

Second, any further discussion or public comment?

2:25:38

OK.

2:25:39

All in favor, aye.

2:25:42

OK.

2:25:44

Also in the vein of the passive tense, I move that the request by Mick and Bobby will.

2:25:49

Let's go to utilize the family transfer exemption and boundary line relocation as presented in the exemption application and affidavit be approved.

2:25:57

Second, any further discussion or public comment, Not seeing any.

2:26:02

All in favor, aye.

2:26:05

OK, Thank you.

2:26:06

Thank you, Bobby.

2:26:07

Thank you, Kathleen.

2:26:08

Thank you.

2:26:11

OK, our final one, the UFP Edge LLC property tax abatement application that Sam Scott.

2:26:20

Yes, hi Sam Scott with the Clerk and Recorder's office bringing something to you today where you have almost no decision space.

2:26:28

So I hope that's a nice, I like it today.

2:26:30

OK, so in 2023, the legislature allowed for tax reductions on certain types of equipment, specifically Class 8 manufacturing machinery, fixtures or equipment.

2:26:43

To qualify for this reduction, companies must apply by March 1st for equipment that was put into service on or by January 1st of this year or that year.

2:26:52

This year, we just received one application from UFP Edge, LLC for their new equipment totaling \$1,517,025 and their equipment is outlined here.

2:27:07

Last year you all adopted policy 24-1 to provide consistency and certainty regarding these applications.

2:27:16

And that policy I've got right here that specifically gives the abatement rate that we would or that you would approve based on the market value of equipment in excess of the 1st \$1,000,000.

2:27:32

The 1st \$1,000,000 is automatically abated at 100% per the the bill that passed last year.

2:27:40

So under this policy, the equipment put into service by January 1st of 2025 for UFP Edge LLC based on their application here would be at an 80% rate.

2:27:53

OK.

2:27:53

And these folks are out at Bonner, right?

2:27:55

I believe so, yeah, that's that they they had a slight name change actually from UFP Bonner, yeah, to Edge, Yeah, they applied last year as well.

2:28:06

So is it, is it 80% of the entire 1.5 million or just the 500,000 of the 505,000 because that first million is OK.

2:28:15

That's what I thought.

2:28:16

OK, Yep.

2:28:18

So unless there are questions, this would be the motion.

2:28:24

OK, I guess limited decision space today.

2:28:27

So I moved to approve the application by UFP Edge LLC for qualifying.

2:28:32

Do we have public comment or I'll, I'll, I'll do that later.

2:28:38

OK, OK.

2:28:39

Did you did I misread something there?

2:28:41

Oh, OK, let me let's hit the reset button.

2:28:44

I move to approve the application by UFP Edge LLC for qualifying Class 8 property to receive a tax abatement at 80% conditioned upon the Montana Department of Revenue determining which property in the application is qualifying Class 8 property.

2:28:59

Second, any further discussion or public comment?

2:29:05

Not seeing any online or in the room.

2:29:08

Hey, all in favor, aye.

2:29:11

Thanks Sam.

2:29:11

Thank you.

2:29:12

Thank you.

2:29:13

Thanks everyone.

2:29:18

Thank you.