

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, NOVEMBER 13, 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
Shannon Thierrault, Director, Environmental Health
Charles Shane, Manager, Environmental Health
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Katy Reeder, Planner, Planning, Development, and Sustainability
Lauren Ryan, Planner, Planning, Development, and Sustainability
Kayla Talbert, Grants Administrator, Grants
John Hart, Lead Civil Attorney, County Attorney's Office
Christina Dewar, Administrative Assistant, Commissioners' Office
Chris Lounsbury, Chief Administrative Officer, Missoula County
Matie Scott, Administrative Assistant, Commissioners' Office/Facilities
Kayla Talbert, Grants Administrator, Grants
Melissa Gordon, Director, Grants and Community Resources
Patricia Spotted Wolf, Administrative Support Specialist, Commissioners' Office
Melissa Fisher, Strategic Initiatives Manager, Commissioners Office
Allison Franz, Manager, Communications
Claire Biddick, Grants Administrator, Grants
Ian Varley, Manager, Planning, Development, and Sustainability
Erin Kautz, Manager, Grants and Community Resources
Tenzin Lhaze, Communications Engagement Coordinator, Communications
Heather Powers, Grants Technician, Grants and Community Resources
Patrick Swart, Planner, Planning, Development, and Sustainability

Karen Hughes, Director, Lands and Communities
Kathleen Arthur, Planner, Planning, Development, and Sustainability
Kevin Dantic, Planner, Planning, Development, and Sustainability

1. **CALL TO ORDER** [Time stamp – 0:00]
2. **PLEDGE OF ALLEGIANCE** [Time stamp – 0:07]
3. **LAND ACKNOWLEDGEMENT** [Time stamp – 0:23]
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** [Time stamp – 0:32]
 - a. **Closed Captioning**
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** [Time stamp – 9:11]
6. **CURRENT CLAIMS LIST** [Time stamp – 10:47]
Claims received as of October 16, 2025 to November 06, 2025 by the Commissioners' Office total \$3,042,482.48.
7. **HEARINGS**
 - a. **Open Public Comment for CDBG HSP Septic Replacement Program** [Time stamp – 11:10]
Kayla Talbert, Grants and Community Resources

Commissioner Vero made the motion that the Missoula Board of County Commissioners open the CDBG HSP Septic Replacement Program.
 - b. **Missoula County Zoning Code Maintenance Update** [Time stamp – 29:22]
Lauren Ryan, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the resolution of Intent to amend the Missoula County Zoning Regulations, as recommended by the Missoula Consolidated Planning Board, based on the findings of fact and conclusions contained in the staff report, as amended.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Resolution 2025-102 Book: 1121 Page: 822]
 - c. **Schuff Family Transfer** [Time stamp – 29:22]
Katy Reeder, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve the request by Linda and Michael Schuff to utilize the family transfer exemption to create and transfer a 1.00-acre tract to their daughter, as presented in the exemption application and affidavit.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Letter 2025-184 was sent to Linda and Michael Schuff.]

d. Wustner Minor Subdivision *[Time stamp – 29:22]*

Katy Reeder, Planning, Development, and Sustainability

Commissioner Strohmaier made the motion that the Missoula Board of County Commissioners approve the Wustner Minor Subdivision based the facts and findings of the staff report and recommended conditions of approval.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2025-211 was sent to PCI in c/o Joe Dehnert.]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:32 p.m.

BCC Public Meeting November 13, 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.

Transcript

0:02

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.

0:16

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

0:24

And Cheryl, do we have some closed captioning announcements?

0:29

Thank you.

0:33

Hello, everyone.

0:33

If you're joining us for this meeting virtually today, instructions for turning on closed captioning are 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 Moise room.

0:44

Just a reminder, there will be multiple chances during the meeting to speak for public comment virtually and in person.

0:50

During those times, we would like to ask you if you would raise the Use the Raise Hand feature if you're on Microsoft Teams.

0:58

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

1:01

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

1:04

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

1:08

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

1:11

Thank you.

1:12

Thank you.

1:15

And is there any public comment on items not on the agenda?

1:19

Come on up to the podium.

1:21

Anyone has public comment or raise your hand if you're online?

1:29

OK, I'm sorry.

1:34

Oh, this is the public comment.

1:37

Time for items not on the agenda.

1:39

Just a reminder.

1:40

OK.

1:42

We will continue with our current claims list as of October 16th, 2025 to November 5th, 125 by the Commissioner's Office.

1:52

Total is \$3,042,284.48.

1:57

We have 4 hearings and the first one will begin with Kayla Talbert with CDBGHSP septic replacement program.

2:10

Yeah, thanks Commissioners.

2:14

I'm just going to share my screen.

2:17

Give me one moment while I get it set up.

2:37

OK, great.

2:40

My name is Kayla Talbert.

2:41

I'm at the Grants and Community Resources Department at the Zillah County.

2:47

And I'm you.

2:48

Could you swallow that microphone, please?

2:50

I can't.

2:51

No, don't.

2:52

No choking hazards.

2:54

OK, Is that better?

2:56

Sorry.

2:56

I do have AI do have a really quiet voice, so I apologize.

3:00

OK, There we go there.

3:01

Thank you.

3:01

All right, I will start over.

3:05

My name is Kayla Talbert.

3:06

I am a grants administrator with the Grants and Community Resource department at the county, and I'm here to talk about a community development block grant application that the county is submitting.

3:20

And today I'm going to talk about the proposed project and then also seek public comment on the program itself and then the implementation that we have outlined.

3:34

OK, so before we start, I did want to talk about the actual funding opportunity that we're applying for.

3:41

This is a federal grant, but it's a pass through from the Montana Department of Commerce.

3:48

So the Community Development Block Grant is a federal block grant program directed by the US Department of Housing and Urban Development.

3:54

And it's for the purpose of developing viable communities.

3:58

And this can be done by providing decent housing, suitable living environment, and expanding economic development.

4:05

And it has to be specifically for low to moderate income individuals or LMI for short.

4:12

One thing to note is that Missoula County is a non entitlement community.

4:17

So this means that we have to apply directly to the state for this funding, which means we are competing against other non entitlement communities across the state.

4:28

Whereas the city of Missoula is considered an entitlement community.

4:31

And they receive a direct allocation from HUD and that helps support their CDBG programs that are assisting other nonprofits in Missoula.

4:44

There are 5 categories underneath the state CDBG programs.

4:49

The one that we are applying for is underneath the housing stabilization program.

4:54

We can own.

4:55

The county can only have one active grant underneath each of these categories unless we submit a waiver.

5:02

But as of right now, we do not have a grant underneath the housing stabilization program.

5:07

So you're don't need to spend a waiver for that.

5:14

So the underneath this housing stabilization program, the purpose for this funding source is to create or preserve affordable housing and it's a focus on health and safety issues of individual units and then also to provide ADA improvements.

5:31

Eligible projects can be new construction or real rehabilitation of single family units, but it has to be 1 to 4 units.

5:39

It can't be exceed that number.

5:42

Units must be inspected by a professional who will determine what the health and safety repairs are needed.

5:48

And again, it must assist a low to moderate income individual, which is 80% of the area median income.

5:57

OK, so now that we've talked about the actual grant opportunity overview, I wanted to get into some details of what our application is going to be asking for.

6:07

We are proposing a septic replacement program.

6:11

We are requesting \$500,000 / 3 years match is not required and we anticipate being able to submit and December 31st it's a rolling deadline, so there's not a set deadline for when we can submit.

6:29

The only eligible entity is a local government and it's non competitive, so it's a first come, first served basis.

6:35

So it's advantageous to submit an application sooner so that we have there, so the state has enough funds available to accept our application.

6:47

The actual program of the septic replacement will be a grant issued to LMI homeowners.

6:55

So there would not be any repayment obligations as long as they adhere to the five year deed restriction.

7:05

It is for failing or out of compliant septic systems.

7:10

And the home must be in the unincorporated areas of Missoula County.

7:14

So outside of the city limits, we're hoping to assist four homes a year with the average cost of 35 to \$45,000 and we are going to structure it as a first come, first serve basis unless an urgent need arises.

7:31

And then a little bit more detail on the five year deed restriction.

7:35

This is to ensure that the home remains affordable for the current homeowner and for future homes.

7:42

This is a federal requirement, so it would not be something that the county has issued its, but we would have to follow from HUD.

7:52

If the homeowner decides to leave or sell the home or is no longer residing in it as their primary residence within the five years, they are obligated to pay the entire grant back to the county.

8:05

If they stay within the five year stay in that home as a primary residence within the five years they can, they there's no repayment obligation.

8:18

We decided to pursue this program because it aligns with many county priorities.

8:27

One of them is through the Housing Action Plan.

8:31

This plan was adopted in 2022 as an outline some goals and strategies to address the housing shortage in the community.

8:41

And one of the goals that this program aligns with is 2, which is support program funding to help county residents support housing and then specifically action 2.3, which is to rehabilitate homes for low to moderate income residents.

8:57

We also the Grants and community resources department issues a housing and community development survey every year.

9:04

And of the respondents, 51% identified a top housing resource to be resources for homeowners to remain in their current home.

9:12

And one of the top resources that would be would be emergency funds, including emergency repairs that are costly.

9:21

So we feel like the septic replacement program really aligns with these two goals and addresses a significant need in our community.

9:31

And from there, I'm going to turn it over to Missoula Public Health.

9:38

Thank you.

9:42

Good afternoon.

9:43

My name is Charles Shane.

9:44

I am an Environmental Health Manager at Missoula Public Health.

9:48

Septic permitting has or is one of the many vital services that we provide to the community and we've been doing so since 1967.

9:56

Since inception of our septic permitting program, we've issued over 19,000 septic permits.

10:03

In that time, we've issued over 5000 permits to replace already existing septic systems.

10:10

These numbers do not represent the total number of septic systems in operation in the county, as some systems have existed since before our permitting program started or have subsequently connected to city sewer.

10:21

Other permits are issued to allow for connection to or modification to existing systems, so some addresses may have more than one permit associated with a single subject system.

10:31

So that 19,000 number is going to vary plus or minus some.

10:38

We work hard to ensure that septic systems are adequately sized, designed and located.

10:42

This ensures that the system is protective of the environment and public health while also protecting the owners investment by providing by providing a system that not only functions properly but will last longer.

10:54

We find on average that septic systems last anywhere from 15 to 30 years, but some last much, much longer and and some don't last all that long at all.

11:06

Septic systems are an ever present component of living in rural and other areas of the county not served by municipal sewer.

11:13

They serve an important function of keeping our land and water resources clean and free of sewage, protecting human health as well as the environment.

11:22

Once installed and put to use, they are often an afterthought, out of sight, out of mind, and when functioning as intended, unintrusive.

11:29

However, when they are no longer functioning properly, they make themselves known in a big way, impacting the quality of life of those served by the system and placing an often unexpected financial burden on the property owner.

11:45

Properly functioning systems don't just dispose of wastewater, they also provide a high level of treatment.

11:50

Septic tanks provide primary treatment by breaking down or removing solids from that effluent stream, while the drain field provides secondary treatment, filtration and disposal of effluent, effectively removing most bacteria and viruses before that effluent reaches our groundwater and surface water resources.

12:07

Once the septic system has been permitted, installed, inspected and approved for use, it becomes the owner of that system's responsibility to ensure it is properly maintained and functioning.

12:18

Poor maintenance and overuse are the biggest factors contributing to the premature failure of a drain field.

12:23

However, even the best maintained drain fields will fail.

12:27

All drain fields are destined to fail eventually.

12:30

Soil at the drain field site can no longer accept effluent at the designed rate in the system will begin to show the telltale signs of failure, leading to slow drains, sewage backups, unpleasant odors and untreated sewage surfacing in the yards.

12:44

Exposure to sewage, whether through direct or indirect contact through vectors like pets, insects or rodents, can spread disease causing viruses and bacteria which can make people very sick.

12:55

Additionally, a failed system creates A saturated condition at the drain field or disposal site.

13:00

This prevents that system from accomplishing treatment of wastewater as intended, allowing for the contamination of surface water in which we recreate, and groundwater which supplies drinking water in most areas of the county.

13:12

We at Environmental Health do our very best to identify and replace failed septic systems, but we do not yet have a crystal ball.

13:20

Unless a failed system is brought to our attention through things like owners notifying us or complaints from neighbors, we may only learn of this system once it is already at a dire point and may have been so for some time.

13:33

It is common that we learned that a system has been failed for some time and the owners are doing their best to limp along A poorly functioning system through regular and costly pumping and water saving measures.

13:46

A drain field operating this condition is detrimental to both public and environmental health.

13:51

Replacing a drain field is expensive and is the main reason we here for prolonging this replacement.

13:58

Unfortunately at present we have no place to point people when they ask if financial assistance is available.

14:04

Thank you for your time and I'll head it back to Kayla and stand by for questions.

14:08

Thanks, Charlie.

14:09

Kayla, I had a question.

14:14

Oh sure.

14:15

So this sounds fantastic.

14:17

There's a real need very enthusiastic that this can happen.

14:21

How would a perspective a user of these funds get access to it?

14:27

What what would a person have to do?

14:28

Great question because that's where I'm going next.

14:30

I was like, OK, so thank you for that overview.

14:37

That was very helpful.

14:39

So any perspective homeowner that is interested in this program would have to meet some eligibility requirements.

14:48

They would have to be an owner occupied home, single family home, so we wouldn't be able to do any rentals or multi family homes.

14:57

The household must earn again 80% or less of area median income.

15:01

And as of right now, Hud's 2025 limits for a four person household is 78,800 and the home must be outside of the city limits.

15:12

And as was just discussed, the septic system has to be inspected and determined to be failing or out of compliance with the health department.

15:22

So for the process, the interested homeowner would contact my department, the grants and community resources, and then we would talk with the homeowner to determine if they're eligible.

15:35

So we would go through the location of their home, the ownership status of their home and then their income verification.

15:42

We would then have them submit a program application and then after we assess their program application and their eligibility, we would put them on a waiting list just because we do anticipate this being a high need program.

16:01

And then once their name or once their home gets to the top of the waiting list, they would be contacted to do a home inspection and this would include the septic inspection and then the home inspection as well.

16:14

Due to federal requirements from HUD, we would need to inspect the home for a housing quality standards just to make sure that it's safe and healthy.

16:26

And then once the inspections are completed and we know the scope of work, we can procure a contractor construction can work and then we would close out the project and then the five year deed restriction would begin.

16:41

Did that answer your question?

16:42

OK, so next steps with this application is that we would finalize our public comment.

16:49

Any public comment that we receive will be going into our application to indicate the need or changes that we would like to see from the public for the program.

17:02

The grants team will finalize the application and then we'll submit it to the Montana Department of Commerce.

17:08

And then if we're successful, we will launch the program in summer of 2026.

17:15

And so now I would like to open it up for public comment.

17:21

Or you can go to Missoula County Voice to submit a written comment until November 20th.

17:28

Thank you.

17:29

Is there any public comment?

17:33

Come on up to the microphone.

17:35

And then you'll just have to hit that button till it's green.

17:42

And then Commissioner Slotnick here is going to manage the three minute hourglass minute glass, Jonathan Simon from the condom community in our neighborhood plan that is soon to be submitted to our commissioners and our planning committee.

18:00

The issue of aged septic is a big issue.

18:03

Can you give me a sense on the strategic thinking to run this program at 4:00 to 5:00 structures per year for three years rather than making it more widespread because I would bet we have more than 12 septic tanks in Condon indeed of some support to clean up the public health and environmental health issues?

18:25

Thank you, John.

18:28

Yeah, thank you for your comment and great point.

18:33

I think we anticipated for due to the level of complexity that we have to go through for procuring contractors with federal funds, they have to have specific registration through sam.gov.

18:48

We have to follow the whole procurement process of collecting qualified bids.

18:55

And then we do anticipate that the construction season for septic systems are limited due to the nature of the work.

19:05

We would not limit it to 4 per year.

19:08

That's just our goal that we have internally.

19:11

So if we are able to accomplish more homes in one year, we will absolutely do that until our funds run out.

19:20

Thanks, Kayla.

19:22

Kayla So I, I think probably the, the subtext of the question is, is less to do with process and more to do with the funding, because \$500,000 is a, is a minuscule amount and as a result, you just do the math.

19:36

You can only do so many.

19:38

You could do them all in one year if you had the staff capacity or you could spread it out over multiple years.

19:44

What is the, what are the limitations for funding in this program?

19:48

Could we ask for more if we want it or is 500,000 the cap?

19:55

There is not I.

19:57

There is not a restriction on the.

20:00

Amount we just felt that 500,000 would be the most competitive ask the I will also say that if we have it depleted our funds, we can also reapply and replenish this program.

20:15

So it's a rolling program as long as we're successful and are able to demonstrate that we're effectively using federal money.

20:28

OK.

20:28

Thank you.

20:29

So just wanted to reiterate that this was for folks at a specific percentage of LMI, not every broken septic system in the county.

20:37

And the numbers, they're really different.

20:40

Yes, they do have to be income qualifications.

20:44

Yeah.

20:48

But then to John's point, then what is the process if you have a failing septic system and you can't afford it and you need the health department?

20:57

What?

20:57

What?

20:57

What does happen?

21:00

So the homeowner could either contact the health department or contact our department and we will have a conversation with them and ask them some basic eligibility requirements.

21:12

And then we'd have them submit the application that would detail their income and ownership of the property.

21:20

And then if they meet all of those basic eligibility requirements, then they would get put it up, put on the wait list.

21:26

And then as their home moves up on the wait list, we can help them get that.

21:31

But I guess what happens in the yeah, the in the meantime, they'll oh, yeah.

21:37

If you're not one of the lucky 4, then what happens?

21:42

I just like, I think we don't know how to assist the ones I didn't know what happens right now without this program.

21:49

You said life would be as it is right now.

21:52

Yeah.

21:53

It's my understanding that we just don't have any other available sources to help help folks right now.

22:01

OK.

22:02

Yeah.

22:03

Charlie, did you have you look like you were thinking?

22:06

No, you know, right now it it really is on that that individual property owner to figure out a way to source funding and and pay for their septic system.

22:15

We just don't have a way to assist them at the moment.

22:18

OK, Thank you.

22:19

Yeah.

22:23

Wanted to be clear too that this isn't county money.

22:27

CDBG is federal money that comes through the state.

22:30

So make sure you guys understand that we're not taking money from one part of the county and spending it in another.

22:39

The state is a conduit for federal money that goes from the federal government to low income people who have broken septic systems.

22:46

As long as we win the competition for the money.

22:51

OK, thank you.

22:52

Is there any?

22:54

Yes.

22:54

Come on up.

23:00

Gary Lazarowski from Condon.

23:04

You know, when you were going through this thing about finding old septic systems that are not working, for one thing, it's kind of like up.

23:13

You're saying that it's up to the property owner to find out.

23:17

And you know, from our past experience coming from Lincoln, you know, to Seeley Lake, to Condon, you know, it seems like there seems to be this elevation of nitrates, phosphorus and other kinds of things into the system that we are not catching soon enough.

23:37

So that we can sort of somehow figure out a way to stop it before it gets to a point where you got to try to come up with millions and millions of dollars to correct the program.

23:47

So I mean, it would seem to me that that we should be figuring out in a county where these systems are AT and how can we detect if the nitrogen and the phosphorus is there and, and try to correct the problems as we're going, as we're moving along into the future, Because it's going to be big pay big going to cost a lot of money to correct some of these things.

24:13

Condon is in the middle of that.

24:14

And nobody from the health department as I know of has been up there checking in the wells, doing anything to see where we're at.

24:24

And then we need to know where we're at before we can correct anything.

24:27

And I've been living in Montana for a long time.

24:30

There's a lot of 41 Fords that are buried in the ground that, you know, where the septic tank goes to.

24:35

So or the affluent goes to, but what I'm just saying is that it seemed like we would need to find a better way to figure out how to spend our money and to correct the problems before they get too bad to take care of.

24:49

So that's one thing I got to say.

24:51

Thanks, Gary.

24:53

So, Gary, to remind you, this isn't our money.

24:56

This is the federal government's money that comes through the state.

24:58

The other thing I was going to see is, Shannon, would you mind talking about the special management area in Seeley Lake, which is exactly as Gary would like?

25:07

Hi, my name is Shannon Terry, I'm the Director of Environmental Health.

25:10

And one thing that I want to say first, if I may, is that a working septic system puts nitrates and phosphorus into the ground.

25:19

And So what we're talking about our systems that are no longer really like getting rid of the effluent or are in an environmental situation that creates a larger environmental or public health problem.

25:36

So just a regular septic system puts nitrates into the ground.

25:40

I appreciate what was just said about, you know, needing to think about where septic systems are causing issues in the county.

25:50

One of those places is Seeley Lake.

25:53

Missoula does have 5-4 or five special management areas that really are created when we discover that there's a problem.

26:03

The health board creates them.

26:04

Now the county approves them, but the they're created when there is a problem from septic system.

26:10

So we real septic system so we can have additional requirements to make sure that public health and environmental health are protected in Seeley Lake.

26:20

It's because of nitrates in Frenchtown.

26:23

It's because of bacteria in the, in the kind of shallow groundwater.

26:29

So there are different things, you know, in the Blue Mountain, it has to do with arsenic.

26:33

So there's a lot of, there's a lot of different issues that, well, arsenic doesn't come from septic sessions, but that's different.

26:42

That's drinking water.

26:42

Well, so apologize for that.

26:44

I don't know if I'm answering your question, but that's, I think that's what I have.

26:50

I'm going to take a stab at this, but I think that John and Gary were asking like do we have, is there a strategic plan?

26:56

I mean, if we know that since 1967 we have failings uptick systems around the county, do we know where they are?

27:04

Is there a plan for addressing them?

27:05

And what I'm guess I'm hearing is kind of, and this funding helps with that, but is funding special management areas are are ways to address these things in certain areas where where they have shown to be a problem.

27:20

And in those areas, septic systems, new septic systems are treated differently than they would be in areas that aren't in a special management district specifically because of the characteristics of that district.

27:32

Yeah, yeah, not, not to derail public comment because I, I bet there's others that may want to say something here.

27:38

The the other issue is just from a legal and and, and kind of a social standpoint here in the state of Montana.

27:46

I, I bet if we tried to set foot on some people's properties to do any testing, we would be greeted by a by a loaded firearm.

27:55

And, and the reality is we just don't have jurisdiction to go on to properties.

27:59

And unless I correct me, if I'm wrong, we, unless someone is self reporting that there's a problem with their septic system, we, we can't just go on someone's property and test their well water or take a peek at their septic system, which they might be disinclined unless there is an incentive to help them, financial incentive to help them replace it.

28:27

The the last thing someone wants to have happen is the health department say you can't use your septic system anymore.

28:34

And then then you're really up a Creek.

28:36

Am I out in left field here?

28:39

No, you're not out in left field.

28:40

And there, there are some other ways too that we do identify failing septic systems.

28:46

So it can come from a septic pumper, it can come from a change of ownership or realtor.

28:51

It can come from what we see on aerial photos.

28:55

It can come from neighbors who are complaining.

28:57

It can come from somebody who sees something, you know, going by can be that we're out on that property or nearby property for another reason and you see a squishy area and so you investigate it.

29:11

It's yes, it's complaint driven.

29:14

It's not completely complaint driven, but that is one of the ways that we find septic, you know, failing septic systems.

29:21

I do think as Charlie said, that there is a hesitation for people to contact us or they don't think about it.

29:29

You know, it's like people don't necessarily understand their septic systems and so they think, oh, I just got to pump my septic system more often.

29:36

Something like this really gives us the ability to put more education out there in a way that we also have the ability to help people that otherwise would have a very difficult time replacing the septic system.

29:49

We are a Regulatory agency.

29:51

We tell people it has to be done.

29:53

And so, you know, you have to replace it if your system is failing.

29:57

If you want to, you know, continue to occupy the house that that is what we tell people that is a requirement.

30:04

And this will, you know, this will certainly help, will certainly help.

30:09

And I and I do appreciate the way that Kayla put, it's not just failing septic systems, it's also septic systems that might not be meeting the requirements.

30:20

So it could be a system that was put in illegally 40 years ago and is a cesspool and needs to be upgraded.

30:30

So it does give us some flexibility to in all cases we'll be able to improve environmental and public health.

30:40

Thanks, Shannon.

30:41

Is there any other come on up, Gary.

30:46

And you have the so Gary Lazaros kick in.

30:52

You know, I you know, when you when you look at this stuff for septic system swoves.

30:56

So we know about how much, you know, nitrogen, how much phosphorus and of those kind of contaminants go into an average home.

31:06

So we know that it's going in the ground.

31:09

It's either getting washed away or it's somehow getting eaten up by certain things.

31:14

And the one question that I have is this sort of going about it.

31:18

And I'm not saying it the way that you're talking about going about it is the wrong way.

31:22

But, you know, to incentivize the community, you know, to be able to somehow figure out a way to be able to get the testing done where the community itself has people going out and trying to get these well samples and putting them together so that the county has a way to see what is actually going on in the area, which happened in Seeley Lake.

31:52

You know, it used to be 5 milligrams per liter.

31:54

Now it's up to 10.

31:55

It seems like we could have found that.

31:58

I'm not saying that anybody is wrong, but trying to figure out another way to get to to arrive at a way where we know what's going on so that we can figure out a way to try to overcome it in the future.

32:12

Because it's going to be costly and, you know, for babies, for people, for everyone.

32:19

So I'm just saying to me that there's a lot of there's there's problems out there and to say just, you know, well, somebody's with a gun.

32:27

I mean, there's people pointing guns at people in Swan Valley.

32:30

I know that, but you know, there's there seems to be that there needs, there's another has to be another sort of public way to deal with these problems.

32:39

And one of the other things about septic system is, is I went to school for septic systems in Montana.

32:45

So if they're the same built basically the same way that they have been built in the past, are they taking all the advantages to building new septic systems that really helped to negate some of the bad problems like having a dosing siphon system, you know, some other kind of like small things that can be done that really take care of some of the nitrogen and things like that.

33:09

And I think that that's the way we should be going.

33:11

But anyway, thank you.

33:13

Thanks, Gary.

33:14

Is there any other public comment?

33:21

Don't seem to see any in the room online.

33:27

OK, we'll close it and then sorry, were you going to say anything?

33:35

OK.

33:36

And it's open till what's the date?

33:40

November 20th and comments coming on new Zillah County Voice.

33:44

One more week for additional comments.

33:49

Moving on to Lauren with our zoning code maintenance update.

34:32

Great.

34:32

Thank you.

34:33

Good afternoon, commissioners.

34:35

Lauren Ryan, I'm a planner with planning, development and sustainability with Zilla County.

34:40

For your consideration this afternoon are the Missoula County zoning, regulation, maintenance updates.

34:47

For this presentation, I'll go over a scope of the updates, our public engagement and process, a quick overview of the proposed changes, any public and agency comments we received, and then a proposed motion.

35:09

This scope of update included going through the entire code and any and fixing any type of graphical errors we found and any copy edits.

35:20

In addition, we made a number of context changes.

35:23

This included any outstanding issues that needed to be resolved where the regulations were not working as intended and causing confusion.

35:33

Additionally, we made any changes that were required by the legislature.

35:38

Additionally, we allowed for some flexibility in the regulations specifically related to our industrial lands zoning and I'll go over that in a few more slides here.

35:52

So how does staff identify the scope of work?

35:57

Most of this comes from staff just using the regulations on a daily basis, any inquiries we receive from the public and in addition when staff is reviewing applications and applying the code.

36:12

So from these issues that are identify, how do we qualify what issues make this round of maintenance updates.

36:20

As I mentioned before, there's language in the regulations that are unclear or confusing.

36:27

Any repeated issues that we see over and over again when using the code, the implementation of the regulations, we're not producing the desired intent of the regulation and the policy outcome didn't change with the proposed fix.

36:49

As far as public engagement goes, we've had a Missoula County Voice page with the proposed updates up for over a month now and had that open for public comment.

37:02

We hosted an informational meeting and that was recorded and posted to the Missoula County Voice page.

37:11

We reached out to the community councils that are within the zoned area of Missoula County, but the proposed updates and requested for any comments from them.

37:23

And of course, we posted a legal ad as required and followed all noticing requirements per state law.

37:32

So the project timeline.

37:34

October 20th, we held an informational presentation.

37:37

October 21st was the Planning Board hearing, and I'll go over later slides.

37:43

The Planning Board recommendation today will be a request for a resolution of Intent and then January 8th is the proposed hearing date for a hearing for a resolution to adopt and for the public's information.

38:05

I just wanted to go over where you can find the proposed changes.

38:09

We have a copy of them at the Missoula County Planning Office.

38:13

You can also review them at the Missoula County Clerk and Recorder's Office and again on the Missoula County Voice page as well.

38:19

They are available.

38:23

So for review there is a document that includes 3 tables showing the proposed changes.

38:30

Within that document there are two insert documents with proposed changes and in addition there is a staff report included.

38:41

So going over the proposed changes, table one in those documents include the typos, copy edits, and clarifications.

38:51

So these are all pretty straightforward changes.

38:54

Again, this is just adding, deleting words, adding clarifications to these sections.

39:05

Table 2 includes the proposed context changes, and I'll go over a couple of these just in a little bit more detail.

39:13

One of the proposed changes that we are proposing is to in Chapter 2, remove the minimum width and depth requirements in the RRMLM and NR districts.

39:26

So these are our primary residential districts.

39:29

The reason for this proposed change is that through application, staff realize that certain building types, for example townhomes, could not be built in these zoning districts due to these width and depth requirements.

39:44

Obviously, this is not an intended outcome of the regulation, so we're proposing removing those requirements in those districts.

39:52

Other design standards within the regulations will maintain the character of these districts, and the minimum width and depth change will not change the character of those zoning districts.

40:05

In Chapter 8, that is our sign chapter, we are proposing some changes that to that section to allow for more flexibility for design sign types within various zoning districts.

40:25

Another context change that staff is recommending is an adjustment to the minimum area of requirements for the R, RM, and LM districts.

40:35

Those are listed up here on the screen.

40:38

The reason for this proposed change is staff had a hard time when administering the code determining when the minimum area applied and when the maximum density applied in these zoning districts specifically because the minimum areas were not aligning with the with the maximum density requirements.

40:59

So these proposed changes is not to change the maximum density, but rather to align the minimum area to that maximum density requirement.

41:10

These zoning districts are primarily in areas like East Missoula and Bonner that were plotted long ago.

41:17

So we typically have irregular lot sizes.

41:21

So that was was one of the primary issues where this was occurring.

41:26

Additionally, one of the goals with this proposed change is to allow for a flexibility, flexibility of various housing types.

41:36

So we did add a little bit of flexibility as well to this.

41:42

Again, I have this language up here that we are not proposing, proposing to change the maximum density standards.

41:51

Those still apply and that we are proposing to allow some flexibility to the existing non conforming lots in those districts.

42:01

The language up here clarifies that the following are exempt from the density standards.

42:08

So these are going to be basically replacement of a home renovation or expansion of an existing home providing the number of dwelling units doesn't change develop development on a legal non conforming lot, duplexes AD us and multiplexes when they are required to meet the permanent affordable housing standard.

42:29

So again, these types of if this is proposed, you are still required to meet the minimum the minimum area requirement, but basically exempts you from that maximum density standard.

42:50

The industrial flex space is a new definition and use type that's proposed to allow for flexibility in the industrial districts.

43:01

This specifically is to allow for permitted light industrial uses within the heavy industrial zoning district, other than current uses that are special exceptions.

43:14

Staff found that we were receiving requests to allow for some flexibility between our light and heavy industrial zones.

43:22

We're seeing a lot more light industrial uses rather than those really heavy intense industrial uses.

43:27

So this change will allow for some flexibility within those industrial zoning districts and we didn't have too many changes that we needed to make per the legislature.

43:43

One change was related to cannabis cultivation.

43:48

There was a change that you could not require energy conservation related to cannabis cultivation.

43:54

So staff is proposing that we remove that entire section in regards to energy conservation for cannabis cultivation, daycare, home and community residential facilities.

44:09

These two uses are required to be permitted in any zoning district that allows for residential uses.

44:17

So those are two, two types of structures that will be permitted in any residential zoning district.

44:29

So we did not receive any public or agency comment through this process.

44:34

Again, there's a lot of work done ahead of time before we brought the changes with various agencies.

44:40

Like I mentioned, we worked a lot with folks with the language in regards to the industrial uses.

44:47

So there's been a lot of foreground work before bringing the actual proposed changes and Planning Board, they had a motion to approve on a 5 to 2 vote.

45:01

Some of the concerns that were raised at the hearing were related to the permanent affordable housing requirement for triplexes and quadplexes.

45:11

When that concern was raised, staff went back and looked at the regulations and staff had made a judgment call that triplexes and quadplexes in the Live Make RM district were required to meet permanent affordable housing.

45:31

Staff went back and revisited this and recognized that we had not made the correct determination that permanent affordable housing is only required for a Multiplex housing type.

45:48

And staff completed a staff report as required in state law to review criteria to make sure that the proposed amendments align with our growth policy and staff.

46:02

Conclusion of this was that the maintenance updates are in support and implement our growth policy and land use element.

46:11

So they're in support of approval of these proposed amendments.

46:16

So I have a recommended motion in front of you for consideration and happy to answer any questions.

46:23

Thanks, Lauren.

46:26

Is there any public comment in the room or online?

46:32

OK, don't see any.

46:33

I'm so glad we were able to do this and demonstrate being nimble and flexible and responsive.

46:41

Yes, I also love that, OK, I move that we adopt A resolution of intent to amend the Missoula County zoning regulations as recommended by the Missoula Consolidated Planning Board based on the findings of fact and conclusions contained in the staff report as amended.

46:59

I'll second that.

47:01

OK, Any further discussions or public comment All in favor, Aye.

47:06

Thanks, Lauren.

47:06

Great.

47:07

Thank you, guys.

47:09

OK, next we have the Chef family transfer with Katie Reader.

48:00

Sorry it kicked me out of the meeting.

48:02

Take your time.

48:19

Good afternoon, commissioners.

48:20

For the record, my name is Katie, Reader planner with the Office of Planning, Development and Sustainability.

48:26

Today I'll be presenting the Chef Family Transfer.

48:28

This exemption is requested by Linda and Michael Chef.

48:41

I'm having some lag OK.

48:48

The subject property is located at 160 White Swan Drive in Condon, approximately 1/4 mile from the intersection of Charles Road and Hwy.

48:57

83 N, about 3 1/2 miles South of the Missoula Lake County border.

49:03

The subject property is unzoned.

49:07

The parcel is approximately 5 acres and the land use designation is open and resource lands for the 1996 of Swan Valley Condon Comprehensive Plan.

49:18

While this is not a residential designation, the plan states that a density of 1 dwelling unit per 40 acres would meet its intents and goals.

49:29

Here are the existing conditions of the property.

49:31

The property is currently developed with an existing single family residence and is accessed off of White Swan Dr.

49:38

This is where Linda and Michael reside.

49:42

The applicants would like to transfer one acre to their adult daughter and the applicants will retain the remaining 4 acres.

49:48

The applicants intend to give their daughter a future residence, allowing her to be close to her parents to assist with day-to-day chores.

49:56

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

50:02

Here's a graphic that shows what the proposal looks like with lot 2A.

50:06

Is Linda and Michael's home to the north of the property up here and the family transfer parcel lot to be here at the South end of the property right there?

50:23

Part of the process for family transfers is sending out applications to various Missoula County agencies for comments and reviews.

50:30

The Missoula County Building Division discovered there were open and expired permits on the property.

50:34

The applicants worked with the building department.

50:37

They confirm the addition was never completed, so those permits were cancelled.

50:41

The electrical and mechanical permits for the mini split were inspected and gained final approval.

50:46

They also noted any future structures on the sites will require appropriate building and or trades permits and the Missoula County Environmental Health Division will require sanitation review or the applicable exemption since the parcel is less than 20 acres.

51:04

In reviewing this request, there was one general evasion criteria identified to indicate evasion.

51:09

While the proposed division doesn't align with the gross growth policy one per 40 acre recommendation, this alone isn't basis for the lot denial.

51:19

State law doesn't allow land use approvals to be denied solely for not matching with the growth policy.

51:25

Staff determine this request meets the intent and standards for a family transfer.

51:31

And are the applicants in the room.

51:34

Linda, would you mind coming up to the podium, please?

51:36

I'm going to ask you a few questions.

51:42

If the light's green, you're on.

51:44
OK.

51:44
Will you state your name, please?

51:46
Linda Schuff.

51:47
Thank you.

51:49
Did you buy the property with the intent of dividing it?

51:52
No.

51:54
Do you or your transferee intend to transfer the property within the next year?

51:59
No.

52:00
Have you talked to anyone at the county about going through subdivision review?

52:04
I haven't.

52:04
No.

52:05
And will the property be developed eventually?

52:08
Yeah.

52:09
Will the recipient of the property be residing on the property?

52:14
Great.

52:15
Thank you.

52:15
Are we done?

52:16
Thank you.

52:17

Thank you.

52:19

Thanks, Linda.

52:20

In conclusion, Stafford recommends approval with the motion on the screen before you today.

52:25

Commissioners, here's your language.

52:28

Thanks, Katie.

52:29

Yep.

52:30

Do you have anything to add or story to tell?

52:35

Oh, sorry, Linda and I'm, I'm sorry, I'm forgetting.

52:38

No.

52:41

OK, thanks.

52:43

Any questions?

52:45

OK, Any public comments or other public comment in the room or online?

52:53

OK.

52:54

I would move to approve the request by Linda and Michael Scheff to utilize the family transfer exemption as presented in the exemption application and affidavit.

53:02

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

53:08

Good luck.

53:08

Good luck.

53:22

And next we have the Wesner minor subdivision, also Katie and Tim.

54:06

Again, my name is Katie, reader planner with Missoula County Planning, Development and Sustainability.

54:13

Now I'll be presenting the Wissner Minor Subdivision, a proposal brought forth forward by Bertram Bert Wissner, owner of Bees Forever LLC.

54:22

Joining us today are Joe Dinner with I Meg serving as the project's technical Rep.

54:27

I've also invited Missoula Rural Fires Pete Giardino here with us for fire suppression questions and or concerns.

54:37

The subject property is situated on a bench above the Clark Fork River, located at 1005 Deer Creek Rd.

54:44

SE of the Canyon River neighborhood and across I-90.

54:48

The site itself is a flat open Meadow with sporadic mature trees and seasonal grasses and weeds.

54:56

The applicant is proposing us to subdivide 27.627 point 16 acres into four lots with lot 2 being the largest at just over 9 acres.

55:07

Because this is a minor subdivision, there are there is no Parkland dedication required and no non motorized facilities are proposed.

55:15

Additionally, no variances were needed as part of this proposal.

55:21

Here is a graphic showing the layout of the proposal.

55:24

We have Lot 1 up here at the top of the map with Lot 2, Lot 3, and then Lot 4 at the southern end.

55:36

A little property history for context.

55:38

This site includes an existing agricultural building that supports the applicants, bee pollination and seasonal honey production business served by an exempt well, a septic system, and a drain field.

55:50

Given its proximity to the Interstate, the railroad, the gun range, and the nearby storage units, the applicant does not anticipate residential development on these lots.

56:00

The property has not been used for traditional agricultural production or timber management, though it does carry a historic water right which will remain with the property and not be transferred as part of as part of this subdivision.

56:14

Lastly, this is one of the few remaining undeveloped parcels within a major wildlife corridor that follows the Clark Fork River, adding some unique environmental context to this area.

56:29

The Westerner Minor Subdivision was reviewed under these primary criteria outlined in the Missoula County Subdivision Regulations.

56:36

Those criteria include agriculture, agricultural water user facilities, local services, natural and cultural environment, wildlife and wildlife habitat, and public health and safety.

56:49

Each of these areas have been carefully evaluated for potential impacts and mitigation measures to have have been incorporated where appropriate.

57:03

And with that, we'll get into it.

57:05

The subject property is located in the Agricultural Rural Residential Zoning District, commonly referred to as a GR R5, meaning one dwelling unit per five acres.

57:16

The purpose of this district is to balance rural residential development with the preservation of natural landscapes.

57:23

It supports small scale agriculture uses, agricultural uses and compatible rural activities, maintaining a low intensity rural character that's guided by site specific conditions like available infrastructure, proximity, proximity to services, and environmental constraints.

57:41

The subject the subdivision is also subject to the 2019 Missoula Area Land Use Element and amendment to the 2016 Missoula County Growth Policy.

57:51

The land use designation for this area is Rural Residential and agriculture, recommending a density range between 1 dwelling unit per tent per one acre and one and one dwelling per two acres.

58:04

Two key objectives of the growth policy here are to protect and enhance rural character, maintaining over a clear distinction between urban and rural areas, and to guide new development toward areas best suited for it.

58:17

Minimizing impacts on natural resources.

58:21

Under state local regulations, subdivisions are required to reasonably mitigate potential impacts to agriculture and agriculture water user facilities.

58:31

Missoula County Subdivision Regulation Section 3, point 1.4 outlines the purpose of this review to balance the

interest of development and agricultural preservation in a way that serves both land owners and the community as a whole.

58:46

The Wissner Subdivision proposes large lots designed to emphasize agriculture use and accommodate modest scale rural development in an area not served by public sewer or water.

58:56

The property already supports beekeeping and seasonal honey processing, which qualifies as an agriculture use under state law.

59:04

The soils are classified as moise.

59:06

Gravely Loam recognizes farmland of local importance and there are no active irrigation facilities on the property.

59:14

A historic rod water right is associated with Deer Creek exists but will remain with the property and will not be transferred as part of the subdivision.

59:23

Because all proposed lot succeed, 5 acres regulations do not require severance or transfer of that water right.

59:29

DNRC has confirmed that the right will stay with the property and may be Co owned or divided in the future.

59:35

Under their oversight.

59:42

The subdivision is outside the urban area and access will be provided from Deer Creek Rd.

59:49

which is a county maintained public Rd.

59:52

with a 50 foot right of way and a 25 foot surface width.

59:56

Deer Creek Rd.

59:57

runs for about 3/10 of a mile along the property's frontage.

1:00:00

A condition of approval requires that the road be constructed to a 20 foot width, which exceeds the 18 foot minimum typically required for roads serving two to five lots.

1:00:15

Lots one and four will each use individual paved driveways and the subdivision is expected to generate about 33 additional trips per day once developed.

1:00:26

A private road maintenance agreement is included in the covenants to ensure long term upkeep.

1:00:31

Additionally, a storm water grading and draining report has been completed which concludes that any runoff generated post development will be retained and managed on site, ensuring no increase beyond pre development rates.

1:00:46

Here's a graphic that shows the road that will serve lots two and three as well as the stormwater basins.

1:00:58

Because all the lots are under 20 acres, this subdivision is not exempt from sanitation review, so the Missoula City, County Health Department and DEQ will complete that review or site applicable exemptions.

1:01:12

There's no residential use proposed at this time.

1:01:15

Each lot is designed for agricultural use with wells and wastewater systems to serve up to two buildings per lot.

1:01:22

That would be 1 primary building and one accessory building.

1:01:26

Water will be provided by exempt wells, and the need for individual wells will ultimately depend on the specific uses developed on each lot.

1:01:35

The existing well on the property is permitted for commercial use with a capacity for up to 12 employees per two buildings.

1:01:42

The notice of completion, which finalizes the water right for that well has not been filed.

1:01:47

A condition of approval will require the well water usage narrative to be updated.

1:01:52

If those figures change, that narrative will also be recorded with the subdivision covenants.

1:01:58

This narrative explains how the total water usage will be less than 12 acre feet a year.

1:02:04

This graphic shows a well isolation zone easement on Lot 3 for the benefit of Lot 4A.

1:02:13

Condition of approval requires those easements to be recorded for any isolation zones extending beyond the lot they serve.

1:02:20

To evaluate groundwater adequacy, well logs from adjacent properties were reviewed, showing depths of an average of about 123 feet.

1:02:29

Production rates range from 40 to 200 gallons per minute, which indicates a strong, reliable groundwater supply.

1:02:37

The Clark Fork River is the nearest surface water feature, located roughly 900 feet east of the existing structure, separated by another 20 acre parcel.

1:02:47

The property sits about 35 feet above the river, meaning the minimum depth to groundwater is approximately 35 feet, with a maximum depth of about 70 feet, depending on seasonal fluctuations.

1:03:00

The site is located on Quaternary sediment sediments typical of the Clark Fork corridor, where the deeper aquifer generally begins around 80 feet below ground.

1:03:12

According to the Montana Bureau of Mines and Geology, 80 to 90% of aquifer recharge in this area comes from leak leakage from the Clark Fork River, which varies seasonally.

1:03:25

Even though groundwater and surface water are connected in this area, those fluctuate.

1:03:30

Those fluctuate fluctuations are natural and not an indication of aquifer decline.

1:03:36

Because this proposal introduces very limited, impervious surface area and no direct flow to the river, there's no expected depletion or degradation of groundwater or surface water resources.

1:03:49

Finally, each lot will use on site wastewater disposal systems designed in accordance with Missoula City County Health Regulations and MDEQ standards for subsurface wastewater treatment.

1:04:08

The subdivision will be served by Republic Services for solid waste disposal.

1:04:12

The property is located within the Bonner School District.

1:04:15

Bonner Elementary and middle schools are both located within about 6 miles and Hellgate High School is roughly 7 miles away.

1:04:23

Because the proposed use is agricultural and no residential development is planned, there is little to no expected impact on the local school district.

1:04:34

The site is also approximately 7 miles from the Missoula County Sheriff's Office, and no concerns were received from the Sheriff's Department during review.

1:04:45

The subdivision lies within Missoula Rural Fire District, about 6 miles from the nearest station.

1:04:51

A fired hazard assessment was completed for the property and it returned a score below a moderate hazard ranking, indicating A relatively low wildfire risk for this site.

1:05:01

County subdivision regulations require reliable water supply for Fire Protection, which can include municipal service cisterns, hydrants or sprinklers.

1:05:11

There is an existing cistern across Deer Creek Rd.

1:05:14

that currently serves nearby storage units, and a fire hydrant is located in the Canyon River neighborhood less than a mile north.

1:05:23

The Missoula Rural Fire District reviewed the proposal and confirmed that one or more additional cisterns will be required for fire suppression.

1:05:31

A condition of approval requires a minimum of 10,000 gallons a fire suppression water storage be to be installed before any combustible construction occurs.

1:05:42

The cisterns will be located within a 40 by 40 foot easement near the end of the on site road and will serve the entire subdivision.

1:05:51

A separate condition ensures that cistern maintenance responsibilities are detailed in the covenants reviewed and approved by Missouri Missoula Rural Fire prior to final plat because the subdivision won't be connected to a municipal water system and RSID slash Sid waiver system will also be required on the plat, noting that the property owners must participate in a community system if one becomes available in the future.

1:06:18

Finally, driveways.

1:06:20

Driveway access will be reviewed by the fire district at the time of building permit.

1:06:25

Any driveways over 150 feet must include turn around facilities and all driveways must maintain a 20 foot width, 13 1/2 feet of vertical clearance, and to be constructed to support emergency vehicles year round.

1:06:42

Here is a few photos to give some visual context to the Fire Protection components we just discussed.

1:06:49

You can see the Fire Fire access easement here, as well as the existing cisterns across the located across Deer Creek Rd.

1:07:01

This is a picture of the hydrant.

1:07:03

And then here's a map that shows the distance between the hydrant and the site itself.

1:07:10

It's less than a mile away.

1:07:15

These visuals help illustrate how fire suppression for the subdivision will function, combining on site cistern storage with nearby Fire Protection infrastructure to ensure adequate fire suppression.

1:07:28

The subdivision is primarily flat and does not contain slopes over 25%, so there are no anticipated hazards related to steep terrain.

1:07:38

Vegetation across the property consists mostly of natural grasses and scattered noxious weeds, which are sporadic and dispersed through the site.

1:07:47

The property is separated from public lands by the railroad, and both the railroad and transmission lines are recognized as historic features associated with the Milltown Dam Removal project.

1:07:58

The nearest riparian or wetland area is located about 110th of a mile northeast of the property boundary.

1:08:05

Several wildlife species have been documented in the surrounding area, including great blue Heron, balding Golden Eagles, black bear, deer, and various bird and bat species.

1:08:17

Montana Fish Wildlife and Parks identified this area as part of a key wildlife corridor, noting its importance for movement under the bridge and along the Clark Fork River corridor.

1:08:28

FWP also noted a history of bear conflicts involving apiaries in this area, including several incidences over the last decade.

1:08:37

To help mitigate future conflicts, a condition of approval requires coordination with FWP for any fencing associated with uses that would attract wildlife, such as beehives or livestock.

1:08:49

If electric fencing is recommended by FWP future law owners must install it in accordance with the agency's guidance.

1:08:57

A revegetation and noxious weed management plan has been provided with the subdivision application and a final revegetation plan will be required at final plat review.

1:09:07

The covenants include owner notification regarding weed control responsibilities and reference the Montana County Weed Control Act and Missoula County Noxious Weed Management Plan.

1:09:22

The subdivision does not contain any FEMA mapped floodplain, so there are no anticipates anticipated flooding hazards here either.

1:09:32

The health department also recommended inclusion of radon mitigation measures and air quality information.

1:09:39

The property is located within Missoula County Air Stagnation Zone and the covenants include a statement encouraging radon resistant construction materials and awareness of air stagnation conditions.

1:09:52

In terms of utilities and safety infrastructure, Phillips 66 confirmed that the subdivision maintains the required 100 foot buffer from their existing pipeline corridor.

1:10:03

They've requested to remain involved as a project progresses to ensure utility locates are done properly and their local representative is present during any excavation within 25 feet of the pipeline.

1:10:15

This information will be included on both the final plat and in the covenants.

1:10:22

Bonneville Power Administration also reviewed the subdivision and verified that the 25 foot wide BPA easement accurately reflects the recorded easement.

1:10:33

They confirmed that no development is proposed within this area and that the access and maintenance rights will not be affected.

1:10:41

A condition of approval requires that future property owners be notified of the easement and that any proposed modifications such as fences, gates, sheds or vegetation changes be submitted through BP as application for proposed use of a right of way process.

1:10:57

These measures ensure that public health and safety concerns are fully addressed both through site design and through long term coordination with the appropriate agencies.

1:11:08

In conclusion, though Bessner Subdivision meets all survey and platting requirements and complies with local subdivision regulations, the final plat will bear the seal of a professional land surveyor or engineer to clear certified full compliance.

1:11:23

All utility easements have been identified and will be shown on both the preliminary and final Platts consistent with Missoula County Subdivision Regulations Section 3, Point 8.7.

1:11:35

Each easement area meets or exceeds 20 foot width requirement.

1:11:39

The property includes several key easements, 100 foot wide Yellowstone Pipeline easement running through lots one through 3A200 and foot wide Bonneville Power Administration right of way extending the length of the property and an existing 60 foot access easement along the southern boundary connecting to Deer Creek Rd.

1:12:01

A condition of approval requires that a note be placed on the plat granting utility companies access to these easements, ensuring that all infrastructure can be properly maintained.

1:12:11

Overall, the subdivision meets survey access and utility standards and with the recommend recommended conditions it is consistent with county subdivision regulations and with that stuff is recommending approval.

1:12:25

Commissioners, here's your language.

1:12:27

Woo.

1:12:29

Thanks a lot, Katie.

1:12:30

Thanks Katie.

1:12:32

Is anyone from IMEG Joe want to add anything?

1:12:39

I am here.

1:12:40

Can you guys hear me OK?

1:12:41

Yes, OK.

1:12:44

It has been quite a day for sharing screens.

1:12:47

If I need to to answer questions I can, but I'm worried it it might make me a little bit laggy.

1:12:53

So my name is Joe Dennert.

1:12:55

I work at I work for the IMEG office in Missoula and I have been representing Bertram Wischner on a number of projects.

1:13:06

I'm representing him on on this one.

1:13:09

It's weird saying his full name out loud.

1:13:11

I've come to know him as Bert because we've been working together a lot over the past couple of years, and I think that's really what I'm going to focus on today in this presentation because some context for this property helps.

1:13:24

We first started working together late 2022, early 2023, whenever Bert was just trying to get the bee use that he has on his property permitted in the city.

1:13:37

These properties were actually annexed into the city in 2007 as part of a subdivision that was planned at the Clark Fork Terrace subdivisions, I believe.

1:13:47

And his property was zoned R20 and he needed to rezone it to R40, which was a fundamental down zone, right, twice as as as less density in the city at that time.

1:13:59

So we got the rezone approved.

1:14:01

As soon as we got the rezone approved, he was able to then begin submitting his building permits for the building that he needed to use for his B operations.

1:14:12

Well, as he was in the 11th hour of getting that building completed, we did the septic design and, and permitting for that.

1:14:22

We ran into the hurdle with city fire because as Katie highlighted in in her presentation, the closest hydrant is over half a mile away and really the closest city services for, you know, across the Interstate and over 1500 feet away.

1:14:38

And the city was not going to entertain and didn't really want to entertain extending services to an area that's not really slotted for any sort of intense growth.

1:14:48

So after a lot of conversations and coordination with both the county and the city, the property was actually de annexed.

1:14:59

So from the rezone to inevitable de annexation.

1:15:03

Then when it got de annexed, we couldn't just be an island of uncomped and unzoned land in the county.

1:15:09

So there had to be a growth policy designation given to the property along with zoning.

1:15:15

And so it went from the R40, which was 1 dwelling unit density per 40,000 square feet in the city to the AGRR 5, which is the one per five.

1:15:26

And that enabled Bert to annex into the Missoula Rural Fire District and and Pete, if he's there.

1:15:33

And I have had to have a lot of calls throughout this process and we've been working a lot with Katie and and planning department as well.

1:15:41

But ultimately we landed on an appropriate fire suppression system for the existing building and then we had to navigate subdivision review.

1:15:50

And what you're seeing before you is, is, you know, not even the density that could be allowed under the, the zoning out here.

1:16:00

But we talked about it a little bit on Monday.

1:16:02

That's really because of what the envisioned uses are.

1:16:05

You know, Burt does envision other folks being able to do what he's able to do out there.

1:16:10

And, and there's a lot of encumbrances.

1:16:13

You know, we, we talked at length with Dustin Rogers with the Yellowstone pipeline and folks from Bondville just to make sure that the layout that we that you guys are seeing today isn't going to be in conflict with what they have both buried and running overhead out there with the gun range, with the railroad, with the Interstate.

1:16:30

We think we've actually landed on lot sizes and envisioned uses that are appropriate.

1:16:35

So there is a lot of context.

1:16:38

I, I hope that helps frame the why of, you know, what is before you the, the context of the property over the past, you know, almost 3 1/2 years now.

1:16:48

But I am available to ask or answer any questions.

1:16:50

And I also think Bert's there in the room and in the event you guys have anything that he can help out with.

1:16:55

So with that, I'll, I'll be quiet.

1:16:56

Thank you so much.

1:16:58

Thanks, Joe.

1:17:01

Well, Bert or actually sorry before, before Bert.

1:17:07

Pete, did you have anything to add from the fire perspective?

1:17:13

OK.

1:17:21

Hi, I'm Bert Wessner.

1:17:22

Thanks for supporting this.

1:17:26

It's been a long time coming for us to be able to do a lot of work and worry and and and money that that went into getting this done.

1:17:38

And I just appreciate all you guys have supported us for so far.

1:17:43

Do you have any questions for me?

1:17:48

I don't Nope.

1:17:50

Doesn't look like anyone has any questions.

1:17:53

Thank you.

1:17:53

Bert.

1:17:54

Is there any public comment in the room or online?

1:18:01

OK, Oops, Tim, sorry.

1:18:05

Just a quick Rd.

1:18:07

clarification.

1:18:07

There was one condition of approval that Katie was describing Deer Creek Rd.

1:18:12

The condition of approval applies to the on site Rd.

1:18:16

that will be built.

1:18:18

Just wanted to make sure that those two didn't get conflated in the record meets Deer Creek.

1:18:22

I'm sorry, what?

1:18:23

Yeah, it's, I don't know Katie, if you can show the graphic of it's that little Hammerhead road right in the middle there, Jason to Deer Creek Rd.

1:18:34

Just wanted to clarify that.

1:18:37

Thank you.

1:18:41

OK, Commissioners, just wanted to note, I really appreciate the back story, Joe, when you without knowing that back story, you look at this, it looks very simple, straightforward.

1:18:51

And to hear about de annexation and rezoning and the years that went into this, man, what a lot of complexity to get to something that's not too complicated.

1:19:02

So thanks for hanging in there and Mr.

1:19:05

Wessner, I really appreciate it.

1:19:09

With that, I'm, I'm, I don't know if I did the last one, I can go for it.

1:19:14

OK.

1:19:15

It's only fitting because I voted to annex this in 2007.

1:19:19

So closing the loop here.

1:19:23

So I moved to approve the Wussner minor subdivision based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions of approval.

1:19:32

I'll second that.

1:19:34

Any further discussion or public comment?

1:19:36

OK.

1:19:36

All in favor.

1:19:37

Aye.

1:19:38

Thank you.

1:19:39

Good luck.

1:19:39

Yes, good luck.

1:19:41

Thank you very much, Commissioners.

1:19:42

And and thank you, Joe.

1:19:44

Thanks, Joe.

1:19:45

And I do want to note, I do believe this is Katie's first minor subdivision.

1:19:49

You did a great job.

1:19:49

Second also, Oh, shoot, I get smacked down.

1:19:52

So no wonder you did a great job.

1:19:54

You're a second.

1:19:56

OK, Thank you.

1:19:59

I think we are adjourned.

1:20:02

OK, have a great afternoon, everyone.

1:20:05

Yeah.