

Missoula Board of County Commissioners

# PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 12, 2025 – 2 PM

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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.

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**ATTENDANCE:**

**Commissioners Present:**

Chair Juanita Vero  
Commissioner David Strohmaier  
Commissioner Josh Slotnick

**Staff Present:**

Cheryl Hartman, Administrative Assistant, Commissioners' Office  
Patrick Swart, Planner, Planning, Development, and Sustainability  
Tim Worley, Senior Planner, Planning, Development, and Sustainability  
Mattie Scott, Administrative Assistant, Commissioners' Office  
Annie Cathey, Administrative Assistant, Commissioners' Office  
Patricia Spotted Wolf, Administrative  
Carey Powers, Communications Coordinator, Communications  
Brenna Davis, Community Engagement Coordinator, Communications  
Allison Franz, Communications Manager, Communications  
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office

1. **CALL TO ORDER** [Time stamp – 0:00]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:13]
3. **LAND ACKNOWLEDGEMENT** [Time stamp – 0:28]  
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** [Time stamp – 0:38]
  - a. Closed Captioning
  - b. Proclamation: Juneteenth National Independence Day

**5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 3:52]*

**6. CURRENT CLAIMS LIST** *[Time stamp – 03:58]*

The claims list is unavailable due to software transition. Next claims list will be updated and provided soon.

**7. HEARINGS**

**a. Hidden Treasure Court Minor Subdivision** *[Time stamp – 11:10]*

Patrick Swart, Planner, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Board of County Commissioners of Missoula County hereby approve the 875 Hidden Treasure Court minor subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

**[Letter 2025-110 sent to Charley France.]**

**b. Alexandra Estates Phase 1** *[Time stamp – 30:15]*

Tim Worley, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the Alexandra Estates Phase one condition amendment covenant amendment request as detailed in the staff analysis and subject to the recommended condition of approval.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

**[Letter 2025-093 sent to 406 Engineering, Inc. in c/o Karl Treadwell.]**

**8. OTHER BUSINESS**

[None]

**9. ADJOURN**

Chair Vero – Called the meeting to adjourn at 2:43 p.m.

## BCC Public Meeting June 12, 2025 – Transcription

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

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

**0:04**

**Good afternoon, everyone.**

**0:05**

**I wish it was still raining.**

**0:11**

**We'll begin with the pledge.**

**0:13**

**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.**

**0:28**

**Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Police Belt.**

**0:34**

**People closed captioning.**

**0:38**

**Cheryl, hello, everyone.**

**0:44**

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

**0:50**

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

**0:55**

**We ask that people speak slowly and clearly.**

**0:58**

**This helps with the accuracy of the closed captioning.**

**1:01**

**There will be multiple chances during the meeting for public comment, virtually and in person during those times if you'd like to speak.**

**1:08**

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

**1:12**

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

**1:15**

**If you're calling in on the phone, you'll need to hit \*5 to unmute.**

**1:18**

**Once called upon, hit \*6 to unmute.**

**1:23**

**Thank you.**

**1:23**

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

**1:26**

**Thank you.**

**1:27**

**We have a proclamation.**

**1:29**

**Who of you would like to read it happened to since you did last time.**

1:35

OK, fantastic.

1:36

OK, we have a proclamation today in advance of celebrating Juneteenth Independence Day.

1:43

WHEREAS Missoula County and the City of Missoula acknowledged the lasting impacts of racism in the United States, fueled largely by the horrific institution of slavery.

1:53

And WHEREAS, news of the end of slavery did not reach frontier areas of the United States for more than two years after President Lincoln's Emancipation Proclamation of January 1st, 1863, and months after the end of the Civil War.

2:09

And whereas, on June 19th, 1865, Union soldiers arrived in Texas with news that the Civil War had ended and the enslaved were free.

2:19

And African Americans have celebrated this anniversary, known as Juneteenth Independence Day, for more than 150 years to honor African American freedom while encouraging self development, respect and dignity for all people.

2:33

And whereas, the character demonstrated by former slaves should inspire us in this country to give thanks for the freedom won by so many people in all nations and to strive for the goals of bringing freedom and democracy to people of other countries, no matter what their race or religion.

2:51

And whereas, although Juneteenth Independence Day is starting to be recognized as a national and even global event, the history behind the celebration should not be forgotten and Montana proudly joins the 50 states in the District of Columbia in observing Juneteenth as a state or ceremonial holiday.

3:11

Therefore be it resolved that we, Missoula County and the City of Missoula, do hereby proclaim the 19th of June as Juneteenth Independence Day to commemorate African American emancipation from slavery, celebrate the freedom won by people in many countries, and rededicate ourselves to the cause of liberty.

3:30

**The City and County invite members of the community to take part in Juneteenth in the Juneteenth celebration at Fort Missoula on Thursday, June 19th, 2025 at 10 AM.**

**3:44**

**Signed today by your Mayor Andre Davis and your three Missoula County Commissioners.**

**3:49**

**Thank you.**

**3:52**

**Public comment on items not on the agenda.**

**3:58**

**OK, our current claims list, we're still working through our software transitions.**

**4:02**

**So I hear that they will be available at the next next week's public meeting.**

**4:10**

**Great.**

**4:11**

**June 26th, Sorry, we have two hearings, so we'll begin with Patrick Swart with Hidden Treasurers.**

**4:27**

**Good afternoon.**

**4:28**

**For the record, my name is Patrick Swart.**

**4:29**

**I'm a planner with the Office of Planning, Development and Sustainability, and today I'll be presenting the staff report for the 875 Hidden Treasure Court minor subdivision.**

**4:39**

**This request comes from the property owner, Charlie France, who's represented by Worth Engineering.**

**4:45**

**The property in question is located in the Potomac area of Missoula County.**

**4:50**

**We can see it outlined in black and green on the screen here.**

**4:53**

**We're just to the South of Hwy.**

**4:55**

**200 and it's accessed off of Potomac Rd.**

**4:58**

**via Hole in the Wall Road to Camas Road and then Hidden Treasure Court.**

**5:04**

**The proposals for two lot residential subdivision on an existing 16.07 acre parcel, It's unzoned out in that location.**

**5:13**

**The resultant density would be approximately 1 dwelling per eight acres.**

**5:18**

**Access for both of those subdivision lots would come directly off of the Hidden Treasure Court private roadway there.**

**5:25**

**They aren't proposing any Parkland dedication or non motorized facilities and they also are not requesting any variances with the subdivision application.**

**5:34**

**Before I dive into the specific review criteria, I just wanted to discuss their proposal to use development agreements in place of kind of the more traditional route of covenants that we often see for kind of ongoing enforcement and requirements related to mitigation of impacts.**

**5:51**

**With the subdivision application, they submitted 1 development agreement that was really focused around their fire suppression plan and addressing fire hazard mitigation.**

**6:01**

**We're recommending as a condition of approval that they prepare a second development agreement to address other mitigating conditions for the proposed conditions of approval.**

6:12

And then also a condition that that first development agreement be just amended to remove any language that specifically binds the county.

6:20

Again, kind of directing it back towards that covenant language where it wouldn't have you, the county commissioner signing the document itself.

6:30

Here on the screen we can see their proposed preliminary plat.

6:34

On lot 1, there's an existing residence with the existing driveway.

6:39

This home is served by an on site well and a permitted septic system.

6:44

Lot 2 is currently undeveloped and they're showing a proposed home and detached shop.

6:49

There's a second existing on site well proposed to serve that development on Lot 2.

6:54

And they're also proposing a new septic system to serve that new development as well.

6:59

As you can see here next to that loop driveway, they're proposing a retention swell for stormwater on site.

7:07

And we have a couple of these hashed out triangles here on the plat demarcating areas of slope of 25% or greater.

7:14

And a condition of approval would require those areas of slope 25% or greater to be shown on the final plat as no build zones.

7:24

**This property as mentioned, is unzoned and it's subject to the 2002 regional land Use Guide and has a land use designation of rural low density residential.**

**7:33**

**This is primarily a residential land use designation, though it does note that agriculture and horticulture are important but secondary to that residential use.**

**7:43**

**The recommended density for residential development in this designation is 1 dwelling per 10 acres, and the proposed resultant density would be closer to 1 per 8, so not necessarily in compliance with that land use designation.**

**7:59**

**In reviewing for impacts to agriculture and AG water user facilities, it's noted that there is not any active agriculture taking place on the property or immediately adjacent to it, and there aren't any AG water user facilities like irrigation ditches on or immediately adjacent to the property.**

**8:15**

**NRCS soils data shows that the entire property is made-up of lubric silt loam soils, which are considered soils of local importance for farmland per that NRCS data as well.**

**8:28**

**That also extends onto neighboring properties.**

**8:30**

**So we're recommending a condition of approval that that new development agreement, including living adjacent to wildlife, notices to the future lot owners of potential hazards and impacts that could be associated, living adjacent to agricultural operations and the impacts that they could have on those neighboring operations as well, which would be required for the subdivision regulations.**

**8:53**

**From there, we'll move into roads and access.**

**8:56**

**The closest public right of way to the proposed subdivision is Hole in the Wall Rd.**

**9:01**

**which we can see on the right side of the screen here.**

**9:04**

**From Hole in the Wall Rd.**

9:05

access is dependent on private access Rd.

9:07

easements 1 being identified as Camas Rd.

9:11

which you can follow on these red dots up to the curve and then it turns into Hidden Treasure Court there.

9:17

Hidden Treasure Court is graveled to 16 feet and has a maximum grade of 8%.

9:21

Camas roads gravelled to 22 feet wide and has a maximum grade of 10%.

9:28

These are considered off site roads, not off site roads not uniquely attributable to the subdivision.

9:33

So the standards in the sub regs basically are that they're maintained to a level that provides basic year round access for emergency service response.

9:43

There is not a formal maintenance agreement on record that the planning office could find or that was submitted with the subdivision application.

9:52

So as such, we we did do a site visit the planning staff back in May of this year.

9:58

We have a couple photos on the screen.

10:00

The one in the middle of the screen is hidden treasure court directly in front of the proposed subdivision.

10:06

So on the left side would be the property in question.

**10:09**

**And you can see that the road is graveled as measured out there to approximately 16 feet.**

**10:15**

**There is sufficient horizontal and vertical clearance here.**

**10:18**

**At least this portion of the road does appear to have been recently graded.**

**10:23**

**Slopes in that area did appear to be towards that upper end of the 8% that were reported, which is permissible.**

**10:32**

**On the right side we can see Camas Road, again graveled a little bit wider, again also with sufficient horizontal and vertical clearance.**

**10:41**

**Portions of this road also did appear to be recently graded, though you can see there is some rutting and potholes along that section of the roadway as well.**

**10:51**

**We are recommending a condition of approval for a road maintenance agreement to be established to ensure maintenance and upkeep specifically for Hidden Treasure Court in this case.**

**11:01**

**And just to give a little bit of context why we're limiting that to Hidden Treasure Court.**

**11:06**

**Canvas Rd., as you can see on this zoomed out image, really serves almost as like a local collector Rd.**

**11:12**

**for this broader Jordan Ranch Tracks development where you have Hidden Treasure Court, Garnet Court and all of these other side roads shooting off of it.**

**11:21**

**There's this critical mass of development up there and people rely on this Canvas road to get to their properties.**

11:27

It is private maintenance without a formal agreement, but when you have that level of development, the maintenance tends to get done so people can get to and from their homes.

11:37

That opinion was reinforced by conversations with the Greenough Potomac Volunteer Fire Department chief, Who basically reiterated the same sentiment that there's enough people up there, they provide emergency response year round and they don't have issues getting in and out all year.

11:59

There is one utility easement shown on the proposed preliminary plat.

12:04

It's a 20 foot wide utility easement for existing utilities on the property that serve the existing home.

12:11

It would cross through the new proposal lot too, and we're just recommending a condition that that easement be dedicated on the final plot.

12:20

Next, we'll move into their fire hazard assessment.

12:23

As with every subdivision, they had to complete a fire hazard assessment that was reviewed and approved by the Missoula County Fire Inspector.

12:30

This returned a score of 87 indicating what is an extreme fire hazard.

12:35

The property also falls within the wildland urban interface intermix and has an integrated wildfire hazard level of high.

12:43

Comments from the Missoula County Fire Inspector stated that this assessment that was completed and reviewed is an accurate assessment of kind of the facts on the ground.

12:54

It is an area where fire danger is of concern.

12:58

They did note that that assessment didn't take into account their proposed mitigation, so it didn't account for proposals for things like Class A fire rated roofing, interior residential fire sprinklers, non combustibile siding and deck, the proposed loop driveway.

13:14

It was mentioned that the inclusion of those on the assessment would have brought that score down, but they did note that it still is an area of high concern.

13:24

And then again, to reiterate, Greenup Potomac Fire did comment that they provide year round response to this location and stated that they do not have concern with an additional lot going in in this area.

13:37

The subdivision is subject to the hazard area standards in the Missoula County Subdivision Regulations.

13:42

So there are conditions of approval recommending that the fire hazard or the development agreement for fire hazard mitigation include more robust defensible space standards as required in the subdivision regulations, as well as including notice to future lot owners that this isn't a wildfire hazard area.

14:02

Their fire suppression plan, as mentioned, includes requirements for fire sprinklers, Class A fire rated roofing, non combustibile siding and deck, as well as additional standards for driveway construction to ensure driveways in excess of 150 feet in length can support emergency vehicles.

14:22

As part of their fire sprinkler plan, they're also proposing storage cisterns on site to ensure that they'll have the minimum flows necessary to meet the NFPA standards.

14:31

And they are also proposing that all new utilities will be installed underground on site.

14:37

We just have a few recommended conditions to amend some of the language in those development agreements to clarify the defensible space requirements and to make clear that all of these construction and design standards will be reviewed at the time of building permit.

14:52

And again, plat notes as notices to future lot owners of these requirements, Their water and sanitation plan, as we talked about when looking at the preliminary plat is centered around the two existing wells on site.

15:07

Lot 1 will be served by the existing well and an existing permitted septic system.

15:13

Lot 2 they're proposing to be served by the other existing on site well and would require a new septic system.

15:20

A Missoula public health sanitarians commented that this will be required to go through sanitation and subdivision review or site in applicable exemption since both lots are under 20 acres in size.

15:33

And I already walked you through kind of a storm water plan here with this retention Swale.

15:38

We're just conditioning that that be constructed as shown and proposed in their application packet and that notices be included in the development agreement and on the plat of the future lot owners responsibility to maintain those facilities.

15:53

These wells are proposed under the exempt well statute in Montana which would basically limit their maximum flows to 35 gallons per minute and the entire subdivisions water consumption to 10 acre feet per year.

16:06

The estimated consumption reported in the subdivision application for the two lots was estimated to be 2.37 acre feet per year at full build out and that was using numbers based upon 5 bedroom home on each lot and irrigating of lawn and garden around 10,000 square feet.

16:24

We're recommending that the new development agreement include a specific section laying out these specific allocations and stating that the annual consumption cannot exceed the state requirement of their.

16:38

That's state cap of 10 acre feet per year for exempt wells.

16:45

Just another quick look at local services here.

16:48

Solid waste services are provided by a Grizzly Disposal and Republic Services.

**16:52**

**The subdivision falls within the Potomac School District.**

**16:56**

**No estimated impacts were identified there and Missoula County Sheriff's Department offers police response in evaluating impacts to the natural environment.**

**17:08**

**It was noted that Union Creek is the closest adjacent surface water approximately 1/2 mile to the northeast.**

**17:15**

**No impacts were identified.**

**17:17**

**Their storm water plans intended to detain and retain the 100 year 24 hour design storm and the requirements in the subdivision in public works regs are that that storm water plans intended to ensure post development run off rates will not exceed pre development run off rates.**

**17:33**

**And then we're recommending a condition of approval for a revegetation plan for disturbed sites be prepared and approved by the Missoula County Weed District and recorded with the final plat.**

**17:48**

**Montana Fish, Wildlife and Park data places the subdivision within the ranges of several upland game birds, Montana Gray wolf, elk, grizzly and black bears, moose, mountain lions, Canada lynx, mule deer and whitetail deer, and it also falls within the Potomac Bear Mitigation area.**

**18:06**

**Recommended mitigating conditions include the inclusion of the most up to date Fish, Wildlife and Parks living with wildlife covenants in that new development agreement as well as requirements for the use of bear resistant garbage containers, which we want to reinforce in that development agreement, but would be redundant as it's already required for homes within the Potomac bear mitigation area.**

**18:29**

**And we didn't receive a few comments from Missoula Public health, air quality just related to public health and safety noting, noting that this is an area with high radon potential.**

**18:39**

**And they also suggested that homes be heated with heat pumps or other clean energy heating devices.**

18:46

So we're including recommendations or recommended conditions of approval for those specific MPH recommendations in the new development agreement as well.

18:57

And then lastly, we have two RSID waivers that we're recommending.

19:01

1 is a waiver of the right to protest future installation of non motorized facilities as well as the waiver of the right to protest future installation of a community or municipal water system for Fire Protection.

19:13

I do want to clarify at our Lac update administrative meeting on Monday, I had mentioned incorrectly that there would be a condition about an Rs ID waiving the right to protest future Rd.

19:25

maintenance agreements.

19:26

We have regulations specifically in our subdivisions that that relates to on site subdivision roads.

19:33

Since the roads here are all off site, that specific regulation would not apply.

19:38

So I had misspoke and was misunderstood on Monday.

19:40

So I just wanted to clarify that that one's not in there since.

19:45

Yeah, since they're off site roads and we have received one public comment to date.

19:53

I should have mentioned at the beginning this is the second hearing.

19:56

We opened public comment on May 22nd but had delayed based upon a request from the applicant to address Rd.

20:03

**maintenance concerns.**

20:05

**At that first hearing we received public comment and that same public commenter also submitted written comment to our office expressing that they were opposed to the subdivision.**

20:15

**They commented that the subdivision should address standards of the Wildfire Protection Plan.**

20:19

**They noted that Hole in the Wall Rd.**

20:21

**is a critical egress area and stated that there is limited access with one way in and one way out.**

20:28

**They commented that there's no Rd.**

20:29

**maintenance winter or summer and stated the roads are barely passable in places.**

20:34

**And they also stated that approval will contribute to further destruction of the easement.**

20:42

**And that concludes the staff report.**

20:44

**Commissioners, I do have a recommended motion on the screen for when you're ready.**

20:49

**Sorry with that last bullet that the comment further destruction to the easement.**

20:53

**What?**

20:54

**What does that mean?**

20:55

So I believe that's in reference to the and I'll go back to the aerial image here of the Jordan Ranch tracks development area is outside of Hole in the Wall Rd.

21:12

All access through private access Rd.

21:14

easements, which is kind of a unique situation.

21:20

When this development was created through subdivision exemption, the roads were shown as their own tracks of record.

21:26

They did not draw the development parcels to the center line of those roads and establish access easements and utility easements.

21:34

So when those lots were sold off, presumably the original developer retained ownership of those Rd.

21:39

parcels and didn't pay taxes because Missoula County acquired those Rd.

21:43

parcels through tax deeds in 1980 and Missoula County then I think in 1982, granted in 1982, I believe was the year Missoula County granted access easements to all the owners within that development.

21:56

And then as recently as May 22nd of this year, Commissioners, you granted a utility easement to allow legal utility access through those roads as well, but they're not public right of ways.

22:09

So they're not.

22:09

And not that all public right of ways are maintained by Missoula County, but in this case, there isn't public maintenance.

22:15

And I think there's concern that additional development going into the area will further degrade the roads that are within that easement.

22:25

Hey, Patrick, thanks for that.

22:29

Can the public drive on a private road within, on a road with a private use easement?

22:37

In this case, and I may ask John to clarify or correct me here, it's they're private, privately maintained roads running across public land because Missoula County is the owner of that land.

22:53

So John, correct me if I'm wrong, but I'd assume that the public has a right to access that public land.

22:58

Sounds like that's correct.

23:00

Yeah.

23:02

So how does that differ from a what we're more familiar with, which would be a County Road that we simply don't maintain?

23:15

I mean, in the case at hand, it's the, the ownership of the, of the, the road bed and the, the, the road network up there is, is Missoula County.

23:26

We own it, but apparently there is not a public right, dedicated public right of way overlaying on top of that.

23:36

But if the public has the right to use it for all intents and purposes, how does that differ from a scenario where the ownership would go up to the center line and we're not maintaining it?

23:49

It might be a public right of way, but we're not maintaining it on the ground.

23:54

It looks like the same scenario.

23:57

I I think probably one of the the main differences here would be that when it was originally acquired, it didn't inherently come with access and the right for utilities to go into the ground.

24:10

That had to be done through separate granted easements.

24:13

Whereas when a public right of way is dedicated, that comes along inherently with that public right of way dedication.

24:21

But beyond that, I don't know that there is in practice much difference at this point.

24:29

John.

24:33

Yeah, this is John Hart with the county attorney's office.

24:36

There isn't a whole lot of difference.

24:38

It just it's not a right of way.

24:42

Excuse me.

24:43

That falls within the statutory definition of a County Road.

24:50

And so it doesn't come with that bundle of rights that the public might otherwise have to use a public right of way that's either been deeded to the county, dedicated on a plat, accepted by the county, adjudicated by a court, or I think those are the main ways that you qualify as a County Road.

25:21

This is just not a County Road.

25:23

But but I would have the right to drive on this road to access the Copper Cliff Cafe tonight up there.

25:32

Absolutely.

25:33

I mean, I mean, Missoula County conceivably as the property owner could establish some sort of regulation of the use of this road, but that's never happened and it's probably not going to happen in the future.

25:53

And of course, at any point in time this road could be petitioned by 10 county property owners and it could come to you for consideration to declare it a public road.

26:12

11 more question.

26:13

Nothing is stopping that from happening.

26:16

It just has never happened.

26:18

So that requirement to have 10 property owners or freeholders or whatever the the specific language is petition Missoula County.

26:29

Where do we fall into that because we actually are the property owner of could, could we just do, I mean, as the sole property owner, could we just well, so forward unilaterally since you're the governing body making the decision, I think it'd be more appropriate to have ten others and not have Missoula County be one of the 10.

26:51

OK, got it.

26:53

OK, that's it.

26:54

It's enough for now.

26:55

It's just a very, very odd situation.

26:58

And I was asked to it's it's always been considered county land, private road.

27:07

I was asked to reconsider that long standing opinion almost a decade ago.

27:13

And there's that is the cleanest opinion.

27:19

It's the most logical opinion.

27:22

And so I stuck with it.

27:31

OK, thank you, John.

27:33

Thank you, Patrick.

27:35

Does Charlie France for Worth Engineering have anything to offer?

27:45

Yeah, Matt Hammerstein with Worth Engineering.

27:48

I don't have anything to add.

27:50

Just want to thank Patrick for his work.

27:51

I'm always very impressed with staff's thorough presentations on these, so I'm available for questions if there's anything that I can answer, but I appreciate your time.

28:01

Thank you, Matt.

28:07

Oh, thank you.

28:09

Is there any public comment?

28:14

Not seeing any in the room or online.

28:16

I'm happy to make a motion.

28:21

I would move to approve the 875 Hidden Treasure Court minor subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval.

28:30

Second, any further discussion or public comment?

28:34

OK, all in favor, aye, Thank you.

28:38

One, I guess the one last thing I would add is that if there is an interest on the part of the public up in this neck of the woods to actually have enhanced Rd.

28:49

maintenance there, there is a path forward there and it's likely going to run through a rural special Improvement District or are they just special districts these days?

28:58

John, that's a great, that's a great question.

29:05

We could do a special district or a special Improvement District.

29:10

OK, no rural.

29:12

No, no rural anymore.

29:14

Just Sid or no, no, no SD or this is another quirk in in Montana law.

29:22

The statute refers to them as special improvement districts, but the title of the ACT says rural special improvement districts.

29:29

So everybody calls them RSI DS.

29:31

OK.

29:33

Suffice it to say there there could be a path forward.

29:36

Absolutely.

29:37

Thanks.

**29:38**

**Thank you.**

**29:40**

**OK, Alexandria states phase one.**

**29:57**

**This is quite case.**

**29:59**

**Don't jinx us.**

**30:00**

**Don't jinx us.**

**30:02**

**Yes.**

**30:15**

**Good afternoon, commissioners.**

**30:16**

**For the record, Tim Worley with planning, development and sustainability.**

**30:21**

**And this is a request to change condition of approval #5 for Alexandra Estates.**

**30:28**

**The request from comes from a now LLC represented by four O 6 Engineering.**

**30:37**

**Let's see here.**

**30:47**

**The request is a condition amendment and a covenant amendment for this subdivision, which is located between Missoula and Lolo.**

**30:56**

**The original Fire Protection method was residential fire sprinklers.**

**31:00**

**This was approved as part of the subdivision way back in 2011, but there is a new owner who prefers a cistern.**

**31:14**

**This is the Alexandra Estates Phase One plat, which will be filed in fairly short order should you approve this request today.**

**31:28**

**Amendments to preliminary Platts and related documents that comes out of subdivision regulations, Section 5.9, subject to certain criteria.**

**31:39**

**I'll go through those briefly here.**

**31:42**

**I can get my slides to advance.**

**31:45**

**These criteria include that the request must be of a minor nature that complies with the regulations, that the amendment would not reduce safeguards provided by the regulations, that the amendment would not create a new impact and be consistent with a growth policy.**

**32:02**

**Any amendment must be consistent with the original findings of fact.**

**32:07**

**Any amendment can't introduce an incremental change, should be based on environmental and contextual changes to the area, and economic changes can't be considered as part of the process.**

**32:21**

**So the original condition #5 requires fire sprinklers.**

**32:25**

**The applicant has already installed the 10,000 gallons cistern before the filing of the plat requiring amendment of both Condition 5 and related covenants.**

**32:35**

**And this is a photo illustrating what's actually been installed in the little red fixture.**

32:42

You see right there is the fire department connection, but the tank is buried below ground, so that's why you can't see it.

32:52

This has already been reviewed by Missoula Rural Fire District and we are recommending Covenant language that came from Four O 6 Engineering.

33:02

Essentially that specifies maintenance and testing, adequate drainage around the tanks, keeping the area clean and free of debris, having appropriate signage in place, which I've already observed on site that there can be no mechanical damage of the structure and the pumping occurs on an annual basis.

33:25

Eventually the developers responsible for this equipment now, but the homeowners association will eventually take over.

33:33

That language needs to be in the covenants as well.

33:37

We found that the cistern meets today's subdivision regulations.

33:42

That this is basically an equivalency in protection to residential fire sprinklers.

33:48

It's a one time change serving only phase one and it's already been reviewed and approved by Missoula Rural Fire.

33:56

Public Works did not object to this change.

34:00

Missoula Rural Fire commented that they do have a preference for sprinklers generally for both occupants and fire professionals responding to a fire, but that the cistern meets Fire Protection requirements and has already been reviewed and approved.

34:17

So Commissioners, we support this change.

34:19

And there's your motion.

34:21

I'll be available for questions.

34:23

Thank you.

34:24

Is everyone from A now or four O 6 Engineering?

34:27

A now just makes me want to break into song.

34:34

This is Carl with four O 6 Engineering.

34:37

Just wanted to say thanks to Tim for the presentation.

34:40

He covered all the information very well.

34:42

If you have any questions, I'm available.

34:46

Thank you, Carl.

34:49

OK.

34:50

Any public comment?

34:58

Oh, Dan, I'm sorry.

35:00

Can you hit the button?

35:02

So it's green?

35:03

Yeah.

35:03

And you have to get really close to the microphone.

35:05

Perfect.

35:06

My name is Dan MO.

35:07

I live in the area within a couple 100 yards of Alexander Estates.

35:12

Have been in their area since 1963.

35:17

I'm probably the longest and oldest resident in that area.

35:21

I've seen flooding in the Alexandria Estates.

35:24

I don't know how the board approved the fact that it was not dangerous to have septic systems and wells in the 100 year floodplain, but they did.

35:40

I'm wondering if a 10,000 gallon cistern is enough for adequately pump for two hours solid, which was what was in the original proposal in 2011 and I guess that the rural fire department has approved it anyway in case there was a house fire.

36:02

Would be very easy to spread to a grass fire because it is a previous agricultural site.

36:15

So I'm not sure if the research is going to adequately address the options of fires which could spread to other homes in the area.

36:31

That's all I have for now.

36:33

Thank you.

36:35

Is there any other public comment?

36:43

Hi, my name is Pamela Gehrig and I also live.

36:48

I'm sorry Pamela, how do you spell your last name?

36:49

It's GEHRIG and I also live off MO Rd.

36:56

In fact, we sit on the backside to the West all the way at the back.

37:03

We have 180 acres of forested land, you know, behind all this.

37:09

So my question is, you know, we've done a lot to mitigate fire danger for where we live because, you know, it could be a problem.

37:19

But the cistern, is it going to be just for the six homes that are approved or will there need to be additional cisterns built at some point if more permits are given for additional homes?

37:39

Thank you.

37:42

Is there any more public comment in the room or online?

37:50

OK.

37:51

Strohmeyer, Tim, just a question to address the the the last question in terms of of the need for additional cisterns or fire sprinkler in at a future date.

38:09

I gather that this is this is focused on Phase 1.

38:13

And so is it the case that there would need to be additional accommodations at a future date if there was a conversion, if there was the the desire to have cisterns instead of fire sprinklers?

38:27

Yes.

38:27

This just covers phase one of Alexandra.

38:30

And my understanding is that the other phases are actually expired at this point.

38:35

So expired.

38:36

Yeah, expired.

38:37

Yep.

38:38

Meaning that they have to start, they have to start again.

38:41

There's interest in possibly another development approach to the remaining ground under this ownership.

38:49

But yes, this just covers Alexandra Phase 1.

38:52

So yes, new additional cisterns or other types of Fire Protection would be required with any new development adjacent.

39:00

OK.

39:00

And and I guess my second question just to I guess hit on something that the first speaker brought up, the 10,000 gallon cistern complies with regulations.

39:12

So it's there would be no justification to request something above and beyond what they would be complying with, correct.

39:20

Yeah, it it meets the Fire Protection requirements, it basically would be enough for one fully involved home.

39:27

Is my understanding.

39:28

Carl from four O 6 might be able to elaborate a little bit more, but it could you could fight a fire with one involved fairly large home with that cistern.

39:38

Thank you.

39:38

Carl, did you want to add anything?

39:42

I think Tim's got it right.

39:43

That's my understanding of it as well, that it's intended to provide enough water for the fire department to pump and extinguish one home fire.

39:52

OK, Commissioner Slot, like Tim, did Matt Heimel have anything to say about this or was he on the floodplain comments?

40:02

No, no floodplain comments.

40:05

This where the tank is is out of the floodplain and there wouldn't be any residential development.

40:11

In the mapped floodplain, it would be excluded.

40:15

Yeah, Thanks, Juan.

40:18

And also I guess just to be clear, what we're contemplating today is just narrowly focused on the cistern and Fire Protection.

40:26

That's correct.

40:26

Everything else that that ship is long sailed when the this was approved in the day.

40:32

Yep, that's correct.

40:36

Pamela, come on up.

40:42

So again, our concern and since you know the land that all sits to the West or behind this subdivision is pretty much all forested.

40:57

In fact, it is all forces until you get to probably Slim and Gulch.

41:02

So again, we have done everything we can do, you know, make sure that our Rd.

41:09

going up the mountain is clear, etcetera.

41:12

So the fire department could get there.

41:15

But if there was a substantial forest fire behind us, I just don't know how one cistern, you know, if if something were to happen, I just don't know how one cistern is going to accommodate at some .6 homes if there's again, something that happens behind us because it is mainly forested.

41:42

So that would be my concern for the people that are going to eventually live in this area.

41:48

Thanks.

41:49

Thank you.

41:49

And Stromar.

41:53

Yeah, thank you.

41:53

Pamela, point well taken.

41:55

**You're right.**

41:55

**And if there was an extreme fire situation and weather is for fire suppression of the wildfire itself or multiple homes, 10,000 gallons would not be adequate, 60,000 gallons, any amount of water would probably not be fully adequate in those circumstances, which makes it all the more incumbent upon folks to do some of the things that you've done already in terms of addressing egress ingress, home ignition zone and all of that.**

42:32

**But but the question before us right now, yeah, this, this recognizing that 10,000 gallons will not be adequate, that is the regulation by which we are judging this.**

42:46

**And yeah, any other public comment.**

42:56

**OK.**

42:59

**I would move to approve the Alexandra Estates Phase one condition amendment covenant amendment request as detailed in the staff analysis and subject to the recommended condition of approval.**

43:11

**Any further discussion or public comment all in favor?**

43:15

**Aye, aye.**

43:21

**Any other business?**

43:23

**Nope.**

43:24

**OK, have a great afternoon everyone.**