

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 26, 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
John Hart, Civil County Attorney, County Attorney's Office
Katy Reeder, Planner, Planning, Development, and Sustainability
Patrick Swart, Planner, Planning, Development, and Sustainability
Elena Evans, Manager, Environmental Health
Charles Shane, Manager, Environmental Health
Christina Dewar, Administrative Assistant, Commissioners' Office
Annie Cathey, Lead Administrative Assistant, Commissioners' Office
Tim Worley, Planner, Planning, Development, and Sustainability
Chris Lounsbury, Missoula County Administrative Officer
Melissa Fisher, Strategic Planning Manager, Commissioners' Office
Kevin Dantic, Planner, Planning, Development, and Sustainability
Carey Powers, Communications Coordinator, Communications
Patrick Swart, Planner, Planning, Development, and Sustainability
Allison Franz, Manager, Communications
Jill Johnson, Administrative Assistant, Lands and Communities
Kathleen Arthur, Planner, Planning, Development, and Sustainability
Anna Rodriguez, Administrative Assistant, Lands and Communities
Mattie Scott, Administrative Assistant, Commissioners' Office
Shannon Theriault, Director, Environmental Health
Ian Varley, Planning Manager, Planning, Development, and Sustainability

1. **CALL TO ORDER** [Time stamp – 0:00]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:03]

3. LAND ACKNOWLEDGEMENT [Time stamp – 0:17]

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

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

Proclamation: Wildfire Smoke Ready Week Proclamation

Proclamation: Laura Millin Day

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 7:11]

6. CURRENT CLAIMS LIST [Time stamp – 10:47]

Claims list unavailable due to software transition. Next claims list will be updated and provided at an upcoming commissioners' public meeting.

7. HEARINGS

a. Open hearing to Amend Regulation 1 of the Missoula City-County Health Code

Charles Shane, Environmental Health [Time stamp – 11:10]

Commissioner Slotnick made the motion that the Board of County Commissioners of Missoula County hereby open the hearing to amend Regulation 1 of the Missoula City-County Health Code and to set the notice for public comment.

Commissioner Strohmaier seconded.

[Motion Passed 2-0.]

[Signed RCA was returned to Charles Shane.]

b. DeYoung Family Transfer [Time stamp – 19:27]

Katy Reeder, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioner approve the request by Brandon DeYoung to utilize the family transfer exemption to create and transfer a 5.57-acre tract to her parents John and Jodie DeYoung and as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-120 was sent to Brandon DeYoung.]

c. Dvorak Family Transfer [Time stamp – 24:42]

Katy Reeder, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioner approve the request by June Dvorak to utilize the family transfer exemption to create and transfer .68-acre tract to her daughter, Casey Nixon as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-103 was sent to June Dvorak.]

d. Miramonte Manley Lofts Subdivision *[Time stamp – 28:56]*

Tim Worley, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve the

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-122 was sent to IMEG in c/o Joe Dehnert.]

e. Fire Bucket Meadows Subdivision *[Time stamp – 1:23:52]*

Patrick Swart, Planner, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners indefinitely postpone action on preliminary plat approval based on a request from the applicant to obtain additional water quality and quantity data that will be delivered to Missoula County.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 2:59 p.m.

BCC Public Meeting June 26, 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.

0:03

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.

0:17

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

0:26

Public announcements We have a closed captioning announcement.

0:29

Cheryl.

0:33

Hello everyone.

0:34

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

0:39

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

0:45

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

0:49

During those times, if you'd like to speak on Teams, we ask that you use the Raise Hand feature.

0:55

This is the small hand button at the top of their screen.

0:58

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

1:07

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

1:10

Thank you, thank you.

1:12

And we have a wildfire smoke ready week proclamation.

1:16

So, Commissioner Strohmeier, whereas wildfire smoke poses a serious and growing threat to public health, and new research demonstrates the dangers of smoke exposure, wildfire smoke can easily infiltrate indoor spaces, creating unhealthy conditions both outdoors and indoors.

1:36

And whereas exposure to wildfire smoke is linked to worsen asthma attacks, decreased lung function, aggravated COPD symptoms, increased susceptibility to infectious diseases, increased risk of heart attacks and strokes, impaired cognitive function, and higher rates of hospitalization and deaths.

1:57

And WHEREAS, the National Interagency Fire Center's outlook for 2025 forecast significant wildfire potential across much of the western United States, including regions that contribute smoke to our area.

2:10

And WHEREAS the Climate Ready Missoula Plan recognizes that our summers and early fall are becoming hotter and drier, wildfire season is getting longer, wildfire smoke is an increasing risk, and we need to enact proactive strategies to reduce harm.

2:27

And WHEREAS Missoula Public Health and Climate Smart Missoula have resources to help residents understand wildfire smoke risks and take steps to reduce exposure, including guidance on creating indoor air filters and finding places with clean air.

2:44

And whereas, effective public messaging and outreach focused on the dangers of wildfire smoke and how individuals can protect themselves are essential for individual preparedness during wildfire season.

2:57

Therefore be it resolved, we, Missoula County in the City of Missoula, do hereby proclaim July 12th through the 19th, 2025 as Wildfire Smoke Ready Week to inform and educate Missoula County and city residents about the hazards of wildfire smoke present and how to mitigate against these hazards.

3:18

Signed by Mayor Andrea Davis and year three Missoula County commissioners.

3:23

Thank you and Commissioner Slotnick for Laura Millen day.

3:27

Thanks.

3:28

Yeah, it's an honor to read this proclamation in Full disclosure.

3:31

Laura Millen was a great mentor to me many years ago when I was starting off in the nonprofit world, so it's an honor to read this.

3:39

WHEREAS the Missoula Art Museum, MAM, under the auspices of the City of Missoula, has for 50 years provided the greater Missoula community with the opportunity to see and experience contemporary art, including Missoula County's extensive art collection, which is rotated through city and county offices to make art more accessible for all.

3:59

And WHEREAS, Laura Millen has served as Mam's Executive Director for 35 of those years, during which time the museum has evolved as a leading regional cultural institution, attracting 25000 to three Oh Oh Oh Oh visitors per year, showcasing 25 exhibits in its six galleries and providing additional diverse public programs each year.

4:21

And WHEREAS, under Laurae visionary leadership, the man partnered with the city to expand and renovate the Museums Home, the historic Carnegie Library building in downtown Missoula, and dramatically increased its collection of contemporary art, including one of the foremost collections of contemporary Indigenous art in the United States.

4:40

And WHEREAS Laura has been a tireless advocate for the arts and for artists, for freedom of expression and for free admission to the museum, and has nurtured alliances in support of the arts and arts

education with schools, businesses, state and local governments, tribal nations and nonprofits across the state.

4:58

And WHEREAS Laura has, through her leadership, demeanor and integrity, created and fostered a professional, creative and congenial environment that maximizes the potential of staff, making the MAM A supportive place to work in a vibrant and welcoming space open to all.

5:15

Now therefore, we, the Missoula Board of County Commissioners and the City of Missoula in the State of Montana, in recognition of Laura Millen's unparalleled service and dedication to the arts, the MAM and the Missoula community hereby proclaim June 29th, 2025 as Laura Millen Day signed.

5:34

Andrea Davis, Mayor of the City of Missoula, and your three Missoula County Commissioners.

5:39

Thank you public comment.

5:43

But I guess before we get started with public comment, take a few minutes to remember our friend and Congressman, Pat Williams.

5:52

Yeah, My goodness.

5:53

Just wanted to say a couple thanks and remembrances there.

5:56

I only knew Pat a little bit.

5:58

He spoke in my classes multiple times, was super encouraging of me when stepping into politics.

6:06

A smart, thoughtful, practical, funny, crass, wonderful, long standing son of Bute.

6:14

Thanks, Pat.

6:14

Thank you, Pat.

6:17

Yeah, likewise.

6:19

Pat was a friend and mentor to many of us and I think a great example of public service here in the state of Montana.

6:28

We send our love and best wishes to the family and friends and and former colleagues of Pat.

6:34

And I have got to throw this in.

6:38

Folks might not know this little tidbit, but in September of 1979, former US Senator John Melcher, Representative Pat Williams, and organized labor sued the US Department of Transportation to try to stop the discontinuation of the North Coast Hiawatha passenger rail route through southern Montana.

7:01

So I think that that willingness to dive in and do hard things is something that Pat will be known for and certainly is known for for me.

7:11

Oh, thank you for that.

7:14

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

7:21

OK, our current claims list, we're still working through this new transition.

7:29

So we don't have one yet, but next week maybe.

7:34

So future week, future a future week will this will be ironed out.

7:41

We have two, four, I can't read 5 hearings.

7:45

So we'll begin with Charlie Shane.

8:35

How's that?

8:36

OK, My name is Charlie Shane.

8:38

I'm an environmental health manager at Missoula Public Health, and I'm here today to talk about adoption of the revised, revised version.

8:53

It's off.

8:55

Yeah.

8:56

It's just, it's just being touchy.

9:26

Testing.

9:28

I got nothing now, right?

9:30

Is that working OK Again, my name is Charles.

9:36

Charles Shane.

9:36

I'm an environmental health manager at Missoula Public Health and I'm here to talk about adoption of the revised version of Regulation 1 wastewater treatment and disposal systems of the Missoula City County Health Code as adopted or approved by the health board.

9:52

All right, so a little background on on this change.

10:04

DEQ change their rules recently to allow new on site wastewater systems and fill in response to a directed by the 2023 legislature.

10:14

Up until then, only replacement systems within the state could be located in fill.

10:19

Missoula has had on site wastewater treatment and disposal system rules since 1966.

10:24

We refer to those as Regulation one of the Missoula City County Health Code.

10:28

It's very important to note that health code rules must be at least as stringent as state rules and currently our rules prohibit fill systems for use other than replacement and for certain advanced systems.

10:41

Now that DEQ does allow new systems in fill, we have the opportunity to add this option to our local health code, giving property owners and developers more flexibility when sighting systems on difficult or or disturbed sites.

11:00

Thanks, Charlie.

11:01

What does that mean in fill?

11:02

What does that, what does that mean?

11:04

Yeah, so I've got it on the next slide here, but basically what fill is, is artificially placed soil used to level the ground or fill in depressions.

11:15

So instead of putting a tank in a drain field in native soil, you can create soil or bring in fill and then put the tank and drain field in that.

11:23

Under certain uses, yes.

11:25

OK, you can't do it.

11:26

Well, I'll get into it in a further slide.

11:28

But you can't do it to get away from certain setbacks and state rules.

11:31

Yeah.

11:31

And it would normally be just a drain field, not necessarily like a tank.

11:35

A tank can be done in fill anyway.

11:37

So.

11:38

Thanks.

11:39

Yep.

11:39

Absolutely.

11:40

So, yeah.

11:41

So this would give property owners and developers more flexibility on difficult or disturbed sites.

11:47

These systems were previously prohibited because if they are constructed improperly, wastewater can surface and that would potentially expose people, animals, pests to pathogens that are present in wastewater.

12:01

However, under these new DEQ rules, they have requirements and design criteria in place to ensure wastewater doesn't seep out of that fill and cause any issues.

12:15

So we already kind of discussed what Phil was, but I'll just go over it one more time.

12:17

So it's artificially placed soil used to level the ground surface and fill in depressions in wastewater treatment systems, specifically within the county and and some even in within the city.

12:28

It's used to repair or modify damaged or disturbed sites in order to create a suitable drain field location.

12:35

There are very specific soil requirements, such as a prohibition on installing in in tighter soils, soils that don't percolate very well like clay and silt, and that fill material itself.

12:47

So the material that you're moving into that place may not be finer than a than certain soil types like sandy loam.

12:54

Additionally, fill can't be used to overcome any horizontal or vertical setbacks.

12:58

So horizontal setbacks would be features like floodplains, steep slopes, surface water, and vertical separations.

13:07

You'd be more looking at things like shallow groundwater or bedrock or some some other impervious layer.

13:17

Yeah.

13:18

Before you go on, what could you go back to the last slide, Sir?

13:23

Just wondering what it is that we're looking at in the the photo there is is that Phil?

13:30

So, so it's not.

13:31

And I I couldn't find any images of Phil because they've just not been allowed.

13:35

Yeah, they weren't allowed.

13:36

But this is a good representation of what kind of a, a drain filled and fill looks like because it is so kind of clean like these are, it's a really well defined kind of crisp drain field.

13:45

But basically what, what you would see is a depression that they had filled in.

13:51

They've they've placed it in lift, so in layers, compacted as those layers go.

13:57

And then they dig out these trenches for the, for the drain field.

14:02

So it's not like they're building these, these trench walls necessarily.

14:05

They're compacting it into one big flat level service and then digging all that out and then your laterals run down those trenches as you can see there.

14:16

And usually you use chambers or sometimes gravel still.

14:20

Is that answer to that?

14:21

OK, thanks.

14:23

Thank you.

14:23

All right.

14:25

So DEQ does have some additional design and approval criteria which is really above and beyond most conventional wastewater treatment systems and those include engineered design reports which must be approved prior to the placement of that fill.

14:39

So they would come to us, give us those design reports and then we we would say, yes, that works, go ahead and and start that work.

14:45

Additional soil testing, so percolation testing regardless of soil types are required and that fill material must be placed in the lifts and compacted to achieve a a stable soil structure.

14:55

Finally, certifications and as builds are required prior to final inspection and approval to use that system.

15:07

So the change to our wastewater treatment and disposal system.

15:10

So regulation one was fairly simple.

15:12

What we did was we moved the discussion of septic systems from the replacement systems only section and to the design and location section.

15:23

Systems and fill would be required to meet all of the aforementioned DEQ design and construction and sighting type criteria.

15:30

And we make it clear that that Phil cannot be used to overcome any of those vertical or horizontal setbacks as we previously spoke about.

15:40

All right.

15:40

So the state law requires that the Board of Health recommends rules and rule changes to the local governing body.

15:48

And in Missoula, the interlocal agreement creating the city county Health Board and the health department states that the local governing body is both you, the the county commissioners and the City Council.

15:59

So both City Council and the county commissioners have to have to approve these adoptions before they can be made.

16:08

Previously, we adopted the health code, both city county by reference in in each of their respective ordinances.

16:17

For this particular regulation change, the Health Board held two public meetings, approved that proposed change on April 17th, 2025, and recommended to the local governing bodies that they adopt the revised Wastewater Treatment and Disposal System regulations by reference.

16:37

There was no public comment at these meetings other than a recommendation to approve the proposed change by the Water Quality Advisory Council.

16:49

And So what this looks like for the county commissioners would be a resolution to adopt an ordinance that replaces the current version of Regulation 1.

16:58

So wastewater treatment and disposal systems, which was adopt by reference under Ordinance 2022-O3 with the new version of the Health Board approved on April 17th, 2025.

17:13

Wastewater regulations by reference.

17:18

And here is our proposed motion which would be to pass a resolution of intent to adopt an ordinance revising the Missoula City County Health Code Regulation 1 wastewater treatment and disposal systems as approved by the Health Board on April 17th, 2025.

17:34

Thank you.

17:34

I'll stand by for any questions.

17:37

Thank you.

17:37

Well, OK, we're just opening or are we?

17:41

This is it.

17:42

OK.

17:45

OK, good.

17:48

With a motion.

17:49

Go ahead.

17:52

Public comment.

17:53

Thank you.

17:53

Is there any public comment?

18:00

OK, Charlie, do you mind bringing up the motion language again?

18:05

Yes, I think I just closed that.

18:07

Sorry about that.

18:11

I can just read off it here too.

18:13

Well, maybe no, Charlie's.

18:14

I got it right here.

18:15

Sorry.

18:15

This one.

18:34

OK, so that that proposed motion would would be to pass a resolution of intent to adopt an ordinance revising Missoula City County Health Code Regulation 1, Wastewater treatment and disposal systems as approved by the Health Board on April 17th, 2025.

18:51

OK, It's going to recite the same thing.

18:53

Thank you.

18:55

I would move that we, the Board of County Commissioners, pass a resolution of intent to adopt an ordinance revising Missoula City County Health Code Regulation 1 wastewater treatment and disposal systems as approved by the Health Board on April 17th, 2025.

19:09

I will second that.

19:10

OK, Any further discussion or public comment?

19:15

All in favor, Aye.

19:17

Thanks for your work on this Charlie.

19:19

Thank you.

19:24

OK Deyoung family transfer exemption.

19:27

Katie Reader Good afternoon, commissioners.

19:32

For the record, my name is Katie Reader.

19:35

With the planning, Development and sustainability.

19:39

Today I'll be presenting the Deyoung family transfer and this exemption.

19:44

This exemption is requested by Brandon Deyoung, who we have with us today.

20:06

This family transfer is located at 20605 Ridgewood Dr.

20:10

in Houston, approximately 5 1/2 miles northwest of the Interstate 90 interchange via W 9 Mile Rd.

20:20

Here are the existing conditions.

20:22

The property is in the Ridgewood Ranchette Subdivision.

20:25

It is unzoned.

20:26

The parcel is approximately 18.22 acres and the land use designation is open Space and Resource Land per the 2002 Regional Land Use Guide, which has a recommended density of 1 dwelling unit per 40 acres.

20:41

The applicants reside here in their existing single family home.

20:47

This graphic shows the proposal.

20:50

The claimant would like to transfer approximately 5 1/2 acres to his parents, John and Jody Deyoung, and the applicants will retain the remaining 12.65 acres.

21:01

The recipients intend to develop a single family home, their dream retirement home, on the family transfer parcel, which is Parcel 2.

21:09

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

21:19

This project was sent out to various Missoula County agencies.

21:22

The Environmental Health Division will require the sanitation review and or applicable exemption.

21:28

Since the parcels less than 20 acres.

21:31

The Building Division will require appropriate building permits and lastly water quality noted.

21:37

Some of the wells in this area have elevated arsenic concentrations and recommend private wells be sampled for arsenic and this will be required as part of the sanitation review.

21:51

In reviewing this request, there was 1 rebuttable presumption identified to possibly indicate evasion.

21:56

However, this is the most appropriate exemption to use for what the family wants to accomplish.

22:02

Therefore, I do not identify this as evasion and I'll be recommending approval.

22:11

We have Brandon here.

22:12

Like I said, Brandon, I'm going to ask you a few questions if you're ready.

22:18

Ready.

22:19

Did you buy the property with the intent of dividing it?

22:23

Can you hear me OK?

22:24

Good afternoon.

22:25

Thank you for letting me speak.

22:27

I guess short answer is yes.

22:30

The long answer is, you know, we fell in love with the house and the land and it was just a really good opportunity to share it with my parents and have them next to us, you know, as they start, you know, aging a little bit and looking towards retirement.

22:44

I think having the extra support for them and for us, for my wife and I would be invaluable.

22:51

So I think that's a really good, this is a good place that we could build that out there.

22:56

Great.

22:57

Do you or your transferees intend to transfer the property within the next year?

23:03

No.

23:05

Have you talked to anyone at the county about going through subdivision review?

23:09

We have started that process, I believe.

23:13

Yeah.

23:13

Well, a subdivision review.

23:14

No.

23:14

No, there's not gonna be no subdivisions there.

23:16

Yeah.

23:17

Apologies.

23:17

No worries.

23:21

Will the property be developed?

23:22

No.

23:24

Oh, well, besides the one family home?

23:26

No.

23:27

OK.

23:28

And will the recipient be residing on the property?

23:31

Yes.

23:32

OK.

23:33

Thank you.

23:35

You can go ahead and have a seat.

23:36

Thank you again, we recommend approval with the motion on the screen before you today Commissioners, here's your language.

23:45

Thank you.

23:48

So any public comment or Brandon do you want to add anything else?

23:52

OK.

23:52

Is there a motion how many questions?

23:59

All right, unless anyone has anything else to say, I move that the request that I love this passive voice.

24:07

So I I love that the request by Brandon Deyoung to utilize the family transfer exemption as presented in the exemption application and affidavit be approved.

24:15

Second.

24:16

OK, Any further discussion or public comment?

24:19

OK.

24:19

All in favor, Aye.

24:22

Good luck.

24:22

Thank you.

24:25

OK, Katie, we have, Oh yes, Dvorak, you don't.

24:32

You don't have to stick around unless you want to.

24:40

Thank you, commissioners.

24:42

Again, my name is Katie, reader planner with Planning Development, sustainability.

24:46

And this is the Dvorak family transfer request exemption brought forth by June Dvorak.

25:05

This family transfer is located at 1819 Clements Rd.

25:09

right at the intersection of North Avenue and Clements Rd.

25:11

in Missoula.

25:15

Here are the existing conditions.

25:16

The property is zoned Rural Residential and Small Agriculture and it is also within the Target Range Overlay District.

25:24

The parcel is approximately 1.59 acres and the land use designation is Rural Residential and Small

Agriculture per the 2019 Missoula Area Land Use Element which has a density recommendation ranging from 2 dwelling units to 1 dwelling unit per acre.

25:42

The applicants do not reside here.

25:44

The existing homes here are their long time rental homes.

25:50

This is a graphic showing the proposal.

25:52

The claimant would like to transfer .68 acres to her daughter Casey Nixon.

25:58

The applicant will retain the remaining 8.82 acres.

26:02

The recipient intends to develop one single family residential or residence on the family transfer parcel Tract one and the applicants longtime rent tenants will continue to reside in their homes on existing lot Track 2.

26:22

When it was sent out to the Missoula County agencies, the only comment we got back was that Environmental Health will require sanitation review and or exemptions.

26:35

In reviewing this request, there were two rebuttable presumptions identified to possibly indicate evasion.

26:41

However, this is the most appropriate exemption to use for what the family wants to accomplish and therefore I do not identify this as evasion.

26:50

And I believe we have June online with us today.

26:53

June, are you there?

26:55

Yes, I am fantastic.

26:57

June, I'm going to ask you some questions.

27:00

Are you ready?

27:01

Sure.

27:02

All right.

27:03

Did you buy the property with the intent of dividing it?

27:06

No.

27:08

We've owned it since 1989.

27:12

Do you or your transferee intend to transfer the property within the next year?

27:19

No.

27:21

Have you talked to anyone at the county about going through subdivision review?

27:25

No.

27:27

Will the property be developed only the parcel that's being transferred to the daughter where she will be putting her phone, if that's what you mean in developed?

27:40

Yes.

27:41

And last, will the recipients of the property be residing on the property?

27:46

Yeah.

27:47

Thank you, June.

27:50

Thank you.

27:51

And with that Commissioners I I recommend approval with the motion on the screen before you.

27:57

Thank you.

27:59

June, did you have anything to add?

28:02

No, OK.

28:07

Is there any public, I'm sorry, go ahead.

28:12

No, I have nothing else to add to that.

28:14

But if you have any questions, OK.

28:18

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

28:27

I would move that the request by June Dvorak to utilize the family transfer exemption as presented in the exemption application and affidavit be approved.

28:36

Second, any further discussion or public comment?

28:40

OK, All in favor, aye.

28:43

Thank you, June.

28:45

Thank you.

28:47

You made my day.

28:49

OK, have a good one.

28:52

You too the Miramont Manly lot subdivision.

28:56

Tim Worley online Good afternoon commissioners.

29:04

I am remote today but I'm here to present the MML on 93 subdivision.

29:12

I should introduce myself I guess.

29:13

I'm planning manager for planning, development and sustainability.

29:19

This developer is Miramonte Manly LLC, represented by IMEG.

29:30

The subdivision is located in the Y vicinity near the Waldo and Hwy.

29:35

93 N intersection.

29:38

It's actually 2 parcels.

29:41

It's actually South of that intersection that I just mentioned.

29:45

It has a single family home with associated outbuildings.

29:53

Now this is A1 lot subdivision and it's 2 lots at present, which means this effectively ends up being an aggregation and a subdivision with the purpose of qualifying for the townhome exemption.

30:09

So originally, Commissioners, we felt that this qualified for the administrative minor process with no public meeting and ultimately with administrative minors, staff ends up approving those and we've had one of those come through so far.

30:27

What we found midway through the process is that this subdivision didn't qualify for the administrative miner based on the water connection, which must be a municipal system like City of Missoula or within a county water district.

30:43

So that is why this comes before you today rather than being an administrative miner.

30:51

So within the area to be subdivided, there is a multifamily development and I'll show that area because the multifamily development actually includes the lot to the north in Manly subdivision.

31:04

But what we're talking about today is just this one lot subdivision that does contain 96 units.

31:13

Now those are before actually we have somebody on our staff that's reviewing that zoning compliance permit as we speak and it's near completion.

31:26

But effectively today commissioners, what you're looking at is A1 lot subdivision.

31:35

So what does it mean to subdivide in this case when you're talking about a one lot subdivision?

31:40

Well, basically you're reviewing for and mitigating adverse impacts to the typical subdivision review criteria, including agriculture, agricultural, water user facilities, local services.

31:53

You're looking at impacts of the natural environment, wildlife and wildlife habitat, as well as public health and safety.

32:00

One last subdivision has to meet all the standards in the subdivision regulations as well including anything applicable regarding roads, creating and drainage easements, Fire Protection and natural hazards just to name a few standards.

32:20

So the reason that 4-6 and eight flex buildings can be constructed at this location is that it is zoned commercial center, which does permit multi family residential development.

32:32

And again, this permit is in review in our office and the only thing latest I checked that might be missing is a lighting plan, but it's pretty much ready to be approved.

32:51

So this kind of begs the question, how are impacts being reviewed for the dwelling units if we're just dealing with this one lot subdivision distinctively?

32:59

Well, the dwelling units are reviewed as part of zoning compliance and the review elements include things like parking, landscaping, circulation, grading and drainage and non motorized facilities.

33:15

So the bottom line is mitigation of impacts happens through a combination of subdivision review and zoning compliance review.

33:21

These are distinct processes in zoning compliance requirements.

33:29

If excuse me, if zoning compliance requirements mitigate impacts, there isn't a need for a subdivision condition.

33:34

So you'll see relatively few conditions for this one lot subdivision because zoning compliance reviews actually addressed most of the impacts.

33:47

Yeah, hold on.

33:48

Tim Strohmeyer has a question.

33:50

Tim, could you go back to that last slide?

33:52

You bet.

33:55

OK.

33:56

So the second bullet point there of zoning compliance requirements mitigate impacts, no need for a subdivision condition.

34:04

How are we handling this if zoning compliance is still in process?

34:11

These are fully distinct processes and you can, you can approve, approve of conditions or deny this subdivision regardless of what happens with the zoning compliance permit.

34:25

They're not.

34:26

They don't hinge on each other.

34:28

Basically, this would simply allow the multifamily development, should it be approved through the zoning compliance permit review process to allow for individuals to own their condominium units, it would allow for the condominium exemption.

34:47

OK, thank you.

34:53

Hwy.

34:53

93 N provides access to this property.

34:57

We found that nothing internal to the development that I showed actually meets the road definition, so there's nothing triggered in the subdivision regulations in that regard.

35:08

There are obviously access lanes in what are called parking modules and they are reviewed as part of zoning compliance.

35:15

So we merely have a condition regarding waiving the right to protest a future rural special Improvement District that could include road construction and maintenance.

35:26

That's a fairly typical condition.

35:31

Traffic impact study was submitted for the larger multifamily development and this traffic impact study concluded that this particular development alone would not trigger improvement required improvements to Hwy.

35:46

93 N and Waldo.

35:48

However, this development combined with other developments will likely warrant a signal for the Waldo and Hwy.

35:58

93 intersection in the future.

36:01

And I apologize for my border Collie.

36:05

MDT will require this development to contribute its proportional share to the installation of any improvements up to and including a signal.

36:15

We're not sure what that date's going to be, but this development will contribute its proportional share to that facility.

36:26

So on to non motorized facilities.

36:28

Because this is A1 lot minor subdivision with no internal roads, not motorized facilities aren't required.

36:36

However, there are not motorized facilities proposed as part of the multi family development.

36:42

They're typically sited along park, what are called the parking modules, and those are those areas where you have 90° parking with a driving lane like you see in a typical apartment building set up.

36:55

And also there are not motorized facilities along access drives like that one that comes right in off of 93 and slants down to the South and West.

37:08

The Y area water system will provide drinking water as well as fire flows for the hydrants that are planned and city sewer is confirmed through the city of Missoula for wastewater.

37:26

So for Fire Protection, a hydrant plan was presented to Frenchtown Rural Fire.

37:30

They've they've reviewed that and they support it.

37:33

Hydrants must be in place prior to combustible construction and there is an easement that's placed on the preliminary plat 32 feet wide.

37:47

It's private access and utility easement.

37:50

We're requiring that on the final plat, but there is an allowance to allow it to move a little bit should the multifamily development contained within the subdivision change and configuration in any way.

38:04

There's also a little spur, a utility easement that spurs off to the northwest that connects to a private utility easement in adjacent Mallon Meadows subdivision.

38:21

So in summary, I just wanted to talk about mitigation of impacts as a whole, so we can see the relationship of this one lot subdivision to the underlying development, which is being reviewed distinctly.

38:34

We talked about the fact that there are no actual roads within this subdivision.

38:38

Nothing that meets the definition of a road is contained within the one lot subdivision.

38:42

So the access lanes, if you want to call them that, and the parking modules are reviewed and approved through zoning compliance.

38:51

Traffic impacts that might include the installation of a signal at Waldo and 93 that will be overseen through Montana Department of Transportation Systems impact analysis process, grading and drainage will be reviewed by county public works via zoning compliance.

39:12

Sidewalks within the development similarly are reviewed through the zoning compliance review process.

39:20

The EQ will oversee water and sewer.

39:23

The only conditions directly related to this one lot subdivision that are fairly sizable.

39:30

The the biggest one would be Fire Protection that must be installed prior to combustible construction.

39:37

And then we do have a requirement that we're recommending for covenants to include the weed management plan that was proposed as well as living with wildlife information.

39:50

We did receive public comment which is attached to the staff report.

39:54

And there is actually I guess you could call it a petition that has folks that signed, signed their concern from adjacent Mallon Meadows subdivisions immediately to the West.

40:10

As you might expect, there's concern about increased traffic.

40:14

With this development and the circulation pattern that will impact the Waldo a 93 intersection both turns from Waldo on the 93 and vice versa.

40:27

There was also concern about the impact of RV's from 2 RV parks, one being expanded by 50% on the West side of 93.

40:37

How that would play into the added traffic added from this development.

40:45

There are concerns about the impervious surface added by this development and how that will impact adjacent wells, particularly in Mallon Meadows immediately to the West and a general concern about the change in neighborhood character.

41:01

And this is obviously a significant change.

41:06

Mal meadows residents also expressed concern that folks in the multi family development will be drawn to the common area, which is a fairly prominent open space within that subdivision.

41:23

Commissioners, we support this subdivision and when you're ready, there's your motion.

41:28

I'll be available if you have any questions.

41:31

Thank you Tim.

41:32

I, I think I missed that last concern about the common area.

41:36

Can you explain that again?

41:39

Bala Meadow Subdivision is a major subdivision immediately to the West.

41:44

Maybe what I want to make you dizzy here, but I'll go back and see if I can locate it here.

41:51

It has its own common area and I think it might be here.

41:56

I think there was concern that because this is a multi family development to the east, folks will be attracted to this and think that it's a park that they can access when it's just a common area for Mallon Meadow's subdivision.

42:10

OK, hold on Tim.

42:11

I think we're yeah, good.

42:16

Yeah, yes, go ahead.

42:17

It's this space right here.

42:24

Can you just maybe try, Well, Josh can see which is it's the same 1 Tim was pointing to.

42:31

I don't know the best way to point to the common area.

42:33

It's literally just to the east or West of Mallam Lane.

42:40

So Mallam Lane just to the West down in that southwestern corner there.

42:47

It's a square.

42:48

It's a square.

42:48

Yeah.

42:49

It's it's a just to the West of the road trees.

42:51

OK.

42:53

That has a little basketball court on it.

42:55

And it is, it is maintained by the neighborhood.

42:59

We do all the mowing and and wedding and all that sort of stuff.

43:02

So it's it's literally just like one house away from that development.

43:07

OK, perfect.

43:09

Thanks, Tim.

43:10

Yeah, that was the one that you were highlighting.

43:18

OK.

43:18

I'm sorry.

43:18

I think I interrupted you.

43:20

You were about to say something, Tim.

43:31

No, I didn't have anything additional.

43:33

OK.

43:34

I'll be available if you have any questions we need to discuss.

43:39

Yeah, Sonic.

43:41

Thanks, Tim.

43:42

So I think I know the answer here, but I just want to make sure that I got it right that there that there will be a signal at Waldo and 93.

43:50

And the question right now is how big?

43:53

Well, I guess the question be what is what will be our means of paying for it?

43:59

Yeah, I might be.

44:01

Yeah, I, I believe that's accurate.

44:04

I don't think it's immediately warranted.

44:06

In fact, the traffic impact study for this development concluded that should this development fully build out, it alone will not trigger a warrant for that signal.

44:18

It's the other developments in combination with this development that will warrant a signal.

44:23

So we're not sure of that time frame.

44:26

OK, thank you.

44:29

Thanks.

44:29

Adjustment.

44:30

OK, PC from I'm sorry, I'm forgetting your name from PCI Danny with Imeg.

44:36

Imeg, I'm sorry.

44:37

No worries.

44:37

That's all right.

44:40

Thanks for having me, commissioners, and thanks, Tim.

44:42

This one's a little convoluted, so I'm going to oversimplify it from our point of view, hopefully address any easy questions.

44:52

The whole why we're here is the two properties subject to this review are track land, meaning they've never been through the subdivision formal process before.

45:07

State MCA say that you don't qualify to use a condominium exemption unless you've gone through parts five and six of the subdivision regulations.

45:17

So we're like, OK, well, we'll just do A1 lot subdivision so that then the multi family building permit only project can then qualify for a condo after the fact because Manly, excuse me, Miramonte Homes likes the option for both lease and for sale and they're early pro.

45:39

Their early calculations show that this could be real obtainable housing for sale product, meaning the calculation so like less than 400,000 for sale units.

45:50

So that's why we're here.

45:55

If you have any questions on like the MDT stuff, city sewer, wirey water, any of that traffic impacts, happy to answer that.

46:04

But just try to oversimplify it, why we're even here.

46:07

We're not trying to pull the wool over the eyes and confuse subdivision versus a building permit project.

46:13

That's why we're here.

46:15

So Joe, dinner is on the line too.

46:18

We can take Demon if you guys have questions.

46:19

Thanks so much.

46:20

Joe, did you have anything to add?

46:24

Bill, thank you very much.

46:25

Danny, Danny hit the Y perfectly.

46:27

OK.

46:28

Slotnick.

46:29

Hey Danny, just on on the stoplight.

46:32

Yes, given that I understand the these 93 units alone are not enough to trigger the warrant for a stoplight, but the aggregate of all the development happening at the Y Wood Forest that to happen.

46:44

What do you think on on kind of timeline when, when that might be that?

46:48

That's a question we have for the state as well.

46:50

Their response is that they have a four year permitting cycle in which they have to have a planned project to then fit into their four year cycle.

46:59

And I'm probably oversimplifying this too, but that's my understanding.

47:02

So that tells me we shouldn't expect the signal in the within the four years, but maybe sometime in that next cycle of planned projects we should expect that signal would would the approval of this subdivision put this project kind of in that queue?

47:18

It it would, Yeah.

47:19

Great.

47:20

So and to clarify, maybe what you're getting at is I think we have right to build the project without a signal because we don't warrant the signal alone, but MDT is going to, for lack of a better words, hold our approach permits hostage unless we pay our fair share towards that future signal.

47:38

They provided A calculation that says and there's the background traffic, 10,000 trips per that intersection every day are added trips is a percentage around like 6 1/2 or 6.7% that goes into the calculation of the estimated cost of the signal, which is like 1.8 million.

47:57

Our fair share, you know, right now it's like 170,000 that we put in an escrow account for the state to use when they're ready to build it.

48:05

Oh, that, that's a great explanation.

48:06

Appreciate it.

48:07

Thanks.

48:08

Thanks.

48:09

Is there any public comment?

48:14

Come on up.

48:19

And it looks like the the light is off, so you have to hit the button.

48:23

Yep.

48:25

OK, OK.

48:26

My name is Phil Carlos.

48:27

I'm the president of the Mala Meadows Homeowners Association.

48:32

And we are concerned, as Tim mentioned, about the density of the housing.

48:41

There is no green space indicated on the plan.

48:44

The buildings appear to be built right up to our property lines and we are also concerned about traffic on the 93.

48:59

I don't know how many of you been out there, but it's people coming off of Evaro Hill are going 70 miles an hour.

49:09

There's a 50 mile an hour, 55 mile an hour speed change right before Waldo, but nobody pays any attention to that.

49:15

They were right up the hill to to the to the Y.

49:20

So as the plans show it, there's an entrance directly on to 93 and we think that's a big hazard for people flying down the hill.

49:38

The other problem is that the other entrance, well, that's the other project.

49:43

So we won't talk about that I guess.

49:49

So we think the density is high.

49:52

It appears to be a prime opportunity for people buying second houses and living somewhere else and coming up here in the summer, just like the RV par RV storage unit that's just South of that park.

50:11

Their RV's up there and come in the summer.

50:14

Now they're going to buy houses.

50:15

And it doesn't appear that it will make more affordable housing for Missoula residents.

50:23

So we think the density is high.

50:26

I think that traffic is a health problem, potential health problem, and we'd like to have some visual barrier green space between our back of our lots and the building construction.

50:45

That's my \$0.03 worth.

50:48

Thank you, Phil.

50:51

Yes, yeah.

50:53

Before the next speaker comes on, just a question for Tim.

50:58

Tim, could you clarify in terms of density that that is not to my understanding part of our decision space today that ship is kind of sailed with zoning, is that correct?

51:15

Yeah, the the density of this development is it complies with the zoning and it's not really part of the decision space.

51:23

It's really under the the zoning compliance review for the development.

51:29

But I can confirm that it does meet the zoning as far as the density.

51:32

And yes, it is high.

51:33

We're talking 4-6 and eight Plex buildings.

51:37

But those are allowed in the commercial center district, right.

51:43

So basically it would have to be rezoned to allow a lower density in what's being proposed.

51:51

And this is the same with the lack of green space or that that's not part of it's not a requirement of zoning.

52:00

Is that correct?

52:05

Well, there's, there's landscaping standards and I haven't reviewed the permit myself, so I don't know if some of those details, but there's not like the the Parkland multiplier like you see with a major subdivision.

52:19

You don't have that in this instance.

52:23

Thank you.

52:25

And then the the last question or concern about a a visual barrier that again is discussed during zoning, whether or not a visual barrier will go will be planted.

52:38

Yeah, that's right.

52:40

OK.

52:42

Sorry.

52:42

Did you have something?

52:44

No.

52:45

OK.

52:48
Hi there.

52:49
Hello.

52:50
Hello.

52:50
My name is Dove Prince and I am a neighbor of this planned project.

52:56
And I, we had sent in a letter to, to the county commissioners before this was rescheduled.

53:05
So you guys probably got a letter about this couple months ago.

53:09
But I just wanted to reiterate some of the concerns and I'm taking some of this out because they've been discussing the the traffic issues.

53:19
But one of our major concerns is that our neighborhood relies on private wells as our only source of water.

53:27
Several of our wells are within 50 feet of this development and we are very concerned about the integrity of our drinking water in the coming years.

53:36
Where will drainage from rainfall and snowmelt go?

53:39
It currently soaks into the soil, but the soil will be under building an asphalt.

53:43
The terrain is not flat and this development is some feet higher than our properties with our clay soil.

53:49
We don't want the runoff coming into our property and our wells.

53:54

We are also very concerned about the density of the dwellings.

53:58

The 10.2 acres that this development encompasses will add about 150 a 152 new homes with very, very little green space at all.

54:12

It looks more like a housing project than a neighborhood and it is not apparent that there's much green space for tenants at all.

54:22

And with that little park that we have that we maintain right next door, we're very concerned that people with no access to green space in their neighborhood are going to be desperately seeking out other areas to have fun.

54:36

And that seems like an Ave.

54:39

for some conflict for us.

54:44

We are also very concerned about our loss of privacy.

54:47

We built our homes out in that neighborhood to find some peace and tranquility out there.

54:53

We didn't expect that there wouldn't be change, but the the project that is being proposed builds massive rows of second story windows peering right into our backyards.

55:08

And so obviously that dramatically affects all the neighboring homes quality of life.

55:14

We're asking that you please require them to reduce density by providing some park or green space along our property lines and a durable fence such as a block wall to prevent access to our properties and private park.

55:28

This appears to be at least a \$50 million housing project and the developers should be required to provide their tenants and neighbors some green space and Peace of Mind.

55:38

And the last concern is the unsightly appearance of the development.

55:42

This is a project by an out of state developer motivated by maximum profit per square foot with no regard for aesthetics or residents and neighbors quality of life.

55:52

There's virtually 0 green space with a density far out of character with our rural neighborhood.

55:57

This developer also has an established record of building massive, unsightly housing developments that resemble urban blight.

56:05

For example, the housing project that they built last year on West Broadway, The Missoula Lofts with its rusted industrial warehouse appearance that forever tarnishes the beauty of our beloved town.

56:16

Our small neighborhood is friendly and quiet.

56:18

We built our homes out here in this rural area years ago to find peace and tranquility.

56:22

We aren't nimbies, and we recognize the dire need for affordable housing in Missoula, but we ask that the county allow for such development in a way that doesn't permanently harm the quality of life of fellow established neighbors and our entire Missoula community.

56:37

We really appreciate your consideration in these matters and we hope that you will take measures at your disposal to help mitigate our concerns about our safety, water, health and privacy.

56:48

Thank you very much.

56:49

Thank you, Doug.

56:51

Any other public comments?

56:59

Kevin Curtis?

57:00

I'm a neighbor to the subdivision closely.

57:03

I live in the Y area.

57:06

So some of the other concerns and I guess one of the questions I would have for Tim is the Y water system, is that the Waldo Williams water system that they're accessing then?

57:17

Is that what the Y water system is considered?

57:19

So was my question would be is the wall, is that why water system was it ever designed to take on all of these new homes?

57:29

This would be the second that I know of and possibly the third.

57:33

I'm not positive if Hayden Homes is on it.

57:35

I know Tolson's major subdivision is on it, which is 206 units.

57:40

That 206 units is putting 5600 new vehicles on to that Waldo traffic issue that the other guys have spoke of.

57:50

Hayden Homes.

57:51

I'm not positive how many that was approved for, but my concerns is, is that water system ever approved and is it going to be tapped at capacity?

58:01

Dove pointed out that the water runoff is going to be an issue and possibly contaminate their wells, just like with other subdivisions that are going on right now at the Y.

58:13

That's most of our concerns in the neighborhoods is what is my water system going to be affected by these huge subdivisions that are trying to get approved at the Y?

58:24

We all bought rural for reasons, so we didn't have people right on top of us and most of us at the Y are struggling with water issues that are very well known to the commissioners.

58:37

Thank you for your time.

58:38

Thank you, Kevin.

58:40

Come on up.

58:47

Good afternoon, commissioners.

58:48

I'm Sarah Curtis.

58:50

I have a couple questions and concerns of this super dense development they're putting in.

58:59

The impact of the school system, as Kevin was just explaining right there, within a half a mile, we have Hayden Homes, which we were not 100% sure what that subdivision is approved for as far as capacity.

59:17

Tollefson, I know that there's 206 of those other subdivisions that are wanting to happen.

59:25

Frenchtown School is already bussed in at the seams.

59:29

That's a huge impact.

59:32

Most people looking for this type of home are people with kids, unless it's people that are second homing, that sort of thing.

59:42

I guess the water availability again.

59:51

And the traffic impact is huge.

59:52

We use that everyday.

59:54

We have a brand new teenage driver.

59:56

So that's very concerning to have these mini homes.

1:00:01

And there's also talk of apparently there's a meeting at Frenchtown Fire about a Newtown pump going in at French Town.

1:00:11

So that's a whole bunch more traffic right in that already congested area.

1:00:17

That is all.

1:00:17

Thank you.

1:00:18

Thank you.

1:00:19

Sarah, any more public comment in the room?

1:00:26

Not saying any.

1:00:27

We'll go online.

1:00:32

OK.

1:00:34

Yeah.

1:00:34

Questions for Tim Slotnik.

1:00:35

Thank you.

1:00:36

Thank you.

1:00:37

Hey, Tim, I just want to make sure, just because a lot of folks have asked about this, this density is consistent with zoning.

1:00:45

Is that correct?

1:00:46

Yeah, that's right.

1:00:47

And what are the green space requirements?

1:00:53

You know, I'm not altogether sure on that because I haven't reviewed the permit directly.

1:01:00

Unfortunately, I don't have the code in front of me right now.

1:01:03

I can maybe do a quick confab with staff on that and find out what that is.

1:01:10

That would be great.

1:01:11

And then the other one that's been brought up is around storm water and drainage.

1:01:15

Just wanted to find out what the requirements are there and if the developers met the requirements.

1:01:21

Yeah, part part of what I tried to do in the staff report is illustrate that regardless of whether you're talking subdivision review or zoning compliance for multi family development, you have to design to the same design storm, the 100 year 24 hour storm and you can't have greater release of runoff post development than you had pre development.

1:01:46

So you're basically getting the same type of storm water overview regardless if you go through subdivision review or multi dwell, multi family development routine and and has this development met that?

1:02:04

Yeah, I mean that's something within the zoning compliance review process and building permit review process that public works would take a look at.

1:02:12

There's a fairly extensive and maybe I may could speak to it, but grading and drainage has been illustrated in the application.

1:02:22

It's very elaborate and complex.

1:02:24

But again, it's not something that we would put a condition to because it's already going to happen as part of the zoning compliance permit.

1:02:33

OK.

1:02:33

So in order to get a zoning compliance permit, the developers would have to show that the plan for storm water runoff means there's not going to be any more post construction than there would have been prior to the construction, is that correct?

1:02:46

Yeah, that's right.

1:02:47

Yep, that's right.

1:02:48

So that so that will be addressed in the zoning compliance permit piece of this review.

1:02:57

Is that right?

1:02:58

Yeah, that's correct.

1:02:59

OK, great.

1:03:00

And and Danny's here.

1:03:02

But yeah, I would just not to correct him.

1:03:05

He's not wrong.

1:03:06

But technically it's DQ who reviews and improves stormwater for this project, for the multi family project, not the subdivision.

1:03:15

And we have worked through the DQ review with Charlie and his department at the health department.

1:03:21

We have the Costa approval.

1:03:22

This is not in the Ms.

1:03:23

4 is why public works is not reviewing this cold water.

1:03:26

I was wondering about that.

1:03:27

DEQ actually has a more conservative design standard approach to drainage.

1:03:32

So we retain all stormwater on site.

1:03:35

The 100 year event, we are not discharging anything over that out of the development.

1:03:40

So, so, so I understand real valid neighborhood concerns, but sounds like concerns have been met around density and that it's zoned appropriately on around stormwater and that DEQ is permitting this and on traffic and that MDT is going to require a light being built when warranted.

1:04:00

The last one that was mentioned that stuck with me is around fencing.

1:04:04

Can you speak to that?

1:04:06

Yeah, fencing would live in zoning compliance review.

1:04:09

That's in the hands of the architect, not me per SE.

1:04:12

I have an e-mail from the architect that says the only thing that we need for building permit approval is just the health department sign off.

1:04:19

So, and I think they're waiting for the Costa to be absolutely finalized by the so does so does that mean do we know if fencing is part of the zoning compliance review or not?

1:04:28

Correct.

1:04:28

It is.

1:04:29

It is.

1:04:29

So there could very well be a, a required fence could is the correct term.

1:04:36

Yes.

1:04:36

I don't think there's any proposed fences as of now and I don't think there's a requirement for fences.

1:04:41

But if a fence is proposed, zoning compliance review would oversee that and then develop.

1:04:48

I'm sorry, John, is that something we could condition a fence to?

1:04:56

Tim, could we condition a fence?

1:05:01

I think hypothetically could there might be a redundancy between what ends up happening in final zoning compliance and then site review of the site when things start getting built.

1:05:12

But I I don't see why you well you couldn't do a fence with the condition around animal friendly environments and living with wildlife.

1:05:22

Just a thought.

1:05:24

If you were to condition like a brick fence, that's going to conflict with the condition already in place about animal, you know, wildlife friendly conditions and covenants, but some type of privacy fence to meet some of the neighbors concerns.

1:05:43

Do we have to use the word fence?

1:05:45

Is there something barrier?

1:05:46

Is that screen appropriate?

1:05:49

I I guess my question is what would be considered adequate screening when you have multi story buildings?

1:05:59

And I I think that that and if I, if I can paraphrase what to say it and if I get it wrong, please come back.

1:06:06

But it sounded like your concern was folks in this subdivision or it's 96 unit construction wandering onto the properties next door.

1:06:14

So this thank you.

1:06:16

So this would be truly a fence that would prohibit people from walking from one property on to the next or inhibit.

1:06:28

Not prohibit, but inhibit.

1:06:29

To be honest, I I mentioned a little green space in between our You need to come up to the mic, Sir.

1:06:45

That's why, you know, we, we want to be able to work with the developers in a way that can kind of work for everybody.

1:06:52

And that's why I was kind of hoping there might be some allowance for some green space along that property line to create a little bit of distance.

1:07:01

This this zoning was just changed about a year and a half, two years to allow for all this development.

1:07:08

And unfortunately the zoning allows for no set back at all, which is kind of crazy to think that you could build multi store homes right on the property line against somebody's backyard.

1:07:19

And so my thought is if there's any way to require the developers to add some green space for the residents so that they would have some more green space along the property lines.

1:07:30

That would be the most ideal, I think for all of us and and a durable fence, of course, But you know, if there's a way to require some sort of green space between the property lines, that's kind of what we're hoping for.

1:07:43

Thanks.

1:07:43

Thank you, Doug, Tim.

1:07:48

Yeah, I was just going to mention my colleague Kathleen Arthur, who's actually reviewing the permit confirmed that in this district you have a maximum lot coverage value of 80%.

1:07:59

So that means that you have to have some landscaped area, even though it's it's considerable density here, it's 15 dwelling units per acre.

1:08:08

I believe there's a minimum home per acreage requirement in this district.

1:08:13

That's that's part of the the issue here is that you're going to see pretty dense development regardless.

1:08:20

But what she confirmed for me is that there's 4.06 acres of landscaped area.

1:08:28

So basically that amounts to about 60% lock coverage.

1:08:35

So they're not maxing out their lock coverage.

1:08:39

OK.

1:08:39

Thank you, Strommeyer.

1:08:41

Yeah.

1:08:41

So along those line lines, Tim, to address some of the, the neighbors concerns, do we have, do we have any, any latitude today as far as conditioning this one lot subdivision to require that a, or is this a zoning compliance thing to require that the percentage of, of non developed land be adjacent to and proximate to the, the, the property boundary at question here as opposed to somewhere else that might not serve the purpose of a green space or a, a buffer that some of the neighbors would like to see?

1:09:25

Well, I believe you have some latitude on that.

1:09:27

How that impacts the, the design so far, I obviously it would be hard to determine, but I think we could, it might be worth talking to Danny and Joe to get a sense of how that might impact.

1:09:40

So I, I think the, the two things that I would love to, to hear from our IMEG spokesperson here would be, and, and I guess what I'm looking for, if there's an opportunity to try to address some of these concerns.

1:09:55

One would be making sure that there be a fence of some type separating the, the properties.

1:10:01

And then secondly, could we have some assurance that that the, the undeveloped green space, if you will, is going to be adjacent to the the property to the West?

1:10:18

Danny with I, Maggie and I get, I guess I'm a little concerned that we're getting outside of the scope of our decision space with the subdivision in this context.

1:10:29

We've designed the project to be zoning compliant.

1:10:31

We feel it's zoning compliance.

1:10:33

So setbacks from property lines, buffers and landscaping is sufficient and satisfied, you know, creating more buffer, more space.

1:10:42

You know, we there is setbacks from the property line that we have to abide by and we are abiding by those.

1:10:48

If we try to set back our buildings further, we have to go back to the drawing board, which we're at two years right now working on.

1:10:54

So I don't think that's an option for the development team.

1:10:57

And if that were a condition that for lack of a better word, words kind of derails the layout and the site plan, we just wouldn't pursue the subdivision and we would build the multi family as compliant with the zoning as if that makes sense.

1:11:14

So well, it does, but it's not a satisfactory response.

1:11:18

I, I would assume and I, I can't speak for the developer without him here, that like a fence, just a standard wooden cedar fence or something like that is probably not a big deal and maybe a benefit for the development in itself.

1:11:33

So I I'm sorry, I'm deflecting on that a little bit.

1:11:38

I'm trying to keep us on the scope of your decision, which is the subdivision, not the multi family zoning compliance review, but maybe this next portion if, if we can just get some sort of signal that the developer does take the neighbors concerns into into effect or it like, yeah, they're they're not being ignored if there's some demonstration that the developer hears them.

1:12:07

Yeah, and absolutely.

1:12:07

And when it comes to like open space and the potential issue of the residents of this proposed development using the common area of the adjacent subdivision, we as as Tim mentioned, we have like almost 30% actual landscaped areas that will be developed for the residents of this development to use.

1:12:24

They have plans for dog parks that plans for, you know, a playground in one of them.

1:12:30

So I, I don't see that being a a issue.

1:12:33

It's also not a public park so that HOA could take action on trespassing if they wish.

1:12:39

Yeah, I did have a question about the water.

1:12:41

I think someone brought up concerns about the water that that's all through city water.

1:12:45

No, not storm water, but I thought they had concerns about drinking water and wastewater.

1:12:49

And that's all addressed through city, correct.

1:12:52

Y Area Water district.

1:12:53

We have a will serve letter and the capacity letter from them, which DEQ has signed off on.

1:12:59

OK.

1:12:59

And then sewer is provided by the city.

1:13:03

Yeah, go ahead.

1:13:05

Sorry, Dave, you can go first if you like.

1:13:07

This is a question for John.

1:13:12

Just if you could kind of define our decision space.

1:13:16

Well, I apologize, I, I didn't, I didn't review this subdivision in detail prior to this afternoon, but I didn't understand that, that there was any controversy surrounding it.

1:13:33

So I didn't get into the weeds on it.

1:13:35

But I think Danny did a good, he gave us a good explanation.

1:13:40

Really all that they're asking to do aggregate 2 parcels of tract land such, such that it can then be subdivided and they can build and they can use a town home exemption.

1:13:55

And they're, so that's really all that they're asking you to do is allow them to to subdivide this property.

1:14:05

What has been confusing today is, you know, and I it just, it just seems like they've been very transparent about what then they're going to do with this property.

1:14:18

And everything that they're going to do with this property complies with the zoning that's it been in place for the last three plus years.

1:14:28

And so I mean, it's almost because they have said, and here's what we're going to do with this one lot subdivision that then you know, the concerns have come up and they're legitimate concerns.

1:14:43

I mean, you know, if I lived out there too, I would be very concerned, especially considering some of the other development that's happening to the West on Waldo.

1:14:52

It's a lot of new construction going on out there.

1:14:57

But really today you're asking that you're being asked to approve a, a subdivision of land and it it they could have, developers could have just asked for that with no discussion of what would happen.

1:15:11

I believe that's correct, which sounds to me like our decision space is just about the subdivision, not about what is to come.

1:15:20

And that would be addressed more or less in zoning compliance permit the work that DQ would do and the work that MDT would do correct that one.

1:15:32

So, so the one outlier though it seems to be the the issue the fence is that something because it sounds like it would not be something that would be required by going through the zoning compliance process.

1:15:48

And if we punt that today, are we kind of roll rolling the dice a little that I have no doubt, I, I have no reason to doubt the developer that that this would be addressed during zoning compliance and such.

1:16:02

But would it be nice to add that in as a condition today to to provide assurance to the neighbors that this is something that will be accomplished?

1:16:14

Yeah, you could, you can do that today.

1:16:16

And I, I mean, I, we've heard the developer say that that's not a, that's not going to kill the deal.

1:16:21

In fact, it might make the development better from their standpoint.

1:16:26

And so I think you could add that as a condition.

1:16:29

And what we're would be approving is the subdivision, not the 96 units of housing, correct?

1:16:36

And it's that and easily confused.

1:16:38

And if I was in your shoes, that's what I would be worked up about too.

1:16:41

But thank, I feel like that's the defined decision space.

1:16:44

It's, it's around that subdivision, not around what what is to come or what potentially could come.

1:16:51

And, and we can ask for a fence now.

1:16:53

And, and I think it'd be great, Danny, if it's possible for the developer, for you.

1:16:59

And I know you're all under serious financial constraints and time constraints.

1:17:02

And I understand the intensity of those to attempt to work with the neighborhood and acknowledge this is a big pill to swallow in terms of change and what can be done in the way of neighborliness just to meet some of these concerns as best you can.

1:17:18

Yeah.

1:17:19

And I and I know this, this is not a satisfactory response to to the neighbors in the area.

1:17:24

But as I mentioned earlier in terms of density, that is not at play today that that ship really has sailed with zoning.

1:17:34

Everything that's being proposed density wise is, is something that the the property owner is is entitled to develop to that level of density.

1:17:43

And I will also say I totally hear you as far as aesthetics go.

1:17:49

There's some **** developments that I have seen throughout the Missoula Valley lately developer, but but again, that is not part of our decision space and we have no ability to regulate aesthetics.

1:18:03

So I, I hate saying hope for the best, but that is not something that we can decide today.

1:18:12

Can I just briefly say it's, it's, it's not 96 homes, it's going to be 150.

1:18:17

I know this, this little subdivision is for 96 homes, but the whole 96 + 56.

1:18:23

Yeah, yeah.

1:18:24

Thank you.

1:18:25

So again, Danny, if it's possible to engage the neighbors, hear people's concerns, are there things you all could do within the financial constraints that I know you have to work within that might meet some of their aesthetic concerns, privacy concerns, green space concerns.

1:18:42

And I, I imagine just reaching out, even if you can't make good on all things people want, would build some goodwill.

1:18:53

Absolutely, yeah.

1:18:54

We we'll do our absolute best to make everyone feel that we've done what we can to suffice their concerns.

1:19:02

Great.

1:19:03

Thank you.

1:19:03

Thank you, Dan.

1:19:05

And and I'd love to figure out how to condition the fence.

1:19:09

My only suggestion is to make it absolutely clear where on the lot you think there needs to be a fence.

1:19:16

And then, you know, we can, I'm sure Tim can cobble a condition together.

1:19:22

It it's not crystal clear to me.

1:19:25

I mean, I think I know you want it on the West End edge of the property line.

1:19:30

Yeah, but I mean the full leg.

1:19:33

I, you know, I I don't, I don't know, let me just say I don't, I don't think we're opposed to this.

1:19:39

If you decide to make this condition, if you could add flexibility within the zoning, you know, zoning has buffering and landscaping requirements.

1:19:49

I would hate to have a conflict with your condition and what they're required to do as part of the building permit.

1:19:56

But we're if you want a condition, a fence, or a screen along the western boundary.

1:20:01

We're game so something like a fence within the parameters of of of zoning of the zoning for this area.

1:20:09

Dave, I I think we've stalled adequately and maybe Tim has come up with the language while we've been we've got Tim, I'm using this and a visual reference.

1:20:21

Yes, let me work.

1:20:23

Let me work on the visual reference for starters.

1:20:26

I had the motion up instead.

1:20:28

Sorry.

1:20:29

Oh, nice work, Tim.

1:20:33

So that's what you're looking at there.

1:20:36

It's not here quite yet, but yeah, lag here.

1:20:40

Oh, forgot that I needed to share my screen.

1:20:51

It's a little like calling Alaska in the 90s.

1:20:58

I mean, I, I, I wonder if, if what we're talking about basically is the entire western edge of the, of the lot, But then what?

1:21:17

Who Commission commissioner?

1:21:19

But you could end up doing something pretty generic, like plans for a privacy fencing slash screening consistent with the Missoula County zoning regulations shall be cited along the western edge of the subdivision, subject to review and approval by Planning, development and sustainability prior to final plat approval.

1:21:45

There you go.

1:21:46

Does that work, Danny?

1:21:48

OK thanks, Tim.

1:21:56

Oh, OK, Put that in Asian language.

1:21:58

I think he's working.

1:21:59

Oh, he's worried he's typing away.

1:22:04

Yeah, actually, commissioners, because I'm, I have a pretty low tech setup right now, I'm not actually typing that out.

1:22:12
Oh, OK.

1:22:13
Yeah, I only have a screen right now.

1:22:15
So you could just refer to the additional Commission, right?

1:22:25
Yeah.

1:22:25
Related to fencing and screening along the western edge of the subdivision.

1:22:32
All right.

1:22:36
OK.

1:22:36
So is there yeah.

1:22:39
Any further comments in the room or online?

1:22:42
Did you have a a motion to kind of pull this together went up here.

1:22:49
Oh, here he comes.

1:22:54
Oh, here we go.

1:22:56
OK Should we just tack on as amended?

1:22:58

Would that work?

1:22:59

That would work.

1:23:02

Perfect.

1:23:03

I'm happy.

1:23:04

OK.

1:23:05

I would move to approve MML subdivision on 93.

1:23:09

I'm I'm sorry, I move to approve MML on 93 subdivision based on based on the findings of fact and the staff report and subject to the conditions of approval as amended in today's on the on the record of today.

1:23:28

Second, any further discussion or public comment, all in favor, Aye.

1:23:34

Thanks for all the work on the fly.

1:23:36

And thanks, Danny, for being amenable to chatting with neighbors.

1:23:39

And thanks you all for coming in to talk today.

1:23:41

Yeah, Thank you all.

1:23:46

OK.

1:23:47

Yeah.

1:23:48

Thank you.

1:23:52

Patrick Schwartz with Fire Bucket Metal subdivision.

1:23:57

The gift that keeps on giving.

1:23:59

That's Glen Eagle.

1:24:01

Glen Eagle, you can only have one of them.

1:24:10

All right, good afternoon.

1:24:11

For the record, my name is Patrick Swart.

1:24:13

I'm a planner with the Office of Planning, Development and Sustainability.

1:24:16

And today we're having the 5th hearing for the Fire Bucket Meadows subdivision.

1:24:21

This is a request from Dale Sparks and Tammy Beach who are represented by PCI.

1:24:29

The subject property is located at 111 O 9 Fire Bucket Loop and we're just to the northwest of the Y interchange on Interstate 90 and Hwy.

1:24:39

93 N.

1:24:40

It's the Half Moon shaped parcel outlined on the screen here.

1:24:46

The proposals for A5 lot residential subdivision on 19.82 acres.

1:24:50

Property is zoned Agriculture, Rural Residential 2 which allows for residential development two density of up to 1 dwelling per two acres.

1:24:59

The result and density of the proposed subdivision is 1 dwelling per 3.96 acres and access would be proposed directly off a fire bucket loop.

1:25:07

And they're not proposing any Parkland dedication or non motorized facilities or any variances with the subdivision request.

1:25:16

Here's a look at the preliminary plat.

1:25:18

We can see those proposed 5 lots.

1:25:20

The applicants currently live on what is proposed lot 3 developed with their home, garage and shop and is served by an existing well on the property.

1:25:28

The remaining 4 lots are undeveloped but proposed for single family residential and wouldn't be served by proposed 4 new exempt wells.

1:25:39

The first hearing for this subdivision took place on March 27th of this year, at which point you heard the staff report and public comments.

1:25:47

Based upon a large number of public comments with concerns about groundwater availability and impacts to neighboring wells, Commissioners, you requested some additional information and mutually agreed with the applicants to delay the hearing out to April 24th.

1:26:01

Following that meeting, the applicants contracted with Water Rights, Inc to prepare a report, existing literature reports and well logs to make an argument about groundwater availability in the area of the subdivision.

1:26:14

At the April 24th, 2nd hearing, that report was not yet ready to go, so we just took additional public comment and further delayed out to May 22nd.

1:26:24

The water right sink report was submitted to Missoula County on May 12th and was routed to the Water Quality District in Missoula.

1:26:30

Public Health for comment, who requested some additional time and asked to push another hearing out to May 29th.

1:26:37

So we continued on with the 22nd hearing, took more public comment.

1:26:41

And then at the 4th hearing on May 29th, we heard the reports from Water Rights, Inc on their findings.

1:26:47

And then that was followed up by comments from the Missoula Water Quality District in Missoula Public Health, which then LED into additional public comments.

1:26:57

And at that point, commissioners, you asked the applicants if they would be willing to entertain an additional condition of approval requiring them to drill and pump test all four wells prior to final plat approval.

1:27:10

That was agreed upon and we set an additional hearing date of today, in June 26th.

1:27:16

And in between that time, the applicants were to meet with planning staff, Missoula Water Quality District, Missoula Public Health and the County Attorney's Office to craft an agreed upon condition about drilling those four wells.

1:27:30

We held that meeting on June 5th and the parameters that were laid out again were four wells would need to be drilled prior to final plat approval.

1:27:38

They would need to be pump tested.

1:27:40

We would analyze sufficient water quantity and impacts to neighboring wells, which would require defining what sufficient quantity looks like, defining what impacts to neighboring wells look like and if any theoretical impacts are identified, what the appropriate mitigation would be.

1:27:56

At that meeting, we did not come to an agreed upon condition addressing those specific criteria and the applicants had proposed an alternative path forward that would, as opposed to writing conditions prior to final plat approval, would be to delay the preliminary plat decision.

1:28:13

And they would then go forth and drill and pump test these wells incrementally.

1:28:19

They were of the belief at the meeting that they think they can drill a single well, pump test it and gather data that may be sufficient to show there's enough quantity and that the proposed subdivision will not impact neighboring wells.

1:28:32

There was some back and forth at that meeting with Missoula County staff and that is a potential outcome of drilling one well.

1:28:39

They may be able to get that data, but we made it clear that if that isn't sufficient, they could then maybe need to go on and drill a second well and incrementally so on and so forth until we have the data that we need to make a decision on the subdivision.

1:28:54

So this would allow them a little bit of flexibility and wouldn't require them to drill all four at the same time prior to final plat.

1:29:01

It's just continue drilling and pump testing wells until we have enough data to show there's quantity there and it's not going to impact the neighbors and will give us an idea if there is impact, is it able to be mitigated and what is the appropriate mitigation?

1:29:14

Josh has a question, go ahead.

1:29:17

Thanks a lot, Patrick, and appreciate you going through all this process.

1:29:20

It's a complex and intense thing you're doing.

1:29:23

So thank you.

1:29:24

So I understand it right.

1:29:25

The applicant would like to basically drill one well at a time, yes.

1:29:29

Is that correct?

1:29:30

And after, let's say they each time they drill a well, there's enough water at the end, there's, let's say there's four wells that are all pulling enough water and they run them all simultaneously and monitor all the neighbors simultaneously.

1:29:45

Can that happen?

1:29:46

Is that, is that what we're, is that our common understanding that that would happen?

1:29:49

It's not a one at a time thing, but it's that a sum total of all four wells and what does that effect have on the neighbors if indeed all four wells proved to be sufficient?

1:30:00

So sort of the proposal was that they would drill one at a time in the event that let's say they get through one or two wells and they have enough data, they drilled the first new well and say they're getting a sustained flow.

1:30:15

And I'll let the hydrogeologist in the room speak to this little bit more, but say they're getting a sustained flow of 40 gallons per minute over X amount of time.

1:30:24

And if neighbors volunteer to participate, we're not seeing drawdown or issues with recharge in neighboring wells that potentially could translate into a shared well system.

1:30:35

It's demonstrated sufficient water quantity is demonstrated that there won't be impacts to neighboring wells.

1:30:40

That's one theoretical outcome and I think that's what they were getting at with this incremental approaches.

1:30:47

We want to do one at a time and see if we can get the data that you commissioners need to make this decision.

1:30:53

Can we provide reasonable assurance one well or two wells or three wells and maybe not have to get the four wells in the ground prior to you making a decision on the preliminary plat.

1:31:04

In this case, it's because one well could be big enough to be shared potentially, not that what we learned from one well provides reliable information about another well that has not yet been dug.

1:31:17

So this is where we're getting a little bit more into the science and the hydrogeological analysis that I don't want to speak to exactly the.

1:31:24

The understanding would be if this is the route that they're going, they would work in cooperation with planning staff, including the water quality districts to help define what sufficient data is to demonstrate sufficient quantity and that there won't be unmitigable impacts to neighboring wells.

1:31:44

Strummeyer and I'm sure Ron will have something to share on this momentarily.

1:31:49

But it, but it's part of the, the idea of not conditioning the subdivision and, and, and being at a decision point today that perhaps once a well is drilled, it, it could be dry or inadequate and, and they would have to drill in a different location, which might change the lot configuration.

1:32:17

Is that part of the, the kind of the consideration that was mentioned?

1:32:22

I believe by one of the representatives from Water Rights Inc, one of their concerns was if we condition drilling 4 wells prior to final plat approval and they sync those four wells and it doesn't produce as expected, they could need to rethink subdivision design.

1:32:39

So doing it prior to preliminary plat approval would make it easier to, and I'm not saying that would be

the most straightforward process, but it would be easier to address that at this prior to making a preliminary plat decision.

1:32:54

Essentially, we'll we're gathering the data and we'd be making recommendations and conditions based upon known data or as the first option to drill prior to final plat approval.

1:33:05

We're having to define what sufficiency is, define what impact is, which could be on a scale and then have to come up with conditions for mitigation based upon theoretical outcomes of those tests.

1:33:19

Lena, can I ask you a question?

1:33:26

What do you think of this?

1:33:28

Yeah.

1:33:28

So she's going to have to introduce herself again.

1:33:31

I'm Elena Evans, Missoula Valley Water Quality District and I and there are ways in which you can drill a well and start to gain information about the conductivity and the transmissivity of a system that could potentially provide information around whether or not that aquifer unit is prolific or pumping at high rates that could potentially sustain another, you know, 4 houses.

1:34:07

It may also demonstrate that there's insufficient transmissivity or conductivity in which to move forward with that.

1:34:16

So part of the discussion also brought up the fact that when wells are drilled, well drillers under the well drilling rules of the state need to in some way perform an estimate of how much, you know, how many gallons per minute that well will provide.

1:34:35

And so when they put those wells in the well driller has to give some information then depending upon if they're there's different tests of different utility in my mind.

1:34:48

But that information can then be used to determine if it's feasible in any way to have a house on that or anything like that, which is something that will also be considered under the Sanitation Act.

1:35:06

So essentially when we were talking about what things needed to happen, how they needed to happen and how that impact would be assessed, there was a lot of uncertainty.

1:35:17

And so this is an initial step towards getting that information.

1:35:21

But because it's before preliminary plat approval, we aren't able to then, you know, dictate exactly what that looks like.

1:35:29

But we're still able, they're still going to come back to the table at this point in time with actual information on actual wells there that will give us more to go on.

1:35:39

That could also make the conditions associated with preliminary plat approval more straightforward and clear.

1:35:47

And so it's it's the option that was provided to the developer.

1:35:53

Patrick, I'm sorry we you weren't able to finish your presentation.

1:35:58

Yeah, if there's some more I can come through, OK.

1:36:01

Yeah, OK.

1:36:05

So those were the two potential paths for that were discussed at that meeting.

1:36:10

The applicants, as I mentioned, it was their proposal to delay the preliminary plat and I believe that is the route that they're still looking to pursue.

1:36:20

Following that meeting that we had on June 5th, we received a letter from PCI notifying us that the

applicants had contracted with a company called Willow Stick Guardian that provides 3D modeling of subsurface features.

1:36:36

Based upon information in that letter, it looks like the intent of contracting with them is to identify the ideal well locations and ideal depths, groundwater as they're going to be choosing locations to drill these new wells.

1:36:48

This was a a move that was volunteered by the applicants.

1:36:52

It wasn't something proposed or requested by Missoula County staff and their letter indicated that they had offered these services as well to at least 5 neighboring property owners.

1:37:03

Since the last hearing, we have also received some additional public comment, both directly emailed over to county staff or through Missoula County Voice.

1:37:12

One of the first comments was concerning the subsurface modeling through Willow Stick and just stated that the test seemed rushed and that they were expecting to see conditions for well drilling and testing and not the letter that PCI had sent out.

1:37:28

A second comment noted that lots of less than 4 acres with questionable water supply may not be suitable for agriculture, would create sprawl, and would not be consistent with agricultural goals listed in the AGR 2 zoning district.

1:37:45

Third comment stated that the subdivision lacks sufficient water supply and noted that hauling water could be unsafe on the hillsides and would create potentially some traffic hazards as well in the area.

1:37:56

And stated that the condition requiring hauling water in for the subdivision would create a a precedent for new subdivisions as well.

1:38:06

And then the last comment was that Willistic Guardian Services would not sufficiently show if groundwater is available or address that question about impacts to existing wells on neighboring properties.

1:38:17

That commenter noted that they chose not to participate in the test due to the water availability on their property.

1:38:24

They stated that the applicant's plan is to develop their land in three phases and that this proposal sidesteps major subdivision review and noted that the area of the subdivision is not suitable for development as shown in the Missoula County Growth Plan.

1:38:36

And they also expressed concerns that requirements for cisterns may not be sufficient to serve the required residential fire sprinklers and that there would not be enough water to mitigate weeds on site.

1:38:50

And that's the extent of the update.

1:38:54

OK, Thanks.

1:38:54

Ron, do you from PCI, do you have anything to add?

1:39:02

Thank you.

1:39:03

Ron, you were with PCI.

1:39:05

So no, I don't have much to add because Patrick did an excellent job of, of summarizing what our, our meeting consisted of as did Elena.

1:39:15

And so we're moving forward with that.

1:39:17

And yes, the client did contract with Willow Stick and I'm very excited about this technology.

1:39:22

I mean, they, they use the latest technology, this, they're actually on their 6th upgrade.

1:39:26

So the way it works is you have a, a person with a backpack, first they have the gamma phase and they run, they walk a grid that's set up and then then they process that information in Salt Lake and then it cut

and then the geophysicists and so on that analyzed that information come back and they say, OK, and then they do another phase of, of walking.

1:39:49

So that's really all it consists of as far as on the ground is the technicians walking and then the information goes to Salt Lake and back.

1:39:56

And we haven't yet received the, the modelling, but I do think it's something that could be the way of the future where we can find groundwater because in, in this Hard Rock type of environment, you know, you have fissures, you have seams, you have all different kinds of things.

1:40:12

And there is water and there's parts where there's not water, there's artesian wells and so on.

1:40:17

So this helps people to understand what what the lithology looks like and how far the water is and so on.

1:40:27

And yes, we did offer this service, which is quite expensive to some of the neighboring owners and no one decided to participate in this, but we at least wanted to make that available because it would also help to, you know, help in the grand scheme of things.

1:40:45

Excuse me.

1:40:46

We did have one, one owner, Eric Tomasek, he lives at the end of of Leashman Lane and he did participate.

1:40:54

So we'll have that information as well.

1:40:56

But they did quite a bit of groundwork out there and I'm very excited to, to see the, the information as far as the, the testing, of course, that's going to help us determine or excuse me, the well drilling.

1:41:09

This will help us to determine where's the best place to drill a well.

1:41:13

And then we will monitor the, the closest existing well.

1:41:16

We'll pump test well.

1:41:18

We'll work with, of course, with Elena and Charlie and and all those folks as well as Patrick and make sure that the data and information that is produced from this study is good enough to keep moving in One Direction or another.

1:41:35

And then eventually we'll have it all figured out.

1:41:40

So just just for clarification, Ron, please tell me that someone is not out there with a literal Willow stick doing water witching.

1:41:51

Well, it's funny because the name of the team, the the the companies Willow stick.

1:41:55

And that's what what they use.

1:41:57

But you know, what's funny is I've talked to a lot of people, engineers, hydrologists, that that is what they use.

1:42:02

No, no, used used to use.

1:42:04

Oh, used to use.

1:42:05

OK, yeah, they didn't hear that Willow sticks.

1:42:07

But but many people have told me, yes, they work or no, they don't.

1:42:11

And it it's just who knows.

1:42:13

But at least this technology is actual science.

1:42:17

I mean, they're actually looking into the earth and they have geophysicists figured call this out.

1:42:22

I think it's great technology.

1:42:24

OK, thanks.

1:42:25

I, I, I have a, a, a question for Patrick actually.

1:42:30

So, and I know we'll probably still take public comment here, but the, the action is there an action before us today to indefinitely postpone action or to keep the public hearing open or what?

1:42:44

What is it that we what's, what's before us today to decide?

1:42:50

So before us today, we would need to determine if which of these two paths forward we want to take.

1:42:57

If it is as as it seems like we're going down the route of postponement, postponing a preliminary plat decision, the public hearing would stay open, but we would not set a date for the next hearing yet because we don't know how long it's going to take to drill these wells and to gather that data.

1:43:13

Once we get to the point where we're ready to have another public hearing, we'll get that date scheduled.

1:43:18

The planning office for a minor subdivision, What we do is we mail out adjacent property owner letters for the regulation.

1:43:24

So we'd resend those to notify adjacent property owners, update the Missoula County voice posting of the new date, and then we'd have that additional hearing.

1:43:34

So does that even require a motion or do we just keep the the hearing open?

1:43:38

John, does that require a motion or why don't you make a motion that just something like on the on the basis of the request of the applicant will definitely postpone a decision on this subdivision application, but public comment will be taken in the interim and we'll set a hearing when there's sufficient information available to either continue or give up.

1:44:11

And can we add to that, that we would ask that the, as the applicant collects new data, they remain in active conversation with Elena.

1:44:28

You can ask that, but they're they're going to do that because they're not going to accomplish anything unless they do that and they know that and they want to do that.

1:44:40

OK.

1:44:44

Do you have anything else with Patrick?

1:44:47

I want to go for that.

1:44:48

Any other public comment?

1:44:57

Kevin Curtis.

1:44:58

I live on fire bucket loop.

1:45:00

So I'm I'm kind of confused by some of the things.

1:45:05

So he it sounded like Ron was stating that they want to drill one well and then build the house behind that well if there's no no construction.

1:45:17

OK, no, no construction.

1:45:18

So I wanted to clarify that.

1:45:20

So it'll be a drill one.

1:45:21

See what data we get from that.

1:45:23

Toward the end of what Ron said, it sounded like they only want to test the closest well to that test well that's drilled.

1:45:32

Is that accurate or are you testing more of a span of the subdivision that's going to be in affected because it's multiple neighbors in multiple homes.

1:45:42

So you can't drill your test well and say well the sparks well is close, we'll test that one for changes.

1:45:49

I think it should be more of of the existing subdivision that's surrounding that well that's tested.

1:45:56

We monitor multiple, not just the closest to that time of year is also going to affect how that test well-being drawn on is going to affect the rest of ours because seasonally right now our lawn, our ground is so cracked out, it's not even funny.

1:46:17

That's how little water we have.

1:46:19

We're a little further away from the subdivision, but I know other neighbors are are very similar.

1:46:25

So just some concerns there.

1:46:27

Thank you.

1:46:27

Thank you, Kevin.

1:46:31

Ron did you Well, so we haven't worked out the details yet, so I don't want to say what exactly what we're

going to do, but yeah, he's a Curtis is they're a half a mile away from this property, Although we were willing to spend the money to to look at their their ground, their underground.

1:46:52

OK, so again, the question before us, Patrick repeated again.

1:46:58

So it, it, I guess the, the question is, well, I guess maybe one thing I want to clarify first.

1:47:07

OK, sorry, our attorney is going to save us.

1:47:10

It's not really a question.

1:47:12

It's not the applicant has requested a, a delay on the decision of their application that is in that's within their discretion under the product.

1:47:22

They, they can delay it, you know, indefinitely and that's what they've requested and they're going to gather additional information.

1:47:31

They're going to provide that to the, to the water quality district.

1:47:37

It will be made public.

1:47:39

And we're, we're again, like I had sort of suggested at one of the other meetings, we're, we're doing something that counties until recently didn't think that they had a legal obligation to do.

1:47:57

And we don't have a beautiful road map for how to do this.

1:48:01

So it, you know, we're at the request to the applicant, we're allowing them to do certain things to gather more data and we'll analyze that.

1:48:15

We'll use the expertise within Missoula County to determine, you know, if that's sufficient, if that's not

sufficient, what kind of conclusions we can draw from it, and we'll keep them, we'll keep the process going.

1:48:31

OK, OK, OK.

1:48:34

Just so that we're all on the same page, what we're all doing here today, what would something like this be a potential motion that we would indefinitely.

1:48:43

The motion would be that we, the Board of County Commissioners, would move to indefinitely postpone action on preliminary plat approval based on a request from the applicant and in order to obtain additional water quality and quantity data to be delivered to the water quality district and governing body.

1:49:06

Got it.

1:49:07

Seconding that.

1:49:09

Was that a motion or was that just a try?

1:49:11

OK, sorry, we're still in public comment.

1:49:12

I guess so is there, but good primer.

1:49:18

Come on up.

1:49:18

It was good.

1:49:22

Hang on to that.

1:49:26

My name is Gordon Schmill, I'm one of the parties that is right alongside the property as well.

1:49:34

I too am very kind of anxious to see what kind of information they get out of this study that that they did.

1:49:42

2 gentlemen walking around in the fields, it's basically like LIDAR.

1:49:48

They're walking along, tells you a topography of the ground and stuff.

1:49:51

Put a stake in ground hit.

1:49:52

It sends a pain and it'll tell you what kind of aggregates, what kind of what if it's hitting clay, if it's hitting water, all this other stuff.

1:49:59

I think it's great data.

1:50:00

It, it beats bringing a guy in.

1:50:02

It's had 40 years of experience and things have changed.

1:50:05

So it might give you some real time.

1:50:07

The thing is not going to tell you.

1:50:08

It's not going to tell you the, the quality of water, the amount of water, if there's water there, all this other stuff.

1:50:14

So for them to, to drill a well and then check, monitor other wells to go along.

1:50:22

That's the way this needs to go.

1:50:24

And I would urge you that they do these four wells so that myself so that Wenger's toma sex all these other guys when they, when they draw these wells for 24 hours, see what it does to all of us.

1:50:37

And not just in May, but do it in October or in August when we are at the lowest point of our water.

1:50:45

I guess I have a question for the lawyer in the room.

1:50:48

Are you aware of the lawsuit that was in blood water?

1:50:53

Oh, yeah, yeah.

1:50:54

That that informs.

1:50:55

Have you guys seen that?

1:50:56

And and you're aware of all that stuff?

1:50:58

OK, so I guess, I guess that's kind of all I've got right now.

1:51:12

I got kind of a brain fart.

1:51:15

So what I've what I've where I was going with this, but I, I guess in, in, in the just as I said, I think I think we should test all these wells, not just one well and it's good data, but at some point all these wells should be tested it and and make sure there's sufficient amount of water sustainable, reliable and good.

1:51:38

So thank you.

1:51:39

Thanks, Gordon.

1:51:41

So I just wanted to add here the ground penetrating radar that's LIDAR like that would help these guys figure out where they're going to do test wells.

1:51:50

This is not a substitute for a test well.

1:51:54

I'm I'm saying we see it that way.

1:51:56

Not, not really what you said.

1:51:58

OK.

1:51:58

I just want to make sure there's no confusion there.

1:52:00

We're not saying, oh, go do some LIDAR and we'll call it good.

1:52:02

That may guide them as to where they want to drill their test wells.

1:52:05

But there is no substitute for a test well and monitoring and monitoring of neighbors in that line.

1:52:14

Does that affect the the building envelope where they put the housing and and then the envelope for the wells and all that stuff?

1:52:21

So we don't know yet.

1:52:22

They're going to have to go forth and just start collecting data and we're going to have to kind of be iterative as we go.

1:52:27

But nothing is going to happen right now other than them going to collect data.

1:52:30

And if they get enough data where they want to drill a test well, they can drill a test well.

1:52:35

But none of that, no decisions are being made.

1:52:37

OK, thank you.

1:52:42

Come on, come up, Sarah.

1:52:50

I'm Sarah Curtis.

1:52:51

I just had a couple of things.

1:52:54

Last time we met the decision was this or this are your options.

1:52:59

I understand being flexible and going through.

1:53:01

So I just wanted to clarify again that all four wells will be drilled before they get their plat approval drilled and tested.

1:53:11

I think that you, that's what you just said.

1:53:13

Well, what it, what if, I'm just going to make a hypothetical, what if they drill one well, it's really productive and they drill another well, it's really productive.

1:53:21

They could use these two wells to share among four homes and everybody has sufficient water and they monitor the neighbors and it all works.

1:53:29

That could work too.

1:53:30

So I'm not going to say 4 scenario.

1:53:32

I'm not going to say 4 are required, but they would need to demonstrate that whatever configuration they use, there's sufficient water for all four new homes and none of the neighbors are impacted, right.

1:53:44

Perfect.

1:53:48

Gordon got me with his.

1:53:52

We are also.

1:53:53

We would also be very interested.

1:53:54

I know they offered, and it was a gracious offer to scan our property and look at our groundwater.

1:54:01

We got a letter on a Friday evening after work, and I think the guys were already out there on Monday or Tuesday early.

1:54:08

So just a short amount of time to be able to do our own research, check out this company who's gonna be on our property with our kids at home all day.

1:54:15

And that's might not, might not be too late.

1:54:17

I don't know.

1:54:18

I don't know.

1:54:19

I think that ship has sailed.

1:54:20

I think they've already gone back to, I think they're out of Utah or Idaho or somewhere.

1:54:26

We're excited to see the information as well.

1:54:29

We it's, it's a great option instead of those Willow sticks that may or may not work.

1:54:34

Thank you guys.

1:54:35

Thanks, Sarah.

1:54:38

Any other public comment?

1:54:42

Hi, I wasn't going to speak again, but just to clarify what, what Sarah had brought up.

1:54:46

So we found out last, not this past Monday, but the Monday before in the morning that Willow stick, they were finishing up the job up at Little Hot Springs area and that they would be there Wednesday and Thursday.

1:55:02

So right away I typed up letters and I didn't want to put them in the mail.

1:55:06

So I actually went to the properties and hand delivered them to each one of the of the properties.

1:55:14

And I know where Kevin and Sarah lived because I came to them first when we first started thinking about this whole subdivision, explaining it to them.

1:55:22

And, you know, because I knew they, they could potentially be impacted if the road does eventually loop up, which that's why it's called fire bucket loop.

1:55:30

So I came to them and talked to them and I sent out multiple letters to many other homeowners trying to keep them apprised as well.

1:55:39

And it's great that we have all this good, good cooperation, communication and so on.

1:55:44

And I think I'd like to hear Dave's condition again, which sounded pretty good the first time.

1:55:53

We're definitely working with Elena and we had a great meeting and we decided again, we're going to start out with one.

1:55:58

Well, we may hire another well known hydrogeologist, a different person to help interpret this data and put together a a very good report.

1:56:09

Thanks.

1:56:10

And we are in favor of, of extending this indefinitely so we can get her get her done.

1:56:18

Thanks, Ron.

1:56:19

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

1:56:25

OK, let's let's hear it.

1:56:28

OK, so this is my hypothetical motion, Ron, And, and if it, if it meets with your approval, it will be the actual motion.

1:56:38

So I would move that we indefinitely postpone action on preliminary plat approval based on a request from the applicant to obtain additional water quality and quantity data that will be delivered to the water quality district and governing body.

1:57:01

Sorry, I'd like to defer to Elena about that.

1:57:04

But the word quality we ever a water quality district, but it's just for water quantity, right?

1:57:13

I would, I would, I guess I would defer to staff.

1:57:17

Those are the two items that are within our purview to review the subdivision regulation is for sufficient quality and quantity to support the subdivision.

1:57:29

OK.

1:57:29

I just didn't think there was a metric on exactly what quality means.

1:57:33

I mean, is there like a list of minerals and so on.

1:57:37

But I I guess if it's something that most people sure what what were you saying Patrick?

1:57:44

All right, that is statutory language, is it not that generally that also is and again, not trying to to punt to the public health here, but generally reviewed under Missoula public Health And in the subdivision application.

1:57:56

They did include kind of like their non degradation analysis and analysis of I believe it was a test on the existing Sparks well showing quantity per DEQ standards in the application or not quantity, pardon me quality, but presumably if they drill a well and the water is somehow contaminated.

1:58:15

I I I'm not anticipating that, but if it was that would be, I mean that would be touching on water quality, not quantity.

1:58:26

We could, I don't know do to address that.

1:58:28

Maybe would to clarify in the motion that that data is submitted not only to the Water Quality District but also Missoula Public Health for evaluation.

1:58:37

Didn't say governing bodies, that would just be us, but Missoula Public Health, OK, Water Quality District, Missoula Public Health maybe And the governing body planning.

1:58:47

Yeah, planning as well.

1:58:48

So we can write conditions and findings.

1:58:50

We just say Missoula, Missoula County.

1:58:53

Would that capture Missoula County?

1:58:54

OK, Very good.

1:58:56

Yeah.

1:58:56

So there's quite a bit of subjectivity here as far as what does quantity mean?

1:59:01

What does, you know, so many things mean.

1:59:03

And so that's why we just need to think, you know, what's reasonable and, and work with Elena and, you know, come up with some, some parameters that are that are reasonable.

1:59:15

Just keep in conversation with Elena and we'll get there.

1:59:18

We'll get there.

1:59:19

Strohmeyer has another a second version.

1:59:21

Let's let's try that.

1:59:22

OK, let's try again.

1:59:23

So I would, I would move that we indefinitely postpone action on preliminary plat approval based on a request from the applicant to obtain additional water quality and quantity data that will be delivered to Missoula County.

1:59:41

What do you think of that, Ron?

1:59:43

OK, I'm going to 2nd that.

1:59:45

Any further discussion or public comment All in favor Aye.

1:59:53

OK, Thanks everyone.

1:59:55

4:00 we're adjourned.

1:59:58

Thank you.