

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 22, 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
Commissioner Josh Slotnick

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Katy Reeder, Planner, Planning, Development, and Sustainability
Patrick Swart, Planner, Planning, Development, and Sustainability
John Hart, Civil Deputy County Attorney, County Attorneys' Office
Matt Heimel, Planner, Planning, Development, and Sustainability
Kevin Dantic, Planner, Planning, Development, and Sustainability
Kyle Crapster, Environmental Health Specialist, Environmental Health
Christina Dewar, Administrative Assistant, Commissioners' Office
Mattie Scott, Administrative Assistant, Commissioners' Office
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office
Samuel Scott, Assistant Recording Director, Clerk and Records' Office
Brenna Davis, Community Engagement Coordinator, Communications
Jill Johnson, Administrative Assistant, Lands and Communities
Chris Lounsbury, Chief Administrative Officer, Missoula County
Kathleen Arthur, Planner, Planning, Development, and Sustainability
Anaeshia Rodriguez, Administrative Assistant, Lands and Communities
Carey Powers, Communications Coordinator, Communications
Cheryl Hartman, Administrative Assistant, Commissioners' Office

1. **CALL TO ORDER** *[Time stamp – 0:10]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:18]*

3. LAND ACKNOWLEDGEMENT [Time stamp – 0:32]

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

4. PUBLIC ANNOUNCEMENTS [Time stamp – 0:32]

a. Closed Captioning

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 1:23]

6. CURRENT CLAIMS LIST [Time stamp – 02:07]

Claims list unavailable. Next Claims listing will be updated and provided for the Commissioners' Public Meeting on May 29, 2025.

7. HEARINGS

a. Missoula Rural Fire District Petitions for Annexations [Time stamp – 02:12]

Anna Sheroke, Property Records Specialist, Clerk and Records' Office

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County hereby adopt and approve the resolution and Missoula Rural Fire District Petitions as presented by staff.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Resolution 2025-059 Book:1112 Page:987]

b. Petition to abandon and vacate a Right-of-Way [Time stamp – 05:45]

Karen Baldridge, Property Records Specialist, Clerk and Records' Office

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

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Signed RCA sent to Karen Baldridge.]

c. Grovenstein Minor Subdivision [Time stamp – 9:15]

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

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the Grovenstein minor subdivision based on the findings of fact in the staff report and subject to the conditions of approval.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-091 sent to Eli & Associates, in c/o Josh Phillips.]

d. Hidden Treasure Subdivision [Time stamp – 43:04]

Patrick Swart, Planner, Planning, Development, and Sustainability

[Postponed until June 12, 2025 public meeting.]

e. Jordan Ranch Tracts Utility Easement [Time stamp – 29:22]

Patrick Swart, Planner, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the request to grant a utility easement for the purpose of constructing, maintaining, altering, reconstructing and or removing public utility lines and other related facilities and purchases under, along and across Missoula County's property as it is described in the tax deeds recorded.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Utility Easement Book:1113 Page:40]

f. Fire Bucket Meadows Subdivision [Time stamp – 1:01:26]

Patrick Swart, Planner, Planning, Development, and Sustainability

[Postponed until May 29, 2025 public meeting.]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:56 p.m.

BCC Public Meeting May 22, 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.

BCC-Commissioners' Public Meeting-20250522_135951-Meeting Recording

0:10

OK, OK, Well, we'll begin with the pledge.

0:18

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

0:32

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

0:41

We have some closed captioning instructions.

0:43

Cheryl.

0:45

Hello everyone.

0:46

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

0:52

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

0:58

There will be multiple chances during the meeting for public comment virtually and in person.

1:03

During those times.

1:04

If you would like to speak, we ask that you use the Raise hand feature.

1:07

If you are in Microsoft Teams, this is a small hand button at the top of your screen.

1:12

If you're calling in on the phone, you'll need to hit *5 to raise your hand, then once called upon, hit *6 to unmute.

1:19

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

1:21

Thank you.

1:23

Thank you.

1:23

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

1:30

OK, our well, actually just want to give folks a heads up letter.

1:35

F Fire bucket Meadow subdivision.

1:38

We won't be making a decision today.

1:41

There'll be another hearing on the 29th because we still have are are still gathering information and Elena Evans is actually on a plane right now, so she's not here.

1:54

So again, Elena being our water quality specialist.

2:01

OK, current claims list.

2:05

Oh, it's unavailable.

2:06

Excuse me.

2:07

Next claims listing will be updated and provided for the commissioners public meeting on the 29th.

2:12

So first one, we have the Missoula Rural Fire District petition and Sam Scott or not?

2:20

Sam Scott.

2:21

OK Green, there we go, right.

2:30

I am Anna Shiroki.

2:31

I am a property records specialist with the Missoula County Clerk and Recorder's Office.

2:36

5 petitions to annex land into the Missoula Rural Fire District have been submitted to the Clerk and Recorder.

2:43

While the properties are being presented under one agenda item, there are separate petitions and should be considered for annexation independently.

2:51

They may be approved in bulk with a single motion.

2:54

The properties proposed to be annexed have been reviewed by the Missoula Rural Fire District and are described as Tract A of Certificate of Survey 5607.

3:05

Located in the southwest quarter of the South half of Section 12, Township 12 N, Range 19 W, with a physical address of 6401 Larch Canyon Rd., Missoula, Mt 598-O3.

3:21

The second property is the southwest quarter of the northwest quarter of the northeast quarter of Section 11 Township 13, Range 21, with a physical address of 3450 Galbavy Drive in Missoula, Mt 598-O Four.

3:42

The third property is Lot 3 of Certificate of Survey 9.

3:48

I'm sorry.

3:49

6900 located in Government Lot 4, Section 11, Township 12 N, Range 19 W with a physical address of 3007 Large Camp Rd.

4:03

Missoula, Mt 598-O3.

4:06

The 4th property is tracked.

4:09

3 E of Certificate of Survey 1690 located in the South half of Section 3, Township 12 N, Range 19 W, with a physical address of 5349 Arnica Rd.

4:27

Missoula, Mt 598-O3.

4:31

And lastly, that portion of the southwest quarter of the southeast quarter of Section 20, Township 12, Range 22 with a physical address of 28297 Highway 12 W in Lolo, Mt 59847.

4:49

The petitions have been signed by the property owners who represent at least 40% of the acreage and 40% of the taxable value of the property to be annexed.

4:58

A notice of hearing has been published twice in the Missoulian and all property owners have been notified of this hearing.

5:04

The petitions are now presented to the board for your decision.

5:07

Thank you.

5:08

Thank you.

5:11

I thought I saw Chief Finley in here.

5:15

Nope.

5:15

Is there anyone else who have comments on this?

5:21

OK.

5:23

I would move that we approve the annexations into move that we approve the Missoula Rural Fire District petitions for annexation.

5:34

I'll second that.

5:36

Any further discussion or public comment?

5:38

OK.

5:39

All in favor.

5:40

Aye, aye.

5:41

Thank you.

5:42

Thanks, Anna.

5:45

OK.

5:45

The second one I believe is Sam Scott or Karen Baldrige.

5:51

It is Sam.

5:51

OK, Sam Scott with the clerk and Recorder's Office playing the role of Karen Baldrige today.

5:58

Let me share my screen.

6:20

Doesn't try, it's a little slow.

6:27

Try that again, see if there we go.

6:36

OK again.

6:38

Sam Scott with the clerk and Recorder's office.

6:39

Our office has received a petition to abandon a public Rd.

6:44

The road proposed to be abandoned is described as Rd.

6:49

Plat Book, one page 48 Rd.

6:51

lying within track 2 of Cos 3917 located in the South half of Section 20 Township 14 N, Range 20 W.

7:00

That is pretty meaningless.

7:01

So it is this property here that is that the road encumbers which is doesn't have an address but just off of Hwy.

7:12

10 and Desha Lane.

7:15

Here is the petition that actually shows the approximate location of the the road as described in Plat Book one page 48.

7:23

All affected land owners have been notified of this hearing and have consented to the petition as well.

7:30

This notice of this hearing was published twice in the Missoula and the fee has been paid and our office has certified the petition is valid.

7:40

Get ahead of ourselves.

7:41

Cheryl has scheduled the road viewing for this item on May 28th at 3:30 with Commissioner Strohmeier and the next public hearing will be on June 5th, but today is just for discussion.

7:54

I believe Mike Tester might have some background.

7:57

If not, then the petitioners may be here to comment as well, but that is all we have.

8:04

Thank you.

8:07

Mike Tester online.

8:08

Oh, no, he's back there.

8:10

OK.

8:14

Mike Tester, morning or afternoon, Surveyor's office.

8:18

So the background on this one is kind of vague in a sense.

8:25

It shows up on the historical Rd.

8:27

plat books that were kept by surveyor's office around 1870 to 1910.

8:33

It's dashed.

8:33

It's colored yellow.

8:35

Again, no reference.

8:36

As far as a petition, it was probably there prior to the county taking on the petition process prior to US Hwy.

8:43

10 being in, so I'm sure that was probably the route to public used.

8:46

Portions of it to the north have already been vacated by the Commission, so it's really kind of just a clean up job.

8:53

So the subdivision coming in doesn't have any issues down the road.

8:58

Thank you.

8:58

You're welcome.

9:00

Is there anyone else who'd like to comment on this?

9:06

OK, you have a date and time set.

9:11

OK, OK.

9:15

Next is Grovenstein Minor Subdivision with Tim Worley.

9:20

Afternoon Commissioners.

9:23

I'm reporting remotely today and I'm here to present Grovenstein Minor Subdivision.

9:31

This is the Husson project, about 2/3 of a mile east of the Husson interchange on Frenchtown Frontage Rd.

9:44

Zooming in a little bit, here's the parcel.

9:45

It's kind of a pie shaped parcel right off of the front end road, the Sheffer Lane vicinity.

9:53

This is the preliminary plat showing in the four lots that are proposed.

9:59

Roads that provide access are Frenchtown Frontage Road and Shepherd Lane.

10:03

Shepherd Lane provides access to the existing home here.

10:09

Also, AJ Memorial Trail provides non motorized access along the southern edge of the property.

10:19

There is one new road that is proposed as part of the subdivision.

10:24

It's on this eastern edge of the property here.

10:29

It will serve lot 17 C and 17 D It's required to be an 18 foot width.

10:36

It must be installed prior to the lot on home 17 C for the home.

10:42

Yeah.

10:42

The home on lot 17 C being constructed in order to provide appropriate legal and physical access.

10:48

This road also is required to have a new name for emergency 911 purposes.

10:54

So when the plot is filed, this road will need a new name, and these two houses will be addressed off this new road.

11:06

So the proposal is for four lots.

11:07

I'm just short of four acres.

11:10

There's an existing home and a new home is proposed.

11:14

A duplex is proposed on the eastern most lot and then a commercial building is proposed on the westernmost lot.

11:23

So this illustrates where the different development's going to happen with the existing home off the eastern end of Sheffer Lane, Commercial Lane.

11:32

That's the thin slice of the pie piece there.

11:37

New home on lot 17 C and a duplex on lot 17 D The growth policy in this location recommends open and resource uses.

11:48

This is an unzone area.

11:51

We do know however, that this property, being 2/3 of a mile east of the Houston Interchange, is within the Houston Activity Circle.

12:04

This is somewhat of an agricultural landscape, although this is one of the smaller parcels in the area.

12:11

In doing our analysis on impacts to agriculture, we noted that not only is it a small parcel, but even though a ditch runs nearby, the property lacks water rights and so that the proposed lot division could not impact agriculture.

12:33

This is an area, as you can imagine, of small agriculture and hobby farms transitioning to larger open landscapes to the north.

12:42

The agriculture in the area tends seasonally to draw an elk.

12:47

Mountain lions and black bears have also been observed and Fish Wildlife and Parks reports a fairly recent grizzly bear sighting in this area.

12:56

As a result, we are recommending bear resistant garbage containers for the subdivision.

13:03

Also, Living with wildlife covenants have been proposed as part of the subdivision in working with Fish, Wildlife and Parks.

13:11

They recommended that there be language added to the covenants recommending predator proof electric wildlife fencing for livestock to include things as goats, sheep, or age animals in general, basically any animals that might be vulnerable to predation, And also FWP recommended fairly particular language about feed containment in steel containers and also within buildings so as not to attract deer, elk, or even bears.

13:46

Fire Protection will be provided by fire sprinklers, both residential for the residences and commercial fire sprinklers for the westernmost lot.

13:58

And my looks like I have some words that got kind of slid off the page, but there are two power lines on lot 17 B&C that fall with outside of a utility easement on the plat.

14:13

There's actually historic easement that documents these power lines that we're just recommending that they be contained.

14:21

These overhead lines be contained within 20 foot wide utility easements on the final plat.

14:29

So as far as public comment is concerned, there was concern about the commercial use that's being proposed on the westernmost law.

14:39

One adjacent property owner or nearby property owner felt that he was told that this area where this pie shaped lot is, was considered a green built in perpetual open space.

14:55

There was an impression that this area could not be built upon.

14:58

But again, this is an unzone location and Sheffer Lane is currently used for parking and there's a concern that as the commercial building and business takes off that there will be congestion in that location off of Sheffer Lane on the western portion of the subdivision.

15:24

Horse keeping in hay production characterized the area and the subdivision doesn't match the lot size or the basic character and land use pattern of the area.

15:40

In summary, staff recommends approval of Gervinstein Minor Subdivision Commissioners.

15:47

There is your motion when you're ready.

15:52

Thanks, Tim.

15:54

I, I Before we move on the new road on the east, where does does it end?

16:00

At the property line or does it what?

16:03

Where does it?

16:04

Yeah, Where does it end?

16:08

The new road?

16:10

Actually, there's a home served by this existing driveway here beyond the subdivision.

16:16

OK.

16:17

The 18 foot wide Rd.

16:19

would need to be constructed to that 18 foot width basically all the way to the western property boundary.

16:29

Thank you.

16:29

I didn't realize it was a driveway to an existing home.

16:33

Yes.

16:34

OK.

16:35

Thank you.

16:38

Is there anyone from the development engineer?

16:45

Yeah.

16:49

Good afternoon.

16:50

My name's Larry Esslinger, and I happen to own the parcel.

16:59

It's identified AS16C, which if I can show you where it would be, Yeah, they want to be put down here.

17:34

I originally bought this property back in August of 2011.

17:42

My my son had moved to the Missoula area and he needed a place to live and I found that parcel with the house on it.

17:54

It was in foreclosure and I bought it through Freddie Mac.

18:00

At the time I purchased it, we were informed by Freddie Mac as well as by George Sherwood, who unfortunately it's not with us anymore, but he was a broker from Montana Preferred Properties and both Freddie Mac and George said that is a Greenbelt area that cannot be built upon.

18:29

The Schaefer Lane subdivision only allowed parcels 5 acre minimum.

18:40

OK, so not only is this the Grovenstein's are trying to put more dwellings and buildings on that supposed Greenbelt, but they're they're going to create more traffic.

19:11

They're going to affect the may affect the aquifers because every property out there is on a on a well plus it they will require septic systems and instead of having five acre parcels, they're down to like 1.15 acre per parcel, which is not it's not consistent with the area.

19:45

Right now the existing home exits on to Schaefer Lane.

19:52

Schaefer Lane is a private lane.

19:56

You can see on that map that I gave you it says private lane.

20:04

OK.

20:06

The CCNRS for the Schaefer Lane subdivision requires 5 acre mini.

20:18

Thank you.

20:28

So when when I bought bought that property, my son moved into it and he's he's the one that's paying the mortgage.

20:39

I lived up 9 mile, but he he's opposed to this.

20:47

He couldn't be here today because he's working as are all the other homeowners.

20:55

It it just, it's not consistent with the integrity of the neighborhood and particularly if he wants to put up a commercial building, that's the last thing anybody needs on Schaefer Lane.

21:14

As I indicated, the existing home exits on the Schaefer, which is private property and how the county approved that I do not know.

21:28

But some there there there was some shady dealings going on.

21:34

It's all I can come up with.

21:38

That property, the existing property had no right to put a driveway on that empties onto Schaefer.

21:50

They aren't paying any money towards the maintenance of Schaefer.

21:55

It's borne by the 16 or whatever the exact number of properties in that subdivision and to put a commercial building also exiting on to Schaefer.

22:16

That's uncalled for the the people who live in that development, they knew what the law was and they followed it.

22:30

What what has happened with the Grovensteins and the prior owner who bought that?

22:37

They didn't follow the law basically of of the that subdivision and it it the the the whole project in my mind is illegal.

22:56

Thank you, Larry.

22:57

Yeah.

22:58

Is there anyone from Eli and Associates?

23:01

I'm sorry, I wasn't clear.

23:04

Would like to speak to this.

23:06

Yes.

23:06

Go ahead with Eli and associates.

23:12

We.

23:12

I'm sorry.

23:13

Can you repeat your name again, please?

23:16

Hail with Eli and associates.

23:21

We still.

23:21

We still didn't get that.

23:22

Sorry.

23:24

I'm sorry.

23:25

Can you hear me?

23:27

Yes.

23:28

OK.

23:29

Marias Hale with Eli and associates.

23:32

Thank you Yeah.

23:35

So the subject property isn't within a subdivision.

23:39

So I'm not really sure about the minimum acreages that he was talking about.

23:45

It's part of Certificate of Survey 1730 and the title report never came up with any covenants or restrictions on lot sizes.

23:53

So I'm not really sure where that is coming from.

24:01

OK, thank you.

24:03

Did you have any things, anything else additionally that you'd like to present on about this project?

24:11

No, I mean, I think Tim gave a pretty good overview.

24:14

The property is unzoned.

24:18

You know, it's, it's right off of the Frenchtown Frontage Rd.

24:20

It's within the Houston activity circle, that commercial lot.

24:24

I understand that there are some concerns about it, but my understanding is the Grovensteins just want to provide another service to that area.

24:33

I believe they're also attending if you have questions for them as well.

24:38

As far as parking on Shaper Lane, there would be parking provided for that commercial lot on site.

24:44

So you know people that are visiting that commercial lot would not be parking on Shaper Lane.

24:53

Thank you, Marias.

24:56

OK.

24:57

Is there are the Ezekiel or Mackenzie Grovenstein?

25:02

Come on up.

25:07

Hello.

25:08

How are you?

25:09

Well, thank you.

25:10

My name is Mackenzie Grobenstein and we are here.

25:14

Can you hear me get really close to the microphone?

25:16

Yeah, I would just like to say today, thank you for this opportunity for us to be here and just show that we just want to grow with our community.

25:28

I actually attended Frenchtown High School.

25:31

I've been with Frenchtown since I was 12 years old.

25:35

I was actually born in Missoula, Mt and I'm just come back growing a family of my own.

25:40

My husband and I, we have a 3 1/2 year old daughter and I'm starting my family and I bought a property back in 2000.

25:49

I think it was 2020 is when we bought Scheffer and ever since then it's been investment for me.

25:55

I've bought properties in the past beforehand and this is where I'm staying and this is what I would like to do with my future.

26:03

Considering the commercial lot, it's if you guys been out to Frenchtown before, they do have that little Community Center with the office spaces.

26:11

We're not trying to do something that's huge and extravagant.

26:14

That's going to take away also from the nature out in Frenchtown because that also is in my heart and nature's a big part of my life too.

26:23

So when we're doing this commercial space and including that out here in the Houston activity area, it's going to be included for the people who are biking and walking their children and parking their cars because they do park on Shepherd.

26:38

And I've had people park on the grass the last 3-4 years that I've lived there.

26:44

And I've let people do that because I know they just want to use that park the bike lane in French Town.

26:50

This.

26:50

That being said, I just, I'm thankful for this opportunity and I just hope that you guys can see that we just want to help build for the future and do good for what's coming forward.

27:02

And we see a lot of development happening along the Frenchtown Rd.

27:05

also that being said.

27:07

So thank you.

27:08

Thank you, Mackenzie.

27:09

And Stromar has a yes, yeah, thank you.

27:12

Mackenzie.

27:13

Any any idea at this point in town what sort of commercial business might be located here?

27:19

So for the if we do have office spaces that would be available, one would be a office for my husband just for his general contracting business, which would be D2 Builders LLC.

27:31

And then it could be people who we could lease to, you know, coffees, coffees shop or just something minimal.

27:40

So we aren't going to be creating too much flow that way.

27:43

It's not going to be too congested because we do worry about that.

27:45

We do care about our neighbors.

27:47

I do care about everyone that lives on Shepherd Lane.

27:51

I just, I just want to make sure that things are going to be working for everyone included.

27:56

So thank you.

27:57

Thank you.

27:58

Thanks.

27:59

Thanks, Mackenzie.

27:59

I actually wanted to ask Tim some questions, but thank you for coming up and chatting.

28:03

Thank you guys.

28:04

Tim, are you still there?

28:05

Yeah, I'm still here, Josh.

28:07

Thanks a lot, man.

28:08

I just wanted to double check some things.

28:10

Is Scheffer Lane a private road or a County Road?

28:13

It is a private road.

28:14
All right.

28:16
So what's the mechanism for accessing such a road?

28:21
Is there?

28:21
Do we need, do landowner adjacent land owners need to have an easement?

28:24
How does how does this work?

28:28
Well, most of the time these easements are called non exclusive private access easements.

28:35
And I to be honest, I'm not sure whether Scheffer fits that category or not.

28:40
I mean, one thing that's unique about this situation is that Scheffer Lane actually crosses this parent parcel for the use and benefit of all the parcels behind it.

28:53
So it's, yes, it needs to be in an easement, but it's the easement is more to serve the parcels behind, if you will, as opposed to because these parcels are directly off of Frenchtown Frontage Road.

29:08
And I'm, I'm not an expert necessarily on legal and physical access in that regard, but we didn't see anything that jumped out at us as being problematic as far as access is concerned.

29:22
All right, thanks.

29:23
So just a couple other questions.

29:25
This is unzoned, right?

29:28

That's correct.

29:29

Yeah.

29:29

So what are, what are restrictions on?

29:34

Are there restrictions on lot sizes or what can and can't be done?

29:37

The only restrictions at this point would be what would be allowed per sanitation review.

29:46

Land uses would not be restricted because there is no zoning.

29:52

Of course, sanitation does end up in essence providing significant restriction, but there's no zoning to restrict land uses.

30:02

Thanks.

30:03

And and sanitation is not for us to determine it's not correct.

30:08

That's right.

30:09

That would be health department and Department of Environmental Quality.

30:14

Great.

30:14

Thanks.

30:14

And and this talk of this was a, a Greenbelt.

30:17

If such a thing was in existence, what sort of encumbrances might we expect to see?

30:22

If this was unbuildable, it would be exceedingly small, but you might see something like a conservation easement or a deed restriction.

30:35

But I'm just not aware of any such thing.

30:37

I mean, I haven't extensively read through the title reports, et cetera, in that regard, but that's what you would find.

30:46

Although commissioners, something like that would not restrict your action today.

30:51

All right, thanks.

30:57

Is there additional public comment on this?

31:01

Hold on, Larry, I just want to double check and make sure everyone in the room has a chance to come.

31:12

Hi, good afternoon, commissioners.

31:14

My name is Ezekiel Grovenstein, Hans Grovenstein Subdivision.

31:18

This is 4 1/2 acres that my wife and I purchased in 2020.

31:21

We have begun to raise our family here.

31:25

I've run a business here, general contracting and Development company for the last six years.

31:30

I I'm looking to bring my shop out to Frenchtown rather than be more localized into the Missoula city proper.

31:37

I would like to serve the rural community predominantly.

31:40

At this time, there's no prohibition for me building my shop on the existing lot 17 Bl.

31:47

It would be a matter of a building permit.

31:49

I've excluded the shop into that smaller parcel on Lot 17, a out of division in the essence that I was to sell my home in the future that I would, I would not have to also move my business in the same time.

32:04

With that said, regarding sanitation wells, all that stuff, we've done adequate engineering and planning to incorporate those considerations.

32:14

Though the well plan and the sanitation plans have been engineered and approved for building purposes that will go through review for the building permits themselves, but there are already plans in place.

32:26

The lot locations, the roads, the house sizing, the house locations on each lot.

32:32

Those were meticulously planned over the last 4 1/2 years that we, my wife and I have been investing into this property.

32:39

At this time, we're we're pretty deep invested.

32:44

We would like to see this go through.

32:45

Obviously, if there's some major encumbrance that we're unaware of, we would like to know.

32:50

It is our understanding, our attorneys understanding and our civil engineer and surveyors understanding that at this time there shouldn't be anything legally prohibiting us from moving forward.

32:59

With that said, we have taken into account public comment from our adjacent neighbors and others about the design as a whole in the development over the last four years that we've been working on this project without said we've we've made considerations about the mailboxes, the bus stops, the the, the planned congestion, which is why the parking is situated on 17A.

33:24

For my bit, what will be my future business location specifically, there will be I think as planned, 8 to 10 parking spaces that serve lot 17 only on the property premises themselves served by their own access.

33:38

So there shouldn't be a need for the commercial space to have any roadside service.

33:44

Again, Sheffer Lane is a private lane.

33:47

Parking on the lane can't obstruct passage anyways that would that would be legally prohibited.

33:54

So as a concern, I think that's null and void.

33:57

Our existing lot 17 B is where I currently reside.

34:01

I've been there since the day I bought the property.

34:04

I've invested into the property, I've cleaned it up, I've paid to maintain it.

34:07

I've helped with maintenance of Sheffer Lane, the private road, even as far back as the furthest properties in the extent of that certificate of survey, which don't serve me whatsoever.

34:18

I've helped maintain the road.

34:19

I've helped mitigate weeds and I've been overall a great neighbor.

34:23

With regards to the concerns about 17 C and D17D was actually in the the duplex application was actually in a response to early early staff comment from PDS about use of the space as a whole.

34:38

And we considered that in being in the activity circle and wanting to have other housing opportunities out in Houston Frenchtown area.

34:46

We wanted to open up something that could both duly serve as an investment for my family and I and also serve the community by offering some other form of living other than single family houses, which if you've looked in the market lately are the only thing available and they are out way outside of most people's price ranges.

35:03

So with that said, we've we've adequately designed the road, the approach.

35:07

And again, each lot is specifically planned to accommodate what was listed on the on the preliminary plat that you have in front of you.

35:16

As far as other comments of concern, I mean where it where it comes down to brass tacks is with building and development.

35:23

Again, I'm a general contractor by trade.

35:25

I do, I build homes for a living, I build structures for a living.

35:29

I intend to build on that property myself.

35:32

I am open to investment partners if if something became available.

35:36

But at this time the commercial lot on 17 A is intended as a as a as a future location for a what would be otherwise a home based business.

35:46

It's making it a commercial taxable unit versus running an at home business, which actually most of the lots in our surrounding areas do.

35:54

So again, I'm attempting to put a commercial space out there at commercial tax value and not just run it out of my garage.

36:04

With that said as well, I think the some of the concerns fielded about access and congestion or mitigation of you know wildlife and things like that.

36:16

We've as Mr.

36:18

Worley stated, we've we've put adequate measures in place that would be incorporated in the future covenants and restrictions.

36:24

And at this time in the last four years that we live there, we feel that those restrictions are a little bit excessive, but we're willing to parlay in as much as that they serve the future community.

36:35

Our lot being less than the five acre minimum that was a part of the original, original Shepherd development.

36:42

When Tom Shepherd developed all those properties, our lot was the only one that didn't go along with that five acre minimum and it was left on the frontage Rd.

36:54

to our understanding as a future development opportunity being along the frontage for commerce that close to the exit.

37:01

So we're looking to kind of stay in in accord with that and also looking to comply with the future growth plan by by not only putting additional housing, but putting a a future footprint for business opportunities in the French town in Frenchtown Houston district.

37:15

So with that said, I appreciate your consideration today.

37:18

I thank you for your time and we'll talk more on this later.

37:20

Thank you.

37:21

Ezekiel, is there anyone else in the room?

37:25

Hold on, Larry, anyone online?

37:30

OK.

37:30

Larry, I would just like to reiterate that when this Schaefer Lane was created, it was created by the Schaefer family and that exit onto the Frenchtown Frontage Rd.

37:59

that is now Schaefer has always been Schaefer Lane from the get go.

38:04

Once that subdivision was created and it it traversed open land, all right.

38:16

And if if you approve this, it, it's going to put a real strain on Schaefer Lane because that's that's the only way out and you get a commercial property with, like he said, 10 parking spaces.

38:44

That's probably optimistic.

38:45

But nonetheless, it's more traffic coming on to Schaefer Lane and I don't see any financial backing from them to the subdivision itself to pay for the wear and tear on the road.

39:02

To my knowledge, he's never done anything to to take care of Schaefer Lane.

39:10

So it it, it, it just does doesn't the, the whole development just doesn't mix with the area.

39:21

Everything else out there is very rural, it's agricultural and the last thing we need is a commercial building.

39:30

It's ridiculous.

39:33

Thank you.

39:33

Larry, is there any additional public comment?

39:40

OK, we'll close public comment discussion.

39:45

Do you have a motion, Tim, do you have?

39:50

Oh, sorry, I just pointed it out.

39:52

Tim, do you have a motion, Tim, do you?

39:55

And I would just say this is a classic case where without zoning and even with zoning, we are bound by regulation and law in the case at hand.

40:07

And it's unfortunate if folks in the past, Freddie Mac in particular, made representations that this.

40:14

Was somehow encumbered as a Green Zone or Greenbelt.

40:21

It is not.

40:22

There is no encumbrance on the land.

40:24

It's not zoned and we do not have wide open, for better or for worse, wide open discretion to give a thumbs down on a development like this.

40:36

I would also say that this to some extent Harkins back to some discussions I'm aware of here in Missoula about 2025 years ago when there was a hot debate whether there ought to be any commercial in the middle Rattlesnake, specifically the parcel that became Rattlesnake Gardens and today Rattlesnake Market, which today has become a much beloved asset of the community.

41:06

So the question of whether or not a commercial parcel like this, especially if it's limited in scope would would degrade the the community.

41:20

I somewhat question.

41:23

But again, zoning needs to happen if communities want to direct the the development without zoning, you kind of get what you get.

41:35

And, and I don't think this is necessarily a bad proposal before us today.

41:40

So I would move to approve Grovenstein minor subdivision based on the findings of fact in the staff report and subject to the conditions of approval.

41:48

What I'm I'm like to 2nd that, but have a comment too.

41:52

So, and really I'm just going to reiterate to some degree what Commissioner Strohmeyer said.

41:56

This is on zone.

41:57

This land is unencumbered.

41:58

The only restrictions are going to be around sanitation, which is not our purview.

42:04

This is an example for any community out there.

42:10

If you have a vision about how you want your community beat to be like you do Sir with it all needs to be 5 acre lots or 10 acre lots or one acre lots or whatever it is, it needs to be zoned, unzoned.

42:22

It is what it is.

42:24

The only, the only tool here is is sanitation and we can be sympathetic with your view, but we are our decisions are are guided by law here.

42:35

So I'm going to I'm going to 2nd this.

42:38

And I also want to reiterate what Dave says.

42:40

I appreciate a small scale commercial next to where people live.

42:45

It can be a great benefit to neighborhoods.

42:49

There you go.

42:50

That's the second second.

42:51

Is there any further discussion?

42:54

OK, all in favor?

42:55

Aye, aye.

42:58

Thank you, everyone.

42:59

Thank you everyone.

43:00

Thanks, Tim.

43:04

OK, next we have opening of the hearing for a Hidden Treasure subdivision.

43:12

Patrick, good afternoon.

43:15

For the record, Patrick Swart, planner with the Office of Planning, Development and Sustainability.

43:20

And today I'll be introducing the request for the 875 Hidden Treasure Court minor subdivision.

43:26

This is brought to us by the property owner, Charlie France, who's represented by Voith Engineering.

43:32

The subject property we can see on the screen here is in the Potomac area east of Missoula or South of Hwy.

43:39

200, and the property address as the subdivision proposed is named is 875.

43:45

Hidden Treasure Court can be accessed off of Potomac Rd.

43:50

via Hole in the Wall Rd.

43:51

Canvas Road and then Hidden Treasure Court.

43:56

The applicants are proposing A2 lot residential subdivision on their existing 16 point 0 7 acres which would result in the density of approximately 1 dwelling per eight acres.

44:06

As mentioned, access for both lots would be directly off of Hidden Treasure Court and they're not proposing any Parkland dedication or non motorized facilities for this minor subdivision and they are also not requesting any variances.

44:18

The applicants and their consultants have requested to delay the decision on this hearing and postpone it till June 12th to give them some additional time to address Rd.

44:28

maintenance requirements for the subdivision regulations.

44:30

So at that meeting, I'll give a full staff report and a recommended motion.

44:35

But today we're just asking that you open public comment.

44:39

Thank you.

44:39

Is there any public comment on this?

44:43

Come on up.

44:47

Good afternoon.

44:48

My name's Jim Costa Mania and I live.

44:52

Oh, sorry, Jim, can can you spell that please?

44:54

COST AM AGNA.

44:59

Thank you.

45:02

Well, faces have changed, but the issues of this area has not changed in the last 50 years that I've lived there.

45:09

Camas Road and all of the subdivision of called Jordan Ranch is owned by the county.

45:16

It's owned by you and it has an easement on it that came through a tax, a default in the late 70s and early 80s.

45:26

And now there's an easement, but it is totally unmaintained, winter or summer and it is in horrible condition.

45:36

It accesses canvas, jumps on to hidden treasure court, which is a dead end.

45:43

One way in and one way out.

45:46

And Rick, I think, but Dave, you probably understand the issues with one way in and one way out when it comes to firefighting and there is issues with water supply also.

45:58

I'm not necessarily opposed or supporting it, but the impact on that road, just one more dwelling would be a major impact on the families that already live there.

46:11

The whole issue is access, access, access.

46:15

Camus dumps onto hole in the wall, which is in the CWPP plan of Missoula, very critical egress labeled Rd.

46:33

for that plan.

46:35

So I'm just trying to bring it forward at that.

46:39

The issues with Camas, the issues with holding the wall have been going on for 50 years.

46:45

We would love to see the county take over at least Camas and have it maintained.

46:49

We've tried that.

46:50

Legally it doesn't even meet the standard of a gravel Rd.

46:54

in the county.

46:55

It's not even a good logging Rd.

47:01

The impacts of another family would be seem small in comparison what you've been talking about, but for the family that live there it would be a major I would like to.

47:14

Other thing I'd like to see is maybe a little more definitive description of where the lot lines are going to be and where they will access it.

47:24

One way in, one way out.

47:26

It's at times the Green O Potomac Fire Department have told us that they would not access the property in the winter time because there's no maintenance.

47:35

And if it wasn't for one neighbor that lives at the bottom of hidden treasure court that has a dozer, you can't get in and out in the winter time when we get decent snowfall.

47:45

It's just a really difficult issue for access, not a good, it's not a good idea to add one more family to that road system that is not maintained.

47:59

What I would like you to do if possible and it was done in 2017 when we had legal issues with the description of an easement over a right away.

48:09

And the county commissioners turned down the change of idea of right away over easement because of the issues surrounding the condition and the maintenance of the road.

48:20

And you rejected the right of way, which is quite a bit of difference in usage between right of way and easement.

48:29

So in review or sum it up, it's an easement that's non maintained that you own that.

48:36

We have struggled for 50 years to get something done about it and nothing has changed except the faces here.

48:41

I'm talking to what I would suggest and what the commissioners did in 2017.

48:49

We had a field visit and they came out and looked at the road and that pretty much affected their decision on not making it a right away as opposed to an easement.

49:01

So I would love to set up a time and date with you guys to come out and look at the easement and look at your property and see what condition it's in.

49:10

And then we can have a good discussion and make a decision before you make a decision on the subdivision.

49:16

Thank you.

49:17

Thank you, Jim.

49:17

Yeah, go ahead.

49:20

Jim, I just wanted to ask you a quick question.

49:22

How many people live up here and use this road to get hidden treasure or the whole system?

49:28

The whole the whole system.

49:29

There are on my side of the valley about 34 lots, no, 35 lots.

49:37

Across the valley there's another 20 and we have tried over time and in the past we had a homeowners association, but it's failed more than once.

49:50

And then the on the Garnett Court subdivision, which took place a few years back, we were promised at that time to have a road maintenance.

49:58

It never happened.

50:01

And that's the big issue is Rd.

50:03

maintenance.

50:03

The road is, it's not even, it doesn't even come in as a trail right now.

50:07

And I have one neighbor and myself who try to maintain it, but it's more than we can handle.

50:12

We don't have the equipment to do it.

50:13

So I, I, I would need to visit.

50:15

So I'm going to ask dumb questions because I haven't been up there.

50:18

So I apologize for that.

50:19

The faces have changed, but we're not the same.

50:21

I just got to say that.

50:22

I know I'm not saying that.

50:24

I'm just saying over time I've been here talking.

50:27

It seems like the same issue several times over and over, but actually coming out and looking at the property will give you a better perspective of what what's really going on.

50:40

And when it comes to wildland firefighting, if you if you apply a look at this through the the lens of the CWPP and the guidelines for development on wildland urban interface, it would give you a pretty good perspective of what we're facing.

50:57

It's a classic no way one way in one way out which puts residents and I know it's a long time ago, but it puts residents and fire and emergency people at risk.

51:08

It's a heavily tempered area.

51:10

So are you saying there's 50 households that use this road network?

51:13

Oh at least yes.

51:16

Not not hidden treasure court but the whole Rd.

51:18

system.

51:19

The the Camas Rd.

51:21

is the main access off of hole and wall.

51:23

The County Road and the Rd.

51:27

hidden Treasure court is 123456.

51:34

I think there's seven lots on hidden treasure.

51:36

This would make an into 8 lots.

51:40

There's there's quite a few, there's 50 some people that live in that part of the of the subdivision.

51:47

I'm just thinking without looking.

51:48

So this is just a thought without looking and we need to go look that parts of this could be a good candidate for a rural special Improvement District.

51:55

Actually, we, we, we would welcome that.

51:59

Well, that's something that's something that we can do much easier than we can say, oh, now it's a right of way and we're going to maintain this typically with new subdivisions.

52:09

If, and I know that this is these, this isn't new, that's been here for a long time, but for new subdivisions of this size and scale and remoteness, we, we would go immediately to an RSID and not and not take it on.

52:21

That's been discussed in the past, but it's never taken off.

52:24

It's never, it's never got flight.

52:26

We could, we could certainly initiate that discussion.

52:29

We've with our current public works and out on his way out.

52:32

Director Shane Stack and John Hart have been able to work closely with neighbors and pull these off in the recent past.

52:38

I I think in the change the neighbors, I've been there for 50 years and there is a different probably a different outlook on way.

52:48

The way the subdivision is right now was in the past it was pushed back, but I'm thinking there would be more receptive to the fact I'm heavily invested in it.

53:01

I've got 4 lots myself and I have a tree farm and like I said, I've lived there for 50 years.

53:06

Well, what we, what we can do is put you in, in contact with our public works director, ingoing and outgoing this, there's two of them and begin a conversation about what this would be.

53:17

I think it would be something that that part of the community may well think it's a good idea.

53:22

Now we can, we can, we can start that conversation if nothing else.

53:27

If nothing else, it was even just the Camas Rd.

53:30

itself, which is the kind of the major feeder to the rest of the system.

53:35

If that piece of ground was taken over under an RSID, I know it's difficult because it's usually RSI DS are paid for by the landowner frontage on that road.

53:47

It would have to be some kind of adjustment on that because it's not all of the we have landowner, we have flexibility.

53:53

Yeah, you do have flexibility.

53:55

In the past, there was no flexibility.

53:57

They had to go down the center of the line.

53:59

This paid, this paid this paid this, they all paid.

54:02

And that's why it that's why a lot of people didn't buy into it.

54:04

They didn't want to chip into the park.

54:07

So given that we got more coming, if you wouldn't mind if you would send us, send us an e-mail and then we could connect you up with our public works folks and appreciate it.

54:15

Thank you very much.

54:16

Thank you very much.

54:17

Thank you commissioners.

54:18

Just just one caveat on that.

54:20

Shane and I have met with property owners in this area.

54:23

I didn't know that within the last five years and getting over that 50% threshold has been has proven to

be impossible that it things may have changed and maybe we couldn't have the discussion again, but they're I'm sorry, could you repeat that?

54:40

I didn't hear what I didn't hear all you said.

54:42

Well, I'm sorry.

54:44

My name is John Hart.

54:45

I'm a deputy County Attorney along with the public works director Shane Stack.

54:50

We did meet with some property owners up there within the last several years to talk about an RSID and you know, talk to them about the petition process and the cost.

55:03

Well, I don't even think we got to the cost because what, you know, we, we needed to know that there would be at least 50% or more of the property owners who would be in favor of an RSID before we went forward.

55:18

And at that time, there wasn't, I can't remember that gentleman's name.

55:22

That was the the person who was communicating on behalf of the neighbors.

55:27

I was trying to find that right now.

55:29

But if if you think the tide has turned, then it then it's certainly a discussion we can have again.

55:36

Well, there's always going to be resistance, but maybe there's more compliance than there is resistance, you know, But leave your contact information and reach out to us and we'll continue the conversation.

55:48

OK, thank you, Jim.

55:50

OK, Patrick.

55:53

Oh, I'm sorry, is there any more public comment on hidden treasure in the room or online not seeing any?

56:02

OK, Jordan Ranch, just to reiterate that this will be delayed till June 12th of Thursday, 2:00 PM Commissioner's public hearing.

56:14

Thank you.

56:18

2:00 PM same time as today.

56:35

All right, Next up, are we ready?

56:44

Next up we have a request commissioners for you to consider granting a utility easement within a county owned property that falls within Certificate of Survey 219 and Certificate of Survey 371.

56:57

The property location here you might recognize from the last hearing item is out in Potomac South of Hwy.

57:05

200 outlined in shaded in blue.

57:08

Here is Certificate of Survey 219 Jordan Ranch tracks and the relevant portion of Cos 371 is outlined in red.

57:19

So this request to grant a utility easement within the county owned lands within these two certificates of survey.

57:27

The county owns essentially the road parcels there.

57:29

When these surveys were filed and created through subdivision exemption, they did not create access and utility easements as would have been required with subdivision review.

57:40

The roads were created as their own tracks of record, which the county acquired in 1980 through tax sales.

57:47

Subsequently, in 1982, Missoula County did grant an access easement across those Rd.

57:52

parcels, but to date there has not been a utility easement granted.

57:58

And then just a little bit more background on this request.

58:00

This did originate from the 875 Hidden Treasure Court subdivision application request.

58:07

To fill fulfill the requirements of the subdivision regulations, they would need to demonstrate that a utility easement exists to serve their property.

58:14

So they had requested within the application that you consider granting this easement within the road network up until their subdivision.

58:23

In reviewing the application, staff discovered that the entire Rd.

58:26

network isn't served by utility easement and believes it would be in the best interest of the public to grant it within that entire Rd.

58:33

network owned by Missoula County.

58:37

And you'll have to forgive this slide is a little bit chaotic, but I'll do my best to explain what's going on here.

58:43

Outlined in red, we have the rough boundaries of Cos 219.

58:47

Outlined in blue we have the rough boundaries of the applicable portion of Cos 371 and in yellow we can see the portion of Hole in the Wall Rd.

58:57

in the subject property which has been dedicated as a public right of way.

59:01

So it does serve as public access and does allow for utilities to be installed there.

59:06

And if you choose to grant the utility easement today, it would affect the remainder of the road parcels, mostly outlined in black and green.

59:14

And then there's a separate tax parcel identified in purple.

59:17

And we have this little focus view on the left of that other tax parcel to show the portions of the roads that would be affected.

59:23

And so with that, I do have a recommended motion for you when you are ready.

59:30

I'm sorry, I thought we were just opening.

59:32

We were just opening for the the subdivision request.

59:37

You're we're welcome to consider this today.

59:40

It is a separate request and motion.

59:44

You can also consider it at the same time that you can consider the subdivision.

59:47

But thank you for the reminder.

59:49

I'm I'm happy to make a motion.

59:52

I move to approve the request to grant you.

59:54

We may need public comment.

59:58

Is there any public comment?

1:00:01

In the room we're online.

1:00:04

OK, Slotnick's has caffeine.

1:00:07

I move to approve the request to grant a utility easement for the purpose of constructing, maintaining, altering, reconstructing and or removing public utility lines and other related facilities and a purchases under, along and across Missoula County's property as it is described in the tax deeds recorded.

1:00:24

That Volume 150, page 993 and Volume 150, page 991.

1:00:29

According to the records of Missoula County Clerk and Recorder, located in the South half of Section 20, the West half of Section 28 and Section 29, Township 13 N, Range 15 W, containing 56 acres.

1:00:44

More or less second.

1:00:47

OK any further?

1:00:48

I love that more or less.

1:00:50

I know, very old fashioned.

1:00:53

Patrick.

1:00:55

OK, any further discussion or public comment?

1:00:58

All in favor?

1:00:59

Aye, thank you.

1:01:03

OK, fire bucket.

1:01:25

OK.

1:01:26

For the Today, we're having a third hearing on the Fire Bucket Meadow subdivision request and I'll just give a little bit of a recap and overview on the proposal.

1:01:36

This is a request from Dale Sparks and Tammy Beech who are represented by PCI and the subject property is located at 111 O 9 Fire Bucket loop.

1:01:48

We're to the northwest of the Y interchange, which you can see towards the bottom center of the screen.

1:01:55

This is a proposal for five residential lots on an existing 19.82 acre parcel.

1:02:01

Resulting density here would be approximately 1 dwelling per 3.96 acres.

1:02:06

Access would be directly off a fire bucket loop and again, no Parkland dedication or non motorized facilities here and they are not requesting any variances as part of this application request.

1:02:19

We had the first hearing for the subdivision on March 27th, 2025.

1:02:24

It was delayed at that time to the second hearing on April 24th, 2025 and these delays have been at your request in response to public comment we have received about groundwater availability and potential impact of new wells in the subdivision, the impact that they could have on neighboring wells.

1:02:42

Since then, the applicants have contracted with Water Rights, Inc to prepare groundwater analysis report that has been submitted to the county for review.

1:02:52

To date, the Missoula Water Quality District, Elena Evans over there has requested some additional time and with mutual consent from the applicants, the agreed upon date would be May 29th of 2025 S next Thursday at the 2:00 PM public meeting.

1:03:09

The plan is to have both the Water Rights Inc report presented and Elena Evans will have a chance to provide some comments that day as well.

1:03:20

So for today, we would just be taking public comment again.

1:03:24

OK, thank you, Patrick.

1:03:27

Is there anyone who'd like to speak to this today?

1:03:34

Thanks, Ron.

1:03:38

Oops, sorry.

1:03:39

I think it just went off.

1:03:42

All right, get it right here.

1:03:44

Thank you very much for your time.

1:03:45

Again, my name is Ron Ewart and I'm with PCI.

1:03:49

The applicants are also here with us today, Dale and Tammy.

1:03:53

So just really quickly.

1:03:54

So 5 lots on 20 acres for new lots.

1:03:58

The average size is 4 acres.

1:04:04

We have building envelopes so that the homes will have to be located up near the road.

1:04:07

This keeps the driveway links to a minimum and therefore that protects public safety for emergency access.

1:04:13

It protects views as soon from other properties, and it protects the natural environment by keeping house construction out of the gully and then all other areas outside of the no build zone.

1:04:24

The building envelopes are far more restrictive than the zoning setbacks and the lots are twice the size of what the zoning allows.

1:04:31

We have strict covenants with requirements for architectural aesthetics and cleanliness and maintenance of the lots.

1:04:37

We put together a good submittal, something we felt the neighborhoods the area neighbors would be good with because the subdivision will mirror the type of development in the area.

1:04:47

Nice homes on large lots near the road with great views in all directions.

1:04:54

There have been several people in the neighborhood that we've talked to and that they'll have talked to that they have good water.

1:04:59

They're, they're fine with the, the development.

1:05:01

Of course, anybody would rather see nothing change, you know, just leave it the way it is.

1:05:06

But this proposal is very reasonable.

1:05:11

As you know.

1:05:12

Lee Yellen, president of Water Rights, Inc, has produced a study entitled Review of Hydrologic Literature for the proposed Fire Bucket subdivision.

1:05:21

He states in the summary and provides plenty of backup information.

1:05:25

There's adequate groundwater for the four domestic wells.

1:05:28

Lee has 50 years experience working for DNRC and running W Water Rights, Inc.

1:05:35

His vast experience with wells and understands what's needed to be done.

1:05:39

I've also spoken with other hydrologists and notable knowledgeable people to include well drillers and hydrogeologist Howard Newman.

1:05:48

Howard is here today.

1:05:49

It's my solid conclusion that adequate groundwater exists in this Hard Rock type aquifer, but the well needs to be constructed by an experienced well driller with know how and one who employs the right techniques, equipment, materials and technology.

1:06:05

I spoke with Lee at length about the Evison well in regards to its performance.

1:06:10

He said it's simply not a good well and needs some attention or a new well needs to be constructed from the well log itself.

1:06:17

It's comparatively shallow, only 30 feet of perforations and the lithographic description shows no water zones and the well has no cistern, but nearby are good producing wells.

1:06:27

I should mention that a well drilled on Leashman Lane in December 2023 less than a year and a half ago was tested at 20 gallons per minute and there are also several other wells in that area that have tested wells also.

1:06:43

So for my research and conversations I don't see why a person would not want to use a cistern.

1:06:49

They shouldn't sell a cistern in my opinion.

1:06:51

And I'm not a hydrogeologist or a well driller, but but you shouldn't sell western a cistern on new wells regardless of well yield because it's easier on the well pump to flow less volume for a longer amount of time.

1:07:06

There's fewer start and stop cycles, which equates to better pump longevity.

1:07:13

Let's say, for example, you only get 3 gallons per minute from your well.

1:07:17

OK, that's over 4300 gallons in a day, or some something like 10 times as much water as you'd likely need for domestic use in a day.

1:07:26

The requirement to use a cistern is something that usually comes up during health department review, but if it helps us to obtain preliminary plat approval so that we can move forward into the actual health department review stage, then we would offer cisterns as a requirement of new wells as mitigation.

1:07:43

I read in MCA76-22 sub G, sub E that for new water supply systems, evidence of adequate water availability is a requirement unless systems are proposed.

1:07:54

That's how much weight DEQ gives to cisterns.

1:07:57

So why not use cisterns?

1:08:00

We were asked on April 24th to do some due diligence and provide some additional information.

1:08:04

So the client hired Water Rights, Inc because we also wanted to know about the groundwater and mythology from only from not only a legal perspective, but also from a physical and hydrogeologic perspective, as was pointed out to us by PDS and Elena.

1:08:19

I reached out to Howard Newen, A renowned hydrogeologist who has done an incredible amount of research and work in the Y area.

1:08:27

Howard put together a short report which backs up Lee's report but also goes into some depth on the physical characteristics of the aquifer.

1:08:35

You're just receiving this because I just got hot, hot off the printer and and I'll also send it electronically.

1:08:42

We provided Lee's report to PDS on May 12th.

1:08:46

I was later contacted by Elena.

1:08:48

She asked for more time to review her the report because she was too busy and didn't have time to review and put together a presentation.

1:08:54

So she said they were not doing any field work.

1:08:56

So we allowed another week's delay to allow her time to review the report.

1:09:01

Soon after, Dale received a phone call from a neighbor saying that he had received a call from Water quality District and another call from Evison asking if they would measure if they would allow a measurement of the depth to water in the well.

1:09:16

Dale was a little confused so I called Elena to inquire about this and she said they were measuring depths to groundwater.

1:09:23

This study was never mentioned to the client or to the consultant and we only found out through neighbor.

1:09:29

So again there was some confusion because this was not disclosed.

1:09:32

There was no plan or program to do this testing other than a Willy nilly process.

1:09:38

So I asked, I called and I asked, you know, Elena, what is the purpose of the, of the water level measurements?

1:09:47

And you know, something along the lines of, well, because then we can get a look at zones and develop a potential graphic, excuse me, a potentiometric surface map and see whether future wells should be deeper or, or more shallow above a certain depth.

1:10:05

I asked whether the information would be complete.

1:10:08

I mean, when you just measure who whoever's well that calls up, it doesn't give a very complete picture.

1:10:17

And she said, well, it does give us a little bit of information.

1:10:20

But speaking with Lee and others in a Hard Rock aquifer, you have to, per DNRC, allow the Well to sit 24 to 72 hours.

1:10:29

So it has recovered before you measure it.

1:10:35

So how do we know, you know how long these have been sitting?

1:10:38

I mean, there's not really a real plan.

1:10:40

Now we, we did come up with we, I did receive a call from Elena just yesterday that Kyle of the health department and Kyle's here is, was going to send me an e-mail regarding pump testing of the sparks.

1:10:54

Well, because it will likely be required as a part of the EQ review and I did receive that e-mail today and I and I sent it along.

1:11:03

And in that case, we would do the pump testing per the book with a planned out plan and per the health department's requirements.

1:11:10

These things also take money and time.

1:11:12

So after preliminary plan approval, it's when they are always done, not before.

1:11:17

So my question is why not just leave the field work for the DEQ review or health department review after we receive preliminary replat approval again, that's that's how I've always seen it work.

1:11:31

I've never seen field work required before health department review, but people should be treated the same by government.

1:11:41

Our clients feel they've been through a lot.

1:11:43

They've granted extension after extension.

1:11:45

They were were required to Commission a riparian study and an and an access legal opinion that in my mind were not needed.

1:11:52

But these were certainly cost costly for our clients.

1:11:56

They're just a family of eight living in a home on 20 acres, trying to do something right the right way.

1:12:02

And by the way, their well works fine.

1:12:05

Our clients commissioned the hydrologic report, which provides a huge amount of information on the aquifer.

1:12:11

The subdivision submittal that I put together contained not only dozens of well logs, but also information about the aquifer.

1:12:17

The planning office felt the information I originally submitted was adequate, as did as did the County Attorney office.

1:12:23

We have provided all the information required by the law and then some.

1:12:27

We meet every regulation in place to receive preliminary plat approval.

1:12:31

We ask for no variances to the regulations and the proposal far exceeds the zoning requirements.

1:12:35

We will still have to go through the health department for state sanitation review and approval.

1:12:40

So why not preliminary approve the plat and let the health department and our client go through their processes and do that their diligence to show that there is adequate groundwater in order for the final plat to eventually be filed.

1:12:54

And I just want to, I, I took a screenshot off of Google Earth and I'll just pass these around.

1:13:00

It's something you can go right on your phone and see as well.

1:13:03

But but what strikes me is looking at this, and this picture was taken from the air last October, October 5th during the dry time of year.

1:13:19

And you can see everybody or almost everyone has a nice big green lawn.

1:13:27

So you take take with that what you may, but it's kind of interesting to me.

1:13:32

So anyway, thank you very much.

1:13:34

Thanks, Ron.

1:13:34

Is there anyone else who'd like to speak to this make public comment in the room?

1:13:42

Lee Ellenwood.

1:13:43

OK, hold on.

1:13:44

We're we're still working on in the room.

1:13:46

OK Good afternoon.

1:13:53

I'm Howard Newman.

1:13:55

I'm a hydrogeologist, been working in this area for 45 years.

1:14:02

When I talked to Ron, he said they're having some problems up the power bucket, and I've worked up there before for many other clients, for some individual wells and single lots.

1:14:14

So I told him I'd take a look at the information that Lee Yellen provided and looked at the geology maps and put together a little two page summary here.

1:14:28

And I've done this.

1:14:30

I'm working on 4 subdivisions in the Bitterroot right now doing the same thing.

1:14:35

So basically we're starting with the geology in this particular area on the east side of Section 17 where we are.

1:14:49

It's Reed.

1:14:52

The geologist said that it's his report was done in 1986.

1:15:00

He mapped this particular quadrangle and it's an alluvial, Tertiary alluvial deposits.

1:15:09

What that means is that we've got when water flows, it'll wash out some sediments and then time goes on.

1:15:16

And then there's some other sediments overlying it of different material, different porosity.

1:15:22

And we'll have a section of of the lens that might be thick over here and pinched out over here.

1:15:29

And then we'll get two or three layers of other material that doesn't.

1:15:33

It's basically a Aqua glue that doesn't carry water.

1:15:38

So we've got layers and layers and layers of these alluvial sediments and some have water, some yield quite a bit and some don't.

1:15:49

One of the wells that they drilled up there is taking water out of bedrock and depending on the rock type, it it may flow just a little water or it may flow quite a bit.

1:16:01

And when Lee put this map together showing the static water levels and depths, I decided to go a little bit deeper.

1:16:08

So I took 16 wells in the immediate area around the proposed subdivision.

1:16:14

And I took a look at the aquifer depths, the well depths and the yield.

1:16:20

And what happened, What I found was, is that the drillers would drill and get a little bit of water through 5 or 10 or 20 feet.

1:16:29

And they're not happy with it.

1:16:31

And I've worked with all of these drillers I didn't have for for years because I've done subdivisions and well tests for subdivisions and for irrigation management.

1:16:42

So I've been working with drillers for, like I said, 40 years.

1:16:48

And so they'll go through different lenses.

1:16:53

Sometimes they record water, sometimes they don't, and then they'll go back and perforate.

1:16:57

So I put together a piece and I showed it to Ron.

1:17:00

I didn't have time to put the table together, but I'll submit it to you to to review.

1:17:05

But most of these wells, they may be deep, but they go up 203050 or 100 feet and they'll perforate the casing up where they actually had the water.

1:17:16

Then they blow it with air report 5101520 gallons a minute.

1:17:21

So most of the water bearing strata is significantly higher than the depth of the well.

1:17:28

So well depth doesn't really mean anything because but the Jerome and the, the, the guys that drill with the air watery rigs, they can go like hell.

1:17:41

So I've got, you know, 20 feet and 20-30 minutes cable tool takes them all day to go 60 feet.

1:17:49

And so the, the, the work that Yellen put out, we got different static water levels.

1:18:00

Well, static water level is a function of the source area.

1:18:04

So if it's water's coming up here, it's high, when you hit that lens, it'll rise up to this level.

1:18:11

But we've got some areas up there where the static is 38 feet below ground level and right next to us, 8090 to 100 feet difference.

1:18:19

So basically, so these lenses are not communicating with each other.

1:18:25

And we found in the Bitterroot, I did a, Bill Luthman did a study in 88, got his master's degree from Kozeski here in the University of Montana, Bill Wistner.

1:18:37

And he did 2 big areas in the Bitterroot and in this type of aquifer.

1:18:46

And what he found out was that the lenses, the wells, the shallow wells and the wells don't talk to each other.

1:18:55

And we'll be at a, an aquifer where we have a low transmissivity, so minimal ability to, to, to transmit water and the storage coefficient that's really small.

1:19:08

What happens is when you turn the well on, it drops rapidly in the well, but the cone of depression doesn't reach out very far.

1:19:16

And because we've got these different lenses, the lenses, the water levels in these lenses don't talk to each other.

1:19:23

So what we find out in the Bitterroot and has demonstrated that we'll drill well in the Bitterroot and wells that the engineer down there in Hamilton, they put the wells 203050 feet apart.

1:19:38

They don't even talk to each other because they're not pumping them hard enough to even communicate with the adjacent well.

1:19:44

If they can't communicate with a 20 foot well, they're not going to affect an existing well 50 or 102 hundred feet away.

1:19:51

So I know that we've got one, a lady who was a county commissioner.

1:19:57

She's about 2000 feet from a down gradient.

1:20:01

From the project and she's concerned about her well.

1:20:05

Well, she #1 she's probably in some different geology, but if we can't affect an adjacent well at 2030 or 50 feet, we're not going to affect the wells at 2000 feet.

1:20:18

And she's got 7 or 8 other wells that are in a three to 500 feet from her, you know, 1500.

1:20:25

Yeah, that if if she's going to be impacted these closer wells to separate her from fire bucket development, she would be impacted, but she's not being impacted.

1:20:42

So Howard there there's a few other folks that want to speak to.

1:20:45

So maybe you could get your conclusion and then but leave you, you've got my letter.

1:20:50

So basically thank you.

1:20:51

Here's the bottom line.

1:20:53

These wells because of the the transmissivity and the aquifer characteristics and the way they're, they're put together, they're not going to talk to each other.

1:21:02

So we've got plenty of groundwater availability.

1:21:05

Well, I'm just talking about septic tanks or cisterns.

1:21:10

You don't need a cistern for a two or three, four gallon of well.

1:21:13

If you've got 100 foot of water, 1.48 gallons per foot, 100 foot of water, that's 148.

1:21:19

You pump that well twice and you've got your daily demand.

1:21:23

So I don't see a problem with this.

1:21:26

And I'll be available through Ron to answer questions.

1:21:30

And thank you.

1:21:31

And have you left your your your report with Patrick or Ron has?

1:21:38

OK, Thank you.

1:21:39

I have multiple copies.

1:21:40

OK, thank you.

1:21:41

Thank you so much.

1:21:42

Is there anyone else in the room who'd like to comment?

1:21:54

Afternoon commissioners, thanks for allowing us to have time here to talk to you, even though this is just public comic and I'm just I'm sorry, I'm Gordon Schmill.

1:22:02

I'm I'm one of the property owners up against the track here that you're talking about.

1:22:10

I've spoken before about this and and I really came here to just kind of listen to stuff.

1:22:15

But I guess what I want to say is more information is better information for you, and current information is the best output in this.

1:22:26

They're talking about studies.

1:22:29

I'm not going to argue with a a geologist who's been around for 50 years and has been doing this, but to get current information to have Elena go around and do and do tests on these wells to give you current information on what's going on is at best for not only them but for us as well.

1:22:51

They they keep bringing up document this document 396 page that was constructed what 19961986 I can tell you first hand Zach Van Zandt, he lives right across the street from the developers and and or the people that want to develop it.

1:23:20

His well log is on here at just under 400 feet.

1:23:26

It's now 600 plus feet and ask him why?

1:23:31

Because it was only pumping very little water, little enough water that he couldn't even sustain his house.

1:23:38

So again, current information is the best, not going back to what we have 20-30 years ago, but let's get some real data and figure out what's going on.

1:23:52

The Earth hasn't moved a whole bunch in the whole lifetime I've been around, right?

1:23:56

So I'm sure, as he said, as a geologist, the land hasn't really changed underneath the ground a whole lot.

1:24:04

And that's just what we get to work with.

1:24:07

But the wells do change, water fluctuates, they change.

1:24:12

And so I, I, I don't think it'd take that expert to, to figure that out.

1:24:18

So I, I think they feel like they've been betrayed a little bit by having Elena come out and test wells.

1:24:28

It's not like we just every, you know, random calls and stuff.

1:24:32

This, this was asked upon by not only you guys, but by all of us to get real data.

1:24:37

So I, I welcome that and it is what it is.

1:24:43

And when it comes out, we figure it out from there.

1:24:46

And I guess we'll get the, we'll get the results from the 29th and I think there'll be more discussion about that.

1:24:53

So, and you'll probably hear more from other people about this old, older document that that they presented.

1:25:01

So thank you for, for allowing us to be here and talk about it some more.

1:25:06

And I suspect there'll be more conversation about it.

1:25:11

Thank you, Gordon.

1:25:13

Is there anyone else in the room?

1:25:16

Come on up.

1:25:25

OK.

1:25:26

We're, we wanna try to be efficient with our time because we've got a bunch of folks online as well.

1:25:32

So we'll try to keep it to 3 minutes.

1:25:35

My name is Sarah Curtis.

1:25:36

I also wrote a letter, so I'm gonna keep it short.

1:25:39

I just wanted to speak briefly about the water report that we're going to hear more about next week.

1:25:47

The data in there doesn't really address any current information, which like Gordon said, everything hasn't changed much.

1:25:56

But it also doesn't address our current area.

1:25:58

It addresses more of the Missoula aquifer and we are outside of that.

1:26:03

And then the other thing that I wanted to mention is we have a cistern on our property.

1:26:09

Cisterns are not a solution.

1:26:11

Very worst case scenario, when we bought our property, the homeowners weren't even drinking their well water because it was full of bacteria.

1:26:20

It was going through the cistern needing to be treated.

1:26:26

There was no drinkable water in that home when we moved in.

1:26:31

We currently clean it personally every single year.

1:26:35

Cisterns are known as cesspools of bacteria and junk.

1:26:40

It's not a solution.

1:26:42

If a well was a one to two gallon a minute producing well, it's not going to pump 24/7.

1:26:50

It drops below that static level and has to regenerate.

1:26:54

And as Ron was saying, they can take 7224 to 72 hours to get back to that static level.

1:27:07

Your well pump isn't going to continuously pump and give you water.

1:27:11

Like has been mentioned, it's not as much water as you would think.

1:27:18

I was a little bit frustrated at first when Elena called to measure our well.

1:27:24

Not because I'm not excited about more current information, but because we as taxpayers are paying the county to prove quality and quantity for their subdivision.

1:27:35

I am excited about the information that we're seeing.

1:27:37

My personal well, she measured it yesterday and I know you guys will see more information on it.

1:27:43

I've lost 40% of my depth and my well was drilled in June of 2017.

1:27:52

There's all kinds of different factors that probably play into that.

1:28:00

And then I was just hoping to also grab a copy of that Google screenshot.

1:28:05

Google Earth screenshot.

1:28:06

Yeah.

1:28:06

Patrick has one or Ron has one.

1:28:11

Thank you.

1:28:11

That's all I have.

1:28:12

Thanks, Sarah.

1:28:13

Anyone else in the room?

1:28:21

Hi there.

1:28:23

My name is Tammy Sparks.

1:28:24

And I will definitely try to be efficient with my time.

1:28:27

I do have a lot to say.

1:28:30

My husband and I have been working on the minor subdivision project at our home.

1:28:34

Before we start, I want to thank you, commissioners, for creating another space for public comment so that we have an opportunity to talk through and reflect on the staggering amount of information that's been presented to you.

1:28:46

I do not envy your position or the weight of decision that's been placed on your shoulders because just watching the recordings, it felt very heavy.

1:28:54

I want to take some time to share with you who we are, our connection to the community we live in, our hopes, our confusion about the variety of things shared over these past few months.

1:29:03

The reality is we have not said much publicly.

1:29:06

But those neighbors who have chosen to get to know us, share their concerns and have them addressed and learn who we are as people and what our intent is have not seemed to have as large of issues with things like water view, obstruction, how much we might earn from this project, runoff or drainage fears, speculation about future development, concerned about slow perceptive septic viability or exaggerate claims about this, what this will become.

1:29:35

First, I grew up in Missoula.

1:29:38

While I was born in Polson.

1:29:39

I moved to Missoula when I was 10 years old.

1:29:41

I went to school here, I owned a small business here, I've been community involved here.

1:29:45

I've raised my family here overseeing a community based organization for small business growth.

1:29:52

Currently I'm involved in the Missoula Chamber, served on Redcoats and part of boards of local nonprofits and volunteer my time where I can to Frenchtown schools and other causes important to me.

1:30:04

My husband, he's a pillar of his workplace.

1:30:07

He's been there for 20 plus years and the people that know him, which are many, know that he is upstanding, honest to probably a fault, direct and always tries to do the right thing.

1:30:19

When I moved to Missoula, it was after the passing of Dale's father Weldon, who I knew well.

1:30:24

He built the house in 1998.

1:30:26

It was after a lot of deliberation, connecting with our circle of professionals, asking a lot of questions including getting information on well logs, water, viability in the area.

1:30:38

We decided to go ahead and move forward.

1:30:41

We were pretty open about our thoughts and the back and forthness of our process with the people up here.

1:30:46

We know some of these conversations even occurred with people who are stood in front of you and share their concerns because I had considered them friends and do my best to be upfront and transparent at all times.

1:30:57

There are some key topics to connect about and I'm sorry, I will try to be quick, but because so much has been said, I feel like I have a lot to address because really, this is the first time we've spoken about a variety of these things.

1:31:09

One of those being the major subdivision that keeps coming up and OK, do you have 30 more seconds?

1:31:20

Nope.

1:31:20

And I'm happy to write a letter.

1:31:21

Yes, that would that would be great.

1:31:23

But what I will say at least about the major subdivision is that we had talks about what this would look like for future planning.

1:31:32

My husband and I own a parcel.

1:31:35

Glenn and Dale own a parcel and then their uncle Leon owns a parcel.

1:31:39

And I think some of the things that are that are important are while people have been up here with concerns and complaints, there hasn't been a lot of transparency.

1:31:46

Leon entered into separate conversations with people in the community about them purchasing his lot, about them potentially purchasing parts of his lots if he decided to subdivide.

1:31:58

He lives out of state.

1:32:00

Those were separate conversations.

1:32:01

And so this discussion about how we've been trying to be underhanded or hiding things or secretive is just simply not true.

1:32:11

It's just not true.

1:32:12

And then as far as you know, the water availability there, I, I'm confused.

1:32:18

I just had Culligan water out at our house that this morning we get iron bacteria.

1:32:24

Iron is just a normal process of having a well.

1:32:27

We have a huge family.

1:32:28

We have 6 people living in our home currently, four dogs.

1:32:32

We regularly have 8.

1:32:33

We have huge family dinners on Sundays with 12 people and we don't have water issues.

1:32:39

Yeah.

1:32:40

Tammy, if if you could write all this down, that would be really helpful.

1:32:45

And and send it to us.

1:32:45

And then you'll have, again, more opportunity to speak next hearing as well.

1:32:49

Thank you so much.

1:32:50

Is there anyone else in the room?

1:32:59

Thank you.

1:32:59

And we're just going to.

1:33:01

This is a 3 minute reminder.

1:33:02

Go ahead.

1:33:03

Yeah.

1:33:03

It's your thing.

1:33:04

Yeah.

1:33:05

Is this on?

1:33:06

OK.

1:33:06

Yeah, we can.

1:33:07

We'll just need your name.

1:33:08

Commissioners.

1:33:09

My name is Dale Sparks.

1:33:11

Thanks, Dale.

1:33:13

The very first hearing I wasn't really prepared to talk, but I do want to just kind of touch base again.

1:33:23

My dad, I guess a lot of confusion with me when I look at neighborhood and I look at where we're living now.

1:33:32

My my dad was one of the first homeowners out there.

1:33:36

As a matter of fact, I remember back in the mid 90s when he bought the the property and built that house.

1:33:42

I very seldom went out to see him because I felt at that point in time it was so far away, you know?

1:33:46

But that's been developed now all over the place.

1:33:50

A lot of it by subdivision, some of it by family transfer, that lots going in consistently all over.

1:33:59

Right now we're staring out my back door at a brand new house just across Leashman, Leashman Lane.

1:34:05

It's not even finished being built yet.

1:34:07

There's been the talk about the water and talk about more current information that you guys can be provided.

1:34:14

Hydrogeological studies and all of those things I think are very important.

1:34:19

But at the same time they want more recent stuff.

1:34:21

There's a well that was done less than a year 1/2 ago that is 20 gallons per minute.

1:34:27

I think it does have to do with the experience of well drillers.

1:34:32

We don't have a problem with our Well when my dad had built the home after I moved out there in 2013 due to his wife passing away and him having some medical issues.

1:34:44

So I moved in with him with my son and my son fell in love with the French town school.

1:34:49

So we decided to stay there until my dad passed away in 2019 and my brother and I were of the intent to sell the home until Tammy and I discussed our plans with the kids and we decided to buy the home, little knowing that my dad wanted me all along to buy it.

1:35:11

I had the we had one other guy that had I guess right of refusal on it if I didn't buy it.

1:35:17

So we've owned that home and discuss what the future looks like.

1:35:20

He provided for us.

1:35:21

I want to provide for my family.

1:35:22

We're not developers.

1:35:25

I don't want to build houses.

1:35:27

I'm not in that business.

1:35:29

All we want to do is develop the land that we've had in the family for going on 30 years.

1:35:37

We're not asking for variances.

1:35:39

We have been compliant through the process.

1:35:42

We've had a lot of stuff put in front of us.

1:35:45

I've mentioned once that Patrick has brought a lot of things to the table to PCI.

1:35:50

I've questioned some of them.

1:35:51

I don't agree with all of them, but we've complied with all of them.

1:35:56

And I think that that is important.

1:36:01

The first hearing we continued this because of possibly new information.

1:36:07

I know both of him and John both stated that we have met all the requirements, but possibly new information.

1:36:13

The new information to me was a little sketchy just because I thought I think we've heard a couple times today that water it comes up all the time and I and I understand, I'm sympathetic to it.

1:36:25

But when people are saying, you know, our water, our I, I feel like I have good water and I don't have complaints other than happen to other than I got completely sidetracked.

1:36:38

Totally understand and I will write write this and just to just to to I guess finalize it, though.

1:36:46

We moved forward with this and this last week we we granted some more time for Elena.

1:36:55

We have been more than open with communication to us to do anything that's asked of us to move the project along.

1:37:02

And we did that with the assumption that she needed more time to review the project.

1:37:07

And I am a little curious, the reports that are being done.

1:37:10

I felt like I got kind of got blindsided by that just because I had a neighbor reach out and say, hey, you know, do you realize that they're going to be doing some tests?

1:37:19

And no, I don't.

1:37:20

But I mean, it doesn't, you know, surprise me.

1:37:27

I guess I'm just curious to that.

1:37:29

Honestly, I just feel a little bit, if I would have been approached with that for, to test our well or whatever upfront, I, we've complied with everything, we would have done the same thing.

1:37:40

But I can't help but feel that it was just a little bit hidden from us.

1:37:44

I'm not trying to be accusatory by any means, but you know, we're still understood and you can write, write all of it down in a letter and send it.

1:37:52

Thank you.

1:37:56

OK, anyone else in the room?

1:38:07

Hi, My name is Autumn Schmill.

1:38:09

I didn't really plan on talking, but no offense to Tammy, but I this isn't a personal thing.

1:38:16

It has nothing to do with what kind of people the sparks are, what their background is, where they're from, what their future intention is.

1:38:23

It's just the facts that we're asking you guys to look at.

1:38:27

We're just bringing to you concerns about how this is going to affect our water supply and our quality of life and what, you know, what we're looking at when we've got 2 neighbors who've just replaced their wells and honestly had no idea what that meant.

1:38:43

I was talking to Campbell Drilling with one of them and I'm like, what dollar amount are we looking at when we're dealing with this?

1:38:50

And I know one at the top of Fire Bucket and O'Keefe Creek.

1:38:55

She said she replaces it about every three or four years.

1:38:58

It starts at 2 grand, 2 to 3 to \$4000.

1:39:03

And if this is something that we're possibly looking at for future for us, yes, it is going to be a major concern.

1:39:09

So this none of this has been personal.

1:39:12

I don't know the sparks.

1:39:14

I don't, I hope you guys aren't.

1:39:16

We don't all have to come up and talk about our personal background and what kind of pillars of the community we are.

1:39:22

Hopefully it's just all going to be statistical and what we're facing and how it could affect the water for everyone else.

1:39:30

Thank you, Autumn, anyone else in the room?

1:39:35

Public comment.

1:39:38

OK, we're moving online.

1:39:41

And Cheryl, you're going to have to help me because I can't see it.

1:39:44

OK.

1:39:48

Deb Bell, Good afternoon.

1:39:52

Deborah Bell, IDP if you're able to do it in 3 minutes.

1:39:56

I'm getting hairy eyeballs here.

1:39:58

Absolutely.

1:39:59

Thank you so much for the ability to talk today.

1:40:03

Deborah Bell, DEBRHBELI appreciate you continuing the public hearing until the 29th.

1:40:13

The only thing I would like to say is, according to the Missoula County Subdivision Regulations, Chapter 3, Point 6.21, adequate source for all subdivisions, the subdivision application and preliminary plat and plan shall demonstrate A dependable water source that provides water of acceptable quality and sufficient quantity for the subdivision.

1:40:37

Thank you.

1:40:39

Thank you so much, Deb Donna.

1:40:44

Evan Evanson.

1:40:52

Donna, it seems that you're still muted.

1:40:55

OK, I'm trying.

1:40:57

Am I there now?

1:40:58

You're you're here now?

1:40:59

Yes, thank you.

1:41:00

A couple things regarding the water.

1:41:05

I just wanted to say that I did have to replace my pump actually yesterday and so that was a shocker.

1:41:18

The other thing I wanted to ask about had to do with the, with the roadway and whether or not we were going to get some additional information on who maintains the roadway, who, you know, does a snow removal and, and all of that.

1:41:42

And I also want to say that I did not talk to anybody named Dale.

1:41:47

I'm the other gentleman said that I had called somebody named Dale, which I I don't have him on my list.

1:41:55

I talked to Elena because she contacted me because I was in study previously, so I knew about the study and that's why we got involved again with the current water level study.

1:42:13

And also a sister may be wonderful, but I don't know if the gentleman is wanting to actually put in cisterns for everybody.

1:42:21

But I don't think cisterns necessarily are the solution because even Shelly Stennerson across the way, she has a cistern and she still runs out of water.

1:42:30

So it's not a solution to everything.

1:42:36

So with that, I just wanted to, I don't know if I'm on or not.

1:42:55

You're, you're on.

1:42:56

OK.

1:42:57

I just wanted to say that, you know, I'm, I'm curious more about the roadway and utility easements going into these areas also because I was curious about whether or not there was a utility easement alongside my property.

1:43:15

So with that, wait till next time, I guess.

1:43:19

Thank you.

1:43:20

Thank you.

1:43:24

Commissioner Curtis, you're still muted.

1:43:35

Gene Curtis can't seem to hear you.

1:43:47

If you can hear us, you can send us your comments too.

1:43:52

Electronically.

1:43:57

OK.

1:43:57

Anyone else online?

1:44:00

Lee Yellen.

1:44:02

Lee Yellen.

1:44:03

Yes.

1:44:04

Go ahead.

1:44:04

Yes, OK, I got a few points.

1:44:08

It's longer than 3 minutes so I'll try to speed it up as fast as I can.

1:44:13

I've not been allowed to testify, but I have up to now.

1:44:18

But I've heard a lot of information against my report, so let me explain that briefly really quick.

1:44:25

That report was based on aquifer pump test for completed by Geometrics for the Wye River and another subdivision.

1:44:37

They pumped out of the same aquifer characteristics in the same aquifer and the same geology, 2 wells, one at 1200 gallons a minute, one at 1100 gallons per minute.

1:44:50

And the nearest wells, they could only draw down 1 to 4 feet because what Howard Newman said to you, and by the way, Howard, I haven't seen you in 25 years.

1:45:02

Nice to see you.

1:45:03

All right, talk to you.

1:45:04

Anyway, based on that pumping 1200 gallons per minute and 1100 gallons per minute, the nearest monitoring, monitoring wells and adjacent wells could only be drawn down 1 to 4 feet.

1:45:21

OK, that proves beyond a shadow of a doubt that these wells are not communicating very well with one another.

1:45:28

Howard's assessment is completely accurate and that's what they have found in both aquifer tests that were completed in that aquifer in 2004 and seven I believe.

1:45:43

OK, just want to throw that out there.

1:45:46

We know that that aquifer is not communicating and four additional small domestic wells are not going to impact one another, let alone any of the neighboring wells.

1:46:00

There's just not that much interference.

1:46:02

You guys are avoiding science OK with the use of cisterns.

1:46:10

Water availability is not a concern according to the old your own Missoula County regulations and State of Montana rules of regulations or regulations for preliminary plat approval.

1:46:28

That lies that jurisdiction lies with the health department and DEQ.

1:46:35

And Ron was correct, we don't do that before you have preliminary plat approval.

1:46:42

But the sparks are going to do that after preliminary plat approval and that's between the Sanitation department and DEQ and they have jurisdiction over that, as does DNRC for the water rights.

1:46:57

I worked for DNRC for 10 years in the Missoula office.

1:47:02

I also have been doing water rights since 1980 during the original filing.

1:47:09

I've also performed over 20 aquifer tests.

1:47:13

And I have some problems with the study that's gonna go on now and I'll get to that.

1:47:18

But the county must follow their own rules and regulations and approve the preliminary plat because they've the applicants have met all the criteria on there.

1:47:30

Lee.

1:47:31

Lee, no variances.

1:47:33

Lee, are you able to to wrap it up and you can send again.

1:47:38

I I'm going to finish because I've never been able to testify.

1:47:42

So you have to let me finish.

1:47:43

I don't have that much there.

1:47:45

There's some other folks that are wanting to speak as well.

1:47:47

OK, well, I'm gonna, I, I will get to it.

1:47:51

So, and I have some issues with conflict of interest and the failure to disclose about this study.

1:47:59

And I want to make sure the static water levels are addressed properly.

1:48:04

When you're going out and testing wells like the what they want to do with Don as well, you need to rest that well a minimum of 24 to 72 hours or you're not testing static water level, you're testing what was pumped and the pumping level or the recovery.

1:48:24

So you have to do these studies properly.

1:48:26

These wells need to be off a minimum of a day up to three days before you even test the static water level.

1:48:33

Otherwise you're not getting real data, you're getting pumping drawdown data or pumping levels.

1:48:38

And that's incorrect and it is to be addressed and we weren't told about the study or we would have participated.

1:48:47

And when specifically asked, Elena asked for more time to read the report and prepare a response.

1:48:54

But yet that was really to go test additional wells because she had already read the report and reviewed it because she states in an e-mail, but she's already reviewed the report.

1:49:05

So I'm having troubles with being a conflict and I have to wrap this up and why I have to I am.

1:49:11

And what you can do is you can you can e-mail us the rest of your comments.

1:49:16

I I know, but let me finish talking really quick.

1:49:19

So, OK, the 32nd interference that the well interference that has been I guess brought up is false and there is data to prove it.

1:49:32

You need to use the scientific data in the report.

1:49:35

Those are actual aquifer tests in this aquifer.

1:49:40

And it's this it's, it's very frustrating to find out that people in the health department or water quality district are part of the people that are opposing this and also doing the study.

1:49:53

So I want data on the study and I want to see the parameters of that study to make sure it's being done properly and you're going to get real data.

1:50:03

But that's all the departments, that's all DEQ and the sanitation department.

1:50:09

It is not part of subdivision approval by the county commissioners for preliminary plat.

1:50:15

And if you don't follow the statutes and the rules of your own system, we have no other option but to give this to an attorney to go for them.

1:50:24

They have retained an attorney that is looking at all the dates and the failure to disclose and the misinformation just for your notch.

1:50:32

Thank you.

1:50:33

Thank you, Lee.

1:50:36

Sorry about that.

1:50:40

OK, Jean Curtis, I figured out how to unmute it.

1:50:49

OK, we can hear you.

1:50:51

I was pushing the wrong button.

1:50:54

So I'm just.

1:50:56

I just want to have the record reflect that I do not own property out there, even though Mr.

1:51:01

Ewart continues to tell all of his that apparently that well guy thought I owned property out there.

1:51:08

I've never spoken about any specific property.

1:51:11

I continue to express my concerns about the availability of water and I it's from my experience of, you know, darn near 20 years as commissioner and knowing what the water issue is out here and knowing that we are in a change of climate.

1:51:29

So I would hope that you include in your staff people next week whoever the Sunset W staff person is, because he or she will have historical data to show what that one well has done, which is probably more data than all the others are going to pull together.

1:51:50

Also, though, you know, Ross Miller did a great report, but it's of the Missoula Aquifer and that is not in the Missoula aquifer.

1:51:59

So I'm glad Elena is digging deeper and I do think that it was the developers responsibility to demonstrate water's available when we know there's an issue.

1:52:15

I mean, there's a well wet dry since the last time you met.

1:52:19

So it is an issue.

1:52:23

Nobody's saying we that the people aren't nice.

1:52:26

Nobody's saying they don't want to look at a new house.

1:52:28

People are saying we're concerned about water and we don't want to have to put in a new well or a new cistern.

1:52:35

So listen to the people, please.

1:52:38

Thank you, Commissioner.

1:52:41

I saw Donna Evanson, but I before we get to you, Donna, I want to see if some other folks who haven't spoken yet, is there anyone else besides Donna online?

1:52:58

OK, Donna, I just wanted to make a quick comment about the static level because after my pump failed over the weekend and then I had and so did not pump any water for basically two days.

1:53:15

The static level was taken by camp drilling.

1:53:19

And so that was done correctly and that has been documented as to what my static level was after resting.

1:53:28

So just as an aside, thank you.

1:53:33

Thank you.

1:53:35

OK, anyone else online for public comment?

1:53:44

OK Commissioners, if I could just yes, clarify for the record again, Patrick Swart, Elena Evans with the water quality district isn't here today.

1:53:53

She from conversation, she is out travelling so she should be present at the next meeting on Thursday the 29th.

1:54:00

She will be present.

1:54:01

Yes, she will.

1:54:02

Pardon me.

1:54:03

Yes.

1:54:05

OK next and the next meeting is the date again the 29th, May 29th.

1:54:10

OK thank you all.

1:54:13

Have a great rest of your afternoon.